
CENTRAL POINT MUNICIPAL CODE

A Codification of the General Ordinances
of the City of Central Point, Oregon

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Title 16 SUBDIVISIONS*

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* Prior ordinance history: Ords. 723, 801, 1013A, 1050, 1133, 1156, 1202, 1210, 1223, 1253, 1273, 1291, 1292, 1303, 13.06, 1323, 1336, 1368, 1391, 1407, 1418, 1439, 1465, 1466, 1503, 1628, 1570 and 1581.

Chapter 16.04
GENERAL PROVISIONS

Sections:

[16.04.010](#) Scope of regulations.

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16.04.010 Scope of regulations.

The provisions of this title shall apply to all subdivisions, partitions and planned unit developments, and all streets or other ways created thereby, unless otherwise specifically provided. (Ord. 1650 (part), 1990).

16.04.020 Design standards and principles of acceptability.

A. The subdivision shall be in conformity with any approved development plans and shall take into consideration any preliminary plans or studies.

B. In connection with reviewing and making recommendations as to the granting or denial of any application made under this title, city staff may, in its discretion, in such cases as the same is warranted due to relevant but unknown information, require the applicant to furnish to the city, at applicant's expense, technical, architectural, engineering or other professional studies or reports. (Ord. 1684 §5, 1993; Ord. 1650 (part), 1990).

Chapter 16.08 DEFINITIONS

Sections:

[16.08.010](#) Definitions.

16.08.010 Definitions.

As used in this title the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall have the meanings assigned to them.

1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
2. "Applicant" means the owner or contract purchaser of the property sought to be subdivided, partitioned or developed, or the person duly authorized in writing by such person or persons to act as agent to seek subdivision, portion or development, and in connection therewith, to bind the property to any conditions thereof.
3. "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.
4. "City" means any representative of the city of Central Point authorized to make the decision in question, including but not limited to, the public works director, the city administrator, the planning commission or the city council.
5. "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turn-around.
6. "Development plan" means any plan as defined in Central Point Municipal Code Section [15.16.010](#).
7. "Easement" means a grant of the right to use a strip of land for specific purposes.
8. "Final plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision, and where applicable, includes a partition plat prepared by a registered professional land surveyor.
9. "Flag lot" means a lot or parcel surrounded by other parcels on all sides and connected to the public right-of-way by a privately owned driveway or easement for ingress and egress.
10. "Half street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.
11. "Lot" means a parcel of land intended as a unit for transfer of ownership or for development.

12. "Major partition" means a partition which includes the creation of a road or street.
13. "Minor partition" means a partition which does not include the creation of a road or street.
14. "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined by this chapter.
15. "Partition plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor land partition.
16. "Partitioned land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving the state or intestate succession; and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.
17. "Pedestrian way" means a right-of-way for pedestrian traffic.
18. "Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.
19. "Planning commission" means the planning commission of the city.
20. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.
21. "Right-of-way" means all areas conveyed or dedicated to the public or city, or in actual use by the public or city, for vehicular, pedestrian or utility use.
22. "Road" or "street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.
23. "Roadway" means the portion or portions of street rights-of-way developed for vehicular traffic.
24. "Sidewalk" means a pedestrian walkway with permanent surfacing.
25. "Street" means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and includes the terms road, highway, avenue, alley or other similar designations.
26. "Subdivide land" means to divide a parcel of land into four or more parcels within a year.
27. "Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this chapter.
28. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

29. "Tentative plan" means the diagram and text containing all of the descriptions, locations, specifications, provisions and information concerning a proposed subdivision or partition.

30. "Underground utilities" include all public and private services including but not limited to electrical power, television cable, gas, telephone, sewer, water and storm sewer. (Ord. 1650(part), 1990).



Chapter 16.10 TENTATIVE PLANS

Sections:

- [16.10.010](#) Submission of application--Filing fee.
- [16.10.015](#) Application and review--Fees.
- [16.10.020](#) Scale.
- [16.10.030](#) General information.
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- [16.10.050](#) Additional information.
- [16.10.060](#) Partial development.
- [16.10.070](#) Explanatory information.
- [16.10.080](#) Tentative plan approval.
- [16.10.090](#) Conditions on tentative plan approval.

16.10.010 Submission of application--Filing fee.

The applicant shall submit an application and tentative plan together with improvement plans and other supplementary material as may be required to indicate the development plan and shall submit ten copies to the city together with a filing fee defined in the city's adopted planning application fee schedule. The diagrams submitted shall consist of ten copies at the scale specified in Section [16.10.020](#) and one copy in an eight-and-one-half-inch by eleven-inch format. (Ord. 1786 §4, 1998; Ord. 1684 §6, 1993; Ord. 1650(part), 1990).

16.10.015 Application and review--Fees.

Applications and review thereof shall conform to the provisions of Chapter [17.05](#) and all applicable city ordinances and laws of the state. All costs of administrative and legal staff time costs, plans checks, construction inspection, preparation of agreements, in excess of the filing fee, shall be borne by the applicant and paid upon billing by city. Failure to pay such costs as billed shall constitute grounds for denial of final plat approval or building permits. (Ord. 1650(part), 1990).

16.10.020 Scale.

The tentative plan shall be drawn on a sheet eighteen by twenty-four inches in size or a multiple thereof at a scale of one inch equals one hundred feet or, for areas over one hundred acres, one inch equals two hundred feet, and shall be clearly and legibly

reproduced. (Ord. 1650(part), 1990).

16.10.030 General information.

The following general information shall be shown on or included with the tentative plan:

- A. Proposed name of the subdivision. This name must not duplicate or resemble the name of another subdivision in the county;
- B. Date, northpoint, and scale of drawing;
- C. Location of the subdivision by section, township, and range, and a legal description sufficient to define the location and boundaries of the proposed tract or the tract designation or other description according to the records of the county assessor;
- D. Names and addresses of the owner or owners, applicant and engineer or surveyor;
- E. A title report indicating all interests of record in the property which is the subject of the application. (Ord. 1650(part), 1990).

16.10.040 Existing conditions.

The following existing conditions shall be shown on the tentative plan:

- A. The location, widths and names of all existing or platted streets or other public ways within or adjacent to the tract, easements, railroad rights-of-way and such other important features within or adjacent to the tract as may be required by the city;
- B. Contour lines related to some established bench mark or other datum as approved by the city when the city determines that the nature of the topography or size of the subdivision requires such data. Contour lines shall have the following minimum intervals:
 - 1. Two foot contour intervals for ground slopes less than five percent;
 - 2. Five foot contour intervals for ground slopes exceeding five percent;
- C. The location of at least one temporary bench mark within the plat boundaries;
- D. Location and direction of all watercourses and drainage systems;
- E. Natural features, such as rock outcroppings, marshes and wooded areas;
- F. Existing uses of the property, including location of all existing structures which the subdivider proposes to leave on the property after platting;
- G. The location within the subdivision and in the adjoining streets and property of existing sewers and water mains, culverts and drain pipes, and all other existing or proposed utilities to be used on the property to be subdivided and invert elevations of sewers at points of probable connections;
- H. Zoning on and adjacent to the tract. (Ord. 1650(part), 1990).

16.10.050 Additional information.

The following additional information shall also be included on the tentative plan:

- A. Streets, showing location, width, proposed names, approximate grades and approximate radii of curves and the relationship of all streets to any projected streets as shown of any development plan adopted by the city;
- B. Easements, showing the width and purpose;
- C. Lots, showing approximate dimensions, area of smallest lot or lots and utility

easements and building setback lines to be proposed, if any;

D. Sites, if any, proposed for purposes other than dwellings;

E. Area in square footage of each lot and the average lot area. (Ord. 1650(part), 1990).

16.10.060 Partial development.

When the property to be subdivided contains only part of the tract owned or controlled by the applicant, the city may require a development plan of a layout for streets, numbered lots, blocks, phases of development, and other improvements in the undivided portion, indicating inter-relationship with the portion sought to be divided. The city shall have authority to require that any adjacent parcel or parcels owned or controlled by the applicant but not included in the proposed subdivision boundaries be included in the development whenever inclusion of such parcel or parcels would be an appropriate extension of the development and in the best interests of the public, considering the development plan and the relationship between the surrounding area and the area of proposed development. (Ord. 1662 §1, 1991; Ord. 1650(part), 1990).

16.10.070 Explanatory information.

Any of the following information may be required by the city and if it cannot be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:

A. A vicinity map showing all existing subdivisions, streets and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be connected to existing streets;

B. Proposed deed restrictions in outline form;

C. Approximate centerline profiles showing the proposed finished grade of all streets, including the extensions for a reasonable distance beyond the limits of the proposed subdivision;

D. The approximate location and size of all proposed and existing water and sewer lines and storm drainage systems. (Ord. 1650(part), 1990).

16.10.080 Tentative plan approval.

Approval of the tentative plan shall not constitute final acceptance of the final plat of the proposed subdivision or partition for recording; however, approval of the tentative plan shall be binding upon city for the purpose of the approval of the final plat if the final plat is in substantial compliance with the tentative plan and any conditions of approval thereof. The action of the council in approving the tentative plan shall be noted on two copies thereof, including reference to any attached documents describing any conditions. One copy of the tentative plan shall be returned to the applicant and the other retained in the city files with a memorandum setting forth the action of the council. (Ord. 1650(part), 1990).

16.10.090 Conditions on tentative plan approval.

The city may attach to any tentative plan approval given under this chapter specific conditions deemed necessary in the interests of the public health, safety or welfare, including but not limited to the following:

- A. Construction and installation of any on-site or off-site improvements, including but not limited to sidewalks, curbs, gutters, streets, street signs and street lights, traffic control signs and signals, water, storm drainage, sanitary sewer, and park and recreation improvements. In requiring off-site improvements, the city shall find that said improvements are reasonably related to the development and would serve a public purpose such as mitigating negative impacts of the proposed development. All improvements required under this subsection shall be made at the expense of the applicant, and shall conform to the provisions of the Standard Specifications and Uniform Standard Details for Public Works Construction in the City of Central Point, Oregon, however, the city, in its discretion, may modify such standards and determine site-specific design, engineering and construction specifications when appropriate in the particular development;
- B. An agreement by the owner of the property to waive, on his or her behalf, and on behalf of all future owners of the land, any objection to the formation of a local improvement district which may be formed in the future to provide any of the improvements specified in subsection A of this section;
- C. An agreement by the owner of the property to enter into a written deferred improvement agreement, providing that one or more of the improvements specified in subsection A of this section shall be made by the owner at some future time to be determined by the city;
- D. Any agreement entered into pursuant to subsections B or C of this section shall be recorded in the county recorder's office and shall be intended to thereafter run with the land, so as to bind future owners of the lands affected. Any and all recording costs shall be borne by the applicant;
- E. Any other conditions deemed by the city to be reasonable and necessary in the interests of the public health, safety or welfare. (Ord. 1684 §7, 1993; Ord. 1662 §2, 1991).

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Chapter 16.12 FINAL PLATS

Sections:

- [16.12.010](#) Submission--Procedure.
- [16.12.020](#) Submission--Fees.
- [16.12.030](#) Information required.
- [16.12.040](#) Supplemental information.
- [16.12.050](#) Staff review.
- [16.12.060](#) Final plat approval.
- [16.12.070](#) Agreement for improvements.
- [16.12.080](#) Bond.
- [16.12.090](#) Filing.

16.12.010 Submission--Procedure.

Within one year after approval of the tentative plan, the applicant shall cause the subdivision to be surveyed and a final plat prepared in conformance with the tentative plan as approved. The applicant shall submit the final plat as required by state law and this title, ten prints thereof, one eight-and-one-half-inch by eleven-inch reduction thereof, and any supplementary information, including any proposed separate document imposing further land use restrictions in the area. (Ord. 1684 §8, 1993; Ord. 1650(part), 1990).

16.12.020 Submission--Fees.

At the time of submitting the final plat or partition plat to the city, the applicant shall pay a filing fee defined in the city's adopted planning application fee schedule. (Ord. 1786 §5, 1998; Ord. 1650(part), 1990).

16.12.030 Information required.

In addition to that information otherwise specified by law, the following information shall be shown on the final plat:

- A. The date, scale, northpoint, legend and controlling topography such as creeks, highways and railroads;
- B. Legal description of the tract boundaries;
- C. Name and address of the owner, applicant and the registered professional land surveyor;
- D. Reference points of existing surveys identified, related to the plat by distances and

bearings and referenced to a field book or maps, as follows:

1. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the subdivision,
 2. Adjoining corners of all adjoining subdivisions,
 3. Township, section and donation land claim lines within or adjacent to the plat,
 4. Whenever the city has established and monumented the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset,
 5. All other monuments found or established in making the survey of all the subdivision or required to be installed by provisions of this title;
- E. Tract boundary lines, rights-of-way (and centerlines) of streets; lots and block lines with dimensions, lot areas, bearing or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundaries of street bearings shall be shown to the nearest ten seconds with basis of bearings. All distances shall be shown to the nearest one-hundredth of a foot. Error of closure shall be within the limit of one foot in ten thousand feet. No ditto marks shall be used. Lots containing one acre or more shall show total acreage to nearest hundredth;
- F. The width of the portion of streets being dedicated, the width of any existing rights-of-way and the widths each side of the centerline. For streets on curvature, all curve data shall be based on the street centerline and in addition to the centerline dimensions shall indicate thereon the radius and central angle;
- G. All easements, denoted by fine dotted lines, clearly identified and, if already of record, a reference to the record. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, the owner's certificates of dedication shall make reference to it, or include it in the terms thereof;
- H. Lot numbers, beginning with the number "1" in each block;
- I. Block numbers, beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision;
- J. Land parcels dedicated for any public purpose, as distinguished from lots intended for sale, shall be designated;
- K. Building setback lines, if any are to be made a part of the subdivision restrictions;
- L. The following certificates which may be combined where appropriate:
1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of said map,
 2. A certificate of dedication signed and acknowledge as above,
 3. A certificate signed by the registered professional land surveyor responsible for the survey and final plat, accompanied by his seal,
 4. Provisions for all other certifications now or hereafter required by law. (Ord. 1650

(part), 1990).

16.12.040 Supplemental information.

The following data shall accompany the final plat:

- A. A subdivision guarantee by a title company doing business in Jackson County, showing names of all persons whose consent is necessary for the preparation of said plat and for any dedication to public use, and their interest therein, certified for the benefit and protection of the City that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication. Said title report shall be dated no later than fifteen days from the date of submittal.
- B. If requested by city, sheets and drawings showing the following:
 - 1. Traverse data including the coordinates of the boundary of the subdivision and ties to section corners and donation land claim corners and showing the error of closure, if any;
 - 2. The computation of all distances, angles and courses shown on the final map;
 - 3. Ties to existing monuments, proposed monuments, adjacent subdivision, street corners and state highway stationing;
- C. A copy of any deed restrictions applicable to the subdivision;
- D. Written proof that all taxes and assessments on the tracts are paid to date. (Ord. 1650(part), 1990).

16.12.050 Staff review.

Upon receipt by the city, the final plat and other data shall be reviewed by the city to determine that the final plat as shown is substantially the same as it appeared on the approved tentative plan, that it complies with all conditions of tentative plan approval, and that there has been compliance with all applicable ordinances and state law; provided however, survey adequacy required by ORS 92.100 shall be approved by the county surveyor. The city may make such checks in the field as it may desire and it may enter the property for such purpose. If the city determines that full conformity has not been made, it shall advise the applicant of the changes or additions that must be made for such purposes and shall afford the applicant an opportunity to make such changes or additions within a reasonable time to be established by the city. (Ord. 1739 §2, 1996; Ord. 1650 (part), 1990).

16.12.060 Final plat approval.

- A. Review and approval or denial of final plats shall be made by city staff unless staff, in its discretion, refers the application to the planning commission for decision. Final plat approval shall be evidenced by signature of an authorized city representative on the original plat. The approval of the final plat by the city shall not be deemed to constitute or effect an acceptance for maintenance responsibility of any street or easement or way shown on the final plat.
- B. When it is the intent to record a final plat and develop a tentative plan land division

in phases, city staff may authorize a time schedule for platting the various phases in periods exceeding one year, but in no case shall the total time period for platting all phases be greater than five years without having to resubmit the tentative plan. Each phase so platted shall conform to the applicable requirements of this chapter. Phases platted after the passage of one year from approval of the tentative plan will be required to modify the tentative plan as necessary to avoid conflicts with changes in the comprehensive plan or this chapter. (Ord. 1778 §1, 1997; Ord. 1739 §3, 1996; Ord. 1684 §9, 1993; Ord. 1650 (part), 1990).

16.12.070 Agreement for improvements.

A. Before city approval is certified on the final plat, the applicant shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision or shall execute and file with the city an agreement between himself and the city, specifying the period within which required improvements and repairs shall be completed and providing that if such work is not completed within the period specified, the city may complete the work and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for reimbursement to the city for the cost of inspection by the city.

B. Upon execution of the agreement described in this section, and upon satisfaction of the bond requirements of Section [16.12.080](#), city may issue building permits to the applicant or purchasers of lots within such subdivision improvements themselves, under the following terms and conditions, which shall be in writing and contained either in

the original agreement for improvements or in a supplemental agreement:

1. Applicant must, prior to commencing construction under any such building permits, or allowing the commencement of construction thereunder, furnish a survey performed by a registered professional land surveyor meeting the requirements of state law, setting out the property corners for the lot for which the building permit or permits are to be issued, with either iron pins or wood stakes establishing said corners;
2. Applicant must submit a plan for the protection of streets and improvements that shall be satisfactory to city, and shall assume all responsibility for any additional or corrective work that may be necessary to the subdivision or any of the subdivision improvements, as determined by the city, as a result of the construction performed under the building permits authorized;
3. Applicant must indemnify and hold the city harmless from any and all liability by reason of the issuance of any such building permits or any injuries or damages incurred by any person by reason of construction under the permits or any claims of any sort arising out of the issuance of the building permit and construction performed thereunder;
4. Applicant shall not sell any of said lots or enter into any agreement for the sale of any such lots, unless applicant has first furnished to the city written proof of the fact that the applicant has:
 - a. Advised a purchaser or prospective purchaser that no certificate of occupancy will

- be issued by city until completion, approval and acceptance of the entire subdivision and improvements by the city, in accordance with the entire subdivision agreement;
- b. Agreed to assume full and complete liability and hold city harmless by reason of the refusal by the city to issue any such certificate of occupancy until the provisions of the subdivision agreement and of this chapter shall have been met.
5. Neither applicant, nor any person on his behalf, shall allow another person to occupy any lot or improvements thereon until city has issued a certificate of occupancy.
- C. City may issue a certificate of occupancy for any lot or improvement within the subdivision prior to full and final inspection, approval and acceptance of the entire subdivision and all improvements therein, if the council by a two-thirds majority shall authorize such issuance.
- D. Any violation of this section shall be punishable under the general penalty ordinance of the city. (Ord. 1650(part), 1990).

16.12.080 Bond.

- A. The applicant shall submit to city, with the agreement for improvements, to assure his full and faithful performance thereof, one of the following:
1. A surety bond executed by a surety company authorized to transact business in the state, in the amount of the estimated cost of the improvements required;
 2. Cash in the estimated amount of the improvements required;
 3. An open letter of credit executed in a form satisfactory to the city in an amount of the estimated cost of the improvements required.
- B. Such assurance of full and faithful performance shall be for a sum approved by the city as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses, administrative expenses, inflationary costs, and to cover the cost of city inspection.
- C. In the event the applicant fails to carry out provisions of the agreement and the city has unreimbursed costs or expenses resulting from such failure, the city shall utilize the bond or cash deposit for reimbursement. In such case, if the amount of the bond or cash deposit exceeds cost and expense incurred by the city, it shall release the remainder and, if the amount of the bond or cash deposit is less than the cost and expense incurred by the city, the applicant shall be liable to the city for the difference. (Ord. 1650(part), 1990).

16.12.090 Filing.

Approval of the final plat by the city as provided by this regulation shall be conditioned on its prompt recording in accordance with state law. The applicant shall, without delay, submit the final plat for signatures of other public officials required by law. Approval of the final plat shall be null and void if the plat is not recorded within ninety days after city approval. (Ord. 1650(part), 1990).

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Chapter 16.16 IMPROVEMENTS

Sections:

[16.16.010](#) Standards and procedures.

[16.16.020](#) Cost of improvements.

16.16.010 Standards and procedures.

All improvements shall conform to the requirements of this title and other improvement standards or specifications adopted by the city and conditions of tentative plan approval, and shall be installed in accordance with the following procedure:

A. Improvement work shall not be commenced until construction plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposed subdivision, such plans may be required before approval of the final plat.

B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.

C. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant such change in the public interest.

D. Underground utilities installed in streets by the subdivider shall be constructed prior to the surfacing of such streets. Stubs for service connections for underground utilities shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.

E. A map showing public improvements as built shall be filed with the city upon completion of said improvements. (Ord. 1650(part), 1990).

16.16.020 Cost of improvements.

The required improvements shall be installed at the expense of the applicant unless otherwise agreed to in writing. (Ord. 1650(part), 1990).

Chapter 16.20
STREETS AND OTHER WAYS--DESIGN STANDARDS

Sections:

- [16.20.010](#) Creation of streets.
- [16.20.020](#) Streets--Generally.
- [16.20.030](#) Streets--Reserve strips.
- [16.20.050](#) Streets--Extension.
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- [16.20.110](#) Planting easements.
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16.20.010 Creation of streets.

- A. Streets created by subdivisions and partitions shall be designed and constructed in conformance with the requirements of the city's comprehensive plan, this code, the city's public works standards, and all conditions established by the city.
- B. The construction of streets shall include subgrade, base, asphaltic concrete surfacing, curbs, gutters, sidewalks, storm drainage, street signs, street lighting, and underground utilities.
- C. All streets, including the entire right-of-way necessary for the installation of the items mentioned in the preceding paragraph, shall be dedicated to the city. (Ord. 1684 §10, 1993; Ord. 1650(part), 1990).

16.20.020 Streets--Generally.

The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions as they relate to drainage and the operation of the water, sewer systems, to public convenience and safety and their appropriate relation to the proposed use of the land to be served by such streets. Where location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

- A. Provide for the continuation or appropriate projection of existing streets in surrounding areas; or

B. Conform to the plan for the neighborhood approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical. (Ord. 1650(part), 1990).

16.20.030 Streets--Reserve strips.

Reserve strips ("street plugs") controlling the access to public ways may be required, in the discretion of city. (Ord. 1650(part), 1990).

16.20.050 Streets--Extension.

Where a subdivision adjoins acreage, streets which in the option of the city should be continued in the event of the subdivision of the acreage will be required to be provided through to the boundary lines of the tract. Reserve strips and street plugs may be required to preserve the objectives of street extensions. (Ord. 1650(part), 1990).

16.20.060 Existing streets.

Whenever existing streets within a tract are determined by the city to be of inadequate width, additional right-of-way shall be provided as required. (Ord. 1650(part), 1990).

16.20.070 Half streets.

Half streets while generally not acceptable may be approved where essential to the reasonable development of the subdivision when in conformity with the other requirements of these regulations and when the city finds it will be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets. (Ord. 1650(part), 1990).

16.20.080 Cul-de-sac.

A cul-de-sac shall be as short as possible and shall in no event be more than four hundred feet long nor serve more than twelve single-family dwellings or seventy-five dwelling units. All cul-de-sacs shall terminate with a circular turn-around. (Ord. 1684 §11, 1993; Ord. 1650(part), 1990).

16.20.090 Streets--Names.

No street name shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the city and the surrounding area and shall be subject to the approval of the city. (Ord. 1650(part), 1990).

16.20.100 Streets--Adjacent to railroad right-of-way.

Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way, provisions shall be made for a street approximately parallel to and on each side of such right-of-way at a distance to be determined by city. Such distance shall be

determined with due consideration at cross streets of the minimum distance required for approach grades to a future grade separation. (Ord. 1650(part), 1990).

16.20.110 Planting easements.

Where physical conditions require approval of streets less than fifty feet in right-of-way width, additional easements for planting of street trees or shrubs may be required. (Ord. 1650(part), 1990).

16.20.120 Alleys.

A. Location. Alleys may be provided in commercial and industrial districts, unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the city.

B. Intersections. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twenty feet. (Ord. 1650(part), 1990).

16.20.130 Sidewalks.

Sidewalks shall be constructed in accordance with such standards as are adopted by the city. Sidewalk construction shall be completed on each individual lot prior to the city building inspector granting a certificate of occupancy for any construction upon said individual lot. No application for a building permit shall be granted without a requirement in the building permit for construction of sidewalks to city's standards. (Ord. 1650(part), 1990).

Chapter 16.24 BLOCKS AND LOTS--DESIGN STANDARDS

Sections:

[16.24.010](#) Blocks--Length, width and shape.

[16.24.020](#) Blocks--Sizes.

[16.24.030](#) Blocks--Easements.

[16.24.040](#) Lots--Uses.

[16.24.050](#) Lots--Size and determination.

[16.24.060](#) Through lots.

[16.24.070](#) Lot side lines.

[16.24.080](#) Large lot subdivision.

16.24.010 Blocks--Length, width and shape.

The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type and use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography. (Ord. 1650(part), 1990).

16.24.020 Blocks--Sizes.

Blocks shall not exceed twelve hundred feet in length except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is three hundred feet. (Ord. 1650(part), 1990).

16.24.030 Blocks--Easements.

A. Utility Lines. Easements for electric lines or other noncity owned public utilities may be required, and shall be a minimum of ten feet in width located on the exterior portion of a single property. Easements for city utilities (i.e., water, storm drain and sanitary sewer mains) shall be a minimum of fifteen feet in width located on the exterior portion of a single property. Tie-back easements six feet wide by twenty feet long shall be provided for utility poles along lot lines at change of direction points of easements.

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there may be required a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Streets, parkways or access roads parallel

to major watercourses may be required.

C. **Pedestrian Ways.** In any block over seven hundred fifty feet in length a pedestrian way may be required. The minimum width of the pedestrian right-of-way must be at least six feet in width which shall be hard surfaced through the block and curb to curb in order to provide easy access to schools, parks, shopping centers, mass transportation stops or other community services. If conditions require blocks longer than twelve hundred feet, two pedestrian ways may be required for combination pedestrian way and utility easement. When essential for public convenience, such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety. (Ord. 1764 §5, 1997; Ord. 1650(part), 1990).

16.24.040 Lots--Uses.

A. The city may, in its discretion, deny approval for the creation of any lot by any manner if the effect of such creation of lot would be to facilitate perpetuation of a nonconforming use.

B. No lot shall be created unless it is in compliance with all applicable provisions of this code. (Ord. 1684 §12, 1993).

16.24.050 Lots--Size and determination.

Lot sizes shall conform with the zoning ordinance and shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the case of irregular lots, the width shall be measured along the front building line. In no case shall the average depth be more than two and one-half times the width. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

A. In areas that cannot be connected to sewer lines, minimum lot sizes shall be sufficient to permit sewage disposal by an engineered system in accordance with Department of Environmental Quality, Jackson County environmental quality section, and public works standards. Such lot sizes shall conform to the requirements of the Jackson County environmental quality section.

B. Where property is zoned and planned for business or industrial use, other widths and areas may be required, at the discretion of the city. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated. (Ord. 1764 §6, 1997; Ord. 1650(part), 1990).

16.24.060 Through lots.

Through lots shall be avoided except where essential to reduce access to primary or secondary arterial streets or streets of equivalent traffic volume, reduce access to adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet may be required along the line of lots abutting such adjacent street. There shall be no right of

access across such planting screen easements. (Ord. 1764 §7, 1997; Ord. 1650 (part), 1990).

16.24.070 Lot side lines.

The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curbed streets they shall be radial to the curve. (Ord. 1650 (part), 1990).

16.24.080 Large lot subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that the resubdivisions may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets or other utilities. Restrictions of building locations in relationship to future rights-of-way shall be made a matter of record if the city considers it necessary. (Ord. 1650(part), 1990).



Chapter 16.32 CONVERSION PLAN REGULATIONS

Sections:

[16.32.010](#) Purpose and requirements.

[16.32.020](#) Procedure for approval.

[16.32.030](#) City review and action.

16.32.010 Purpose and requirements.

A. All lands within the urban growth boundary of the city are intended for future annexation and development to urban standards and densities. In some cases, land divisions and limited development will occur prior to annexation pursuant to county requirements. It is the intent of this chapter to assure that any such land divisions will be designed to maximize the long-range urban development potential of the parcel and general area and will not preclude further divisions, development or urban use of adjacent properties. Further, it is the purpose of this chapter to provide a process for timely city review of an applicant's conversion plan and to provide for the city's comments to the county. The conversion plan required herein will assume that the future development of streets or utilities will be easily integrated into the urban system when the property is eventually annexed to the city.

B. The applicant for any land division within the urban growth boundary of the city that will result in a lot or parcel smaller than ten acres shall submit a conversion plan for city approval prior to application to Jackson County for the actual division of the property. The city will notify Jackson County of the city's approval of the conversion plan so that the county may accept and process the application for the subdivision, land partition or other division in accordance with its land development ordinance requirements. It is understood that Jackson County, in consideration of the city's recommendations, may require standards or other conditions of approval that will assure that future development and subsequent partitioning are in accordance with the city's comprehensive plan and other specific development plans that may be in effect for the subject area. (Ord. 1650(part), 1990).

16.32.020 Procedure for approval.

A. The city's recommendation shall be to the county and if not included, the application will be considered incomplete and will not be processed. The city's written recommendation shall be provided the applicant for the purpose of the applicant's submittal of a conversion plan to the county.

B. The following process shall be completed by the city in order that the city may

provide comments to Jackson County for a land division within Central Point's U.G.B.:

1. Conversion Plan. In order for the city to review and provide comments to the county on a conversion plan, there shall be submitted to the city three copies of a map drawn to scale at a size no smaller than eleven inches by seventeen inches and in a clean black and white reproducible format. This map may be accompanied by a narrative or other documentation that cannot be easily shown on the map. The map and related documentation shall contain the following information:

- a. The date, north point, scale, and assessor's tax lot identification;
- b. The boundaries and dimensions of the parcel to be divided;
- c. Name and address of the owner of record, person representing the owner (if applicable) and person who prepared the map;
- d. An indication of the total acreage or square footage of the parcel to be divided;
- e. The county zoning district in which the property is located and the city's comprehensive plan designation and future zoning district as shown on the official city zoning map;
- f. Show the locations, names, pavement widths, and right-of-way widths of all public streets in the vicinity of the subject property. Also show the locations, widths and purposes of any other easement on or near the property;
- g. Show the locations and sizes of any utilities including water lines, sewer lines, storm drains, utility poles, etc., that are on or within two hundred feet of the subject property;
- h. Show the outline, dimensions and specific locations of all existing structures and indicate which, if any, will be removed;
- i. In cases where the slope on any portion of the subject property exceeds ten percent, show topographical details (contour lines);
- j. Show the proposed lots that would result from the proposed land division and clearly indicate those lot boundaries and dimensions;
- k. Using dashed lines show a proposal for the future subdivision or partitioning of the entire property to urban levels in accordance with the city's future zoning of that property or the density levels projected by the city's comprehensive plan. Those future lots shall be no smaller than allowed by the applicable zoning district, nor shall they exceed the minimum lot size requirement by more than fifty percent;
- l. Show proposed building locations if known or planned;
- m. Show the locations of future streets, utility lines and other features of the plan that will serve the future parcels and future development;
- n. The following statement shall be included on the conversion plan map or in the related and attached agreement between the county and the applicant: "Dashed lines represent future conversion plans to urban densities for lots and streets. All development will conform to setback and other lot development requirements of the City of Central Point. This plan shall be binding on the property until the property is annexed to the City of Central Point or until this plan is amended.";
- o. If a subsurface sewage disposal system is planned or may be needed to serve the anticipated development prior to annexation, the applicant shall submit documentation

to show those locations that are most and least suitable for such a system. Any proposed subsurface system shall be shown on the conversion plan. (Ord. 1650 (part), 1990).

16.32.030 City review and action.

A. Upon receipt of the maps and related documentation from the applicant, the city planner shall review the proposal for consistency with the city's adopted comprehensive plan and zoning ordinance, requirements and any other applicable city codes and standards. The proposal may be referred to the city planning commission when any unusual features or circumstances of the site or of the proposal could result in obstacles to future partitioning or development.

B. Within sixty days of acceptance of the completed conversion plan application, the city shall provide the applicant with comments, recommendations or other statement of consistency with local plans and the future zoning of the subject area. These comments shall include a written recommendation for county approval or denial of an application for the subject land division. A copy of the city planner's report will then be sent to Jackson County.

C. Upon approval of the conversion plan, the applicant will be instructed to proceed with the appropriate application to Jackson County in accordance with the county's land development ordinance requirements. The city's written approval of the conversion plan and any related documents or recommended conditions of approval shall be included in that application. (Ord. 1650(part), 1990).

Chapter 16.36
MAJOR AND MINOR LAND PARTITIONS

Sections:

[16.36.010](#) Approval of major and minor land partitions required.

[16.36.020](#) Application and review.

[16.36.030](#) Requirements.

[16.36.040](#) Flag lots.

[16.36.050](#) Approval.

16.36.010 Approval of major and minor land partitions required. No person shall partition land within the city without first obtaining approval from the city for the partitioning of land. (Ord. 1650(part), 1990).

16.36.020 Application and review.

Applications and review for the partitioning of land shall conform to all of the requirements and follow the same procedure applicable to the subdivision of land as set forth in this title. (Ord. 1650 (part), 1990).

16.36.030 Requirements.

A. All major and minor land partitions may, as a condition of approval, provide for improvements including curbs, gutters, asphalt streets, sidewalks, underground utilities and such other improvements as shall be deemed appropriate and necessary by the city council as a condition of approval, with all such improvements to meet the standards required for subdivisions under this title.

B. In the case of major partitions, all streets or roads shall be improved to meet the standards required for subdivisions under this title, and shall be dedicated to the city in the same manner as subdivision roads and streets.

C. Partition improvements shall be constructed prior to approval of the final partition plat unless, in the city's sole discretion, deferral is allowed. In all cases of deferral, the applicant shall either execute an agreement for improvements and comply with the bond requirements of Section [16.12.070](#) and [16.12.080](#) of this title, or shall execute a deferred improvement agreement, which shall be in a form and contain such terms as are specified by city and shall be recorded and be binding upon and run with the land and bind the applicant and all successors in interest. (Ord. 1650 (part), 1990).

16.36.040 Flag lots.

No partition shall be approved in which a flag lot, as defined in this title, is created

unless:

- A. The parent and flag lot, excluding the flag pole, whether fee title or an easement, shall comply with the minimum lot size, lot dimension, and setback requirements for the zoning district in which the lots are located;
- B. The flag pole shall be no less than twenty feet wide and paved to private standards as set forth in the Standard Specifications and Uniform Details, city of Central Point public works department;
- C. No fence, structure, or any other physical obstacle shall be placed within the flag pole; and
- D. A maximum of two lots are allowed access from a flag pole. (Ord. 1885, 2006; Ord. 1650 (part), 1990).

16.36.050 Approval.

Approval of applications for the partitioning of land, including approval of tentative plans and final plats and filing or recording, shall conform to all of the requirements and follow the same procedure applicable to those for the subdivision of land as set forth in this title. (Ord. 1650 (part), 1990).



Chapter 16.48 PENALTIES

Sections:

[16.48.010](#) Penalties and enforcement.

16.48.010 Penalties and enforcement.

Failure to comply with any provision of this title shall, upon conviction, be punished in accordance with the general penalty section of this code. In addition to such penalties, it is declared that any failure to comply with any provision of this chapter by any person seeking to subdivide or partition land constitutes a public nuisance and that the city shall have the right to abate the same upon suit for injunction, mandatory or otherwise, as the circumstances may require, in the circuit court of the state for Jackson County. (Ord. 1650(part), 1990).

Title 17 ZONING

Chapters:

- [17.04](#) Title--Purpose
- [17.05](#) Applications and Types of Review Procedures
- [17.08](#) Definitions
- [17.09](#) Modifications to Approved Plans and Conditions of Approval
- [17.10](#) Zoning Map and Text Amendments
- [17.11](#) Code Interpretations
- [17.12](#) Zoning Districts
- [17.13](#) Exceptions to Code Standards
- [17.16](#) R-L, Residential Low-Density District
- [17.20](#) R-1, Residential Single-Family District
- [17.24](#) R-2, Residential Two-Family District
- [17.28](#) R-3, Residential Multiple-Family District
- [17.29](#) Civic District
- [17.30](#) Parks and Open Space District
- [17.32](#) C-N, Neighborhood Commercial District
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Commercial District
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Chapter 17.04 TITLE--PURPOSE

Sections:

[17.04.010](#) Title.

[17.04.020](#) Purposes.

[17.04.030](#) Application and review--Fees.

[17.04.040](#) Authority to require professional reports.

17.04.010 Title.

This title shall be known as the "City of Central Point Zoning Ordinance of 1981." (Ord. 1436 § 2(part), 1981).

17.04.020 Purposes.

The purpose of this title is to encourage the most appropriate use of land; to conserve and stabilize the value of property; to facilitate fire and police protection; to provide adequate open space for light and air; to minimize congestion of streets; to promote orderly growth of the city; to prevent undue concentrations of population; to facilitate adequate provision of community facilities; and in general to promote in other ways public health, safety, convenience and general welfare. (Ord. 1436 §2(part), 1981).

17.04.030 Application and review--Fees.

Applications for any land use permit or approval issued or required to be issued under this [Title 17](#) and review thereof shall conform to the provisions of Chapter [17.05](#) and all applicable city ordinances and laws of the state. All administrative and legal staff time costs, plans checks, construction inspection, and preparation of agreements, in excess of the filing fee, shall be borne by the applicant and paid within twenty days of billing by city. Failure to timely pay such costs shall constitute grounds for denial of the permit or approval application. For purposes of this section, "land use permit or approval" includes site plans, nonconforming use designations, planned unit developments, conditional use permits, variances, amendments, and any other action taken by application under the terms of [Title 17](#). (Ord. 1684 §13, 1993).

17.04.040 Authority to require professional reports.

In connection with reviewing and making recommendations as to the granting or denial of any application made under this title, city staff may, in its discretion, in such cases as the same is warranted due to relevant but unknown information, require the applicant to furnish to the city, at applicant's expense, technical architectural,

Chapter 17.05 APPLICATIONS AND TYPES OF REVIEW PROCEDURES

Sections:

- [17.05.100](#) Purpose and applicability of review procedures.
- [17.05.200](#) Type I procedure (administrative).
- [17.05.300](#) Type II procedure (administrative).
- [17.05.400](#) Type III procedure (quasi-judicial).
- [17.05.500](#) Type IV procedure (legislative).
- [17.05.600](#) General provisions--One-hundred-twenty-day rule--Time computation--Pre-application conferences--Acceptance and review--Planning official's duties--Amended applications--Resubmittal.
- [17.05.700](#) Special procedures.
- [17.05.900](#) Traffic impact analysis.

17.05.100 Purpose and applicability of review procedures.

A. Purpose. The purpose of this chapter is to establish standard decision-making procedures that will enable the city, the applicant, and the public to review applications and participate in the local decision-making process in a timely and effective way. Table 17.05.1 provides a key for determining the review procedure and the decision-making body for particular approvals.

B. Applicability of Review Procedures. All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure "type" assigned to each application governs the decision-making process for that permit or approval. There are four types of permit/approval procedures: Type I, II, III, and IV. These procedures are described in subsections (B)(1) through (4) of this section. Table 17.05.1 lists all of the city's land use and development approvals and their required review procedure(s).

1. Type I Procedure (Administrative). Type I decisions are made by the community development director or designee without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval criteria and applying city standards and criteria requires no use of discretion;
2. Type II Procedure (Administrative). Type II decisions involve limited discretion and are made by the community development director or designee with public notice, and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the planning commission, who makes the city's final decision.
3. Type III Procedure (Quasi-Judicial). Type III decisions are made by the planning commission after a public hearing, with appeals reviewed by the city council. Type III decisions generally use discretionary approval criteria.
4. Type IV Procedure (Legislative). Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts, rather than just one property). Type IV matters are considered initially by the planning commission with final decisions made by the city council.

Table 17.05.1 Summary of Approvals by Type of Review Procedure

Annexation	Type IV	Chapter 1.20
Code Interpretation	Type II	Chapter 17.11
Code Amendment	Type IV	Chapter 17.10
Comprehensive Plan Text Amendment	Type IV	Chapter 17.96
Conditional Use Permit	Type III	Chapter 17.76
Home Occupation	Type I	Section 17.60.190
Planned Unit Development	Type III	Chapter 17.68
Modification to Approval		
Minor	Type II	Chapter 17.09
Major	Type III	Chapter 17.09
Plan Amendment or Zone Change		
- Quasi-Judicial	Type III	Section 17.12.030
- Legislative	Type IV	Chapter 17.96
Property Line Adjustments and Lot Consolidations	Type I	
Transit Oriented District/Corridor Review	Type III	Chapter 17.66
Nonconforming Use	Type II	Chapter 17.56
Partition		
Tentative Plan	Type II	Chapter 16.36
Final Plat	Type II	Chapter 16.12
Land Use Review	Type I	
Site Plan, Landscaping and Construction Plan Review	Type II	Chapter 17.72
Subdivision		
Tentative Plan	Type III	Chapter 16.10
Final Plat	Type II	Chapter 16.12
Right-of-Way Vacation	Type IV	Section 12.28.020
Tree Removal	Type II	Chapter 12.36
Variance	Type II or III	Chapter 17.13
Zoning, Major	Type III	Chapter 17.13
Zoning, Minor	Type II	Chapter 17.13
Subdivisions, Major	Type III	Chapter 17.13
Subdivisions, Minor	Type II	Chapter 17.13
Conversion Plan Review	Type II	Chapter 16.32
Uncategorized Decision	Type II	

* An applicant may be required to obtain approvals from other agencies, such as the Oregon Department of Transportation, or Rogue Valley Sewer. The city may notify agencies of applications that may affect their facilities or services.

(Ord. 1874 §1(part), 2006).

17.05.200 Type I procedure (administrative).

A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the planning department.
2. Application Requirements. Type I applications shall:
 - a. Include the information requested on the application form;
 - b. Address the criteria in sufficient detail for review and action; and
 - c. Be filed with the required fee.
- B. Administrative Decision Requirements. The community development director's or designee's decision shall address all of the approval criteria. Based on the criteria and the facts contained within the record, the community development director shall approve or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at City Hall.
- C. Final Decision. A Type I decision is the final decision of the city and may not be appealed further.
- D. Effective Date. A Type I decision is final on the date it is made. (Ord. 1874 §1(part), 2006).

17.05.300 Type II procedure (administrative).

- A. Pre-Application Conference. A pre-application conference is optional for Type II reviews. (Pre-application conference requirements and procedures are found in Section [17.05.600\(C\)](#).)
- B. Application Requirements.
 1. Application Forms. Type II applications shall be made on forms provided by the planning department.
 2. Submittal Information. The application shall:
 - a. Include the information requested on the application form;
 - b. Include a narrative statement that explains how the application satisfies each of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific applicable requirements for each approval as referenced in Table 17.05.1;
 - c. Include one set of pre-addressed mailing labels for all real property owners of record who will receive a notice of the application as required in subsection C of this section. The records of the Jackson County assessor's office are the official records for determining ownership. The applicant shall produce the notice list using the most current Jackson County assessor's real property assessment records to produce the notice list. The city shall mail the notice of application; and
 - d. Be accompanied by the required fee.
- C. Notice of Application for Type II Administrative Decision.
 1. Before making a Type II administrative decision, the community development director or designee shall mail notice to:
 - a. All owners of record of real property within a minimum of one hundred feet of the subject site;
 - b. All city-recognized neighborhood groups or associations whose boundaries include the site;
 - c. Any person who submits a written request to receive a notice; and
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the county or ODOT, and the rail authority, when there is a proposed development abutting or within one hundred feet of an affected transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the Type II decision is made. The goal of this notice is to invite affected persons to participate early in the decision-making process.
 3. Notice of a pending Type II administrative decision shall:
 - a. Provide a fourteen-day period for submitting written comments before a decision is made on the permit;
 - b. List the relevant approval criteria by name and number of code sections;
 - c. State the place, date and time the comments are due, and the person to whom the comments should be addressed;
 - d. Include the name and telephone number of a contact person regarding the administrative decision;

- e. Describe the proposal and identify the specific permits or approvals requested;
- f. Describe the street address or other easily understandable reference to the location of the site;
- g. State that, if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the land use board of appeals or circuit court on that issue and that only comments on relevant approval criteria are considered relevant evidence;
- h. State that all evidence relied upon by the community development director or designee to make this decision is in the public record, available for public review. Copies of this evidence may be obtained at a reasonable cost from the city;
- i. State that, after the comment period closes, the community development director or designee shall issue a Type II administrative decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
- j. Contain the following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Administrative Decision Requirements. The community development director or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the community development director or designee shall approve, approve with conditions, or deny the requested permit or action. In some circumstances, a Type II application may be referred to a Type III procedure. When such a referral is made, the application shall be processed as a Type III application, including the requirements for a hearing and notice of decision.

E. Notice of Decision.

1. Within five days after the community development director or designee signs the decision, a notice of decision shall be sent by mail to:
 - a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
 - b. Any person who submitted a written request to receive notice, or provides comments during the application review period;
 - c. Any city-recognized neighborhood group or association whose boundaries include the site; and
 - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies that were notified or provided comments during the application review period.
2. The community development director or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.
3. The Type II notice of decision shall contain:
 - a. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);
 - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
 - c. A statement of where the city's decision may be obtained;
 - d. The date the decision shall become final, unless appealed;
 - e. A statement that all persons entitled to notice may appeal the decision; and
 - f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

F. Final Decision and Effective Date. A Type II administrative decision is final for purposes of appeal when it is mailed by the city. A Type II administrative decision is effective on the day after the appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

G. Appeal. A Type II administrative decision may be appealed to the planning commission as follows:

1. Who May Appeal. The following people have legal standing to appeal a Type II administrative decision:
 - a. The applicant or owner of the subject property;
 - b. Any person who was entitled to written notice of the Type II administrative decision;
 - c. Any other person who participated in the proceeding by submitting written comments.
2. Appeal Filing Procedure.
 - a. Notice of Appeal. Any person with standing to appeal, as provided in subsection (G)(1) of this section, may appeal a Type II administrative decision by filing a notice of appeal according to the following procedures;
 - b. Time for Filing. A notice of appeal shall be filed with the community development director or designee within fourteen days of the date the notice of decision was mailed;
 - c. Content of Notice of Appeal. The notice of appeal shall contain:
 - i. An identification of the decision being appealed, including the date of the decision;
 - ii. A statement demonstrating the person filing the notice of appeal has standing to appeal;
 - iii. A statement explaining the specific issues being raised on appeal;
 - iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
 - v. The applicable filing fee.
3. Scope of Appeal. The appeal of a Type II administrative decision by a person with standing shall be a hearing before the planning commission. The appeal shall be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review.
4. Appeal Procedures. Type III notice, hearing procedures and decision process shall also be used for all Type II administrative appeals, as provided in Sections [17.05.400](#)(C) through (E);
5. Final Decision. The decision of the planning commission regarding an appeal of a Type II administrative decision is the final decision of the city. (Ord. 1874 §1(part), 2006).

17.05.400 Type III procedure (quasi-judicial).

A. Pre-Application Conference. A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section [17.05.600](#) (C).

B. Application Requirements.

1. Application Forms. Type III applications shall be made on forms provided by the community development director or designee; however, if a Type II application is referred to a Type III hearing, either voluntarily by the applicant or staff, or upon appeal, no new application is required.
2. Submittal Information. When a Type III application is required, it shall:
 - a. Include the information requested on the application form;
 - b. Be filed with one copy of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Note: additional information may be required under the specific applicable regulations for each approval as referenced in Table 17.05.1;
 - c. Be accompanied by the required fee; and
 - d. Include one set of pre-addressed mailing labels for all real property owners of record who will receive a notice of the application as required in Sections [17.05.400](#)(C)(1)(a)(i), (ii), (iv) and (v). The records of the Jackson County assessor's office are the official records for determining ownership. The applicant shall produce the notice list using the most current Jackson County assessor's real property assessment records to produce the notice list. The city shall mail the notice of application.

C. Notice of Hearing.

1. Mailed Notice. The city shall mail the notice of the Type III action. The records of the Jackson County assessor's office shall be the official records for determining ownership. Notice of a Type III application hearing or Type II appeal hearing shall be given by the community development director or

designee in the following manner:

- a. At least twenty days before the hearing date, notice shall be mailed to:
 - i. The applicant and all owners or contract purchasers of record of the property that is the subject of the application;
 - ii. All property owners of record within 100 feet of the site;
 - iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the road authority, and rail authority and owner when there is a proposed development abutting or affecting their transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.
 - iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS 227.175;
 - v. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;
 - vi. Any person who submits a written request to receive notice;
 - vii. For appeals, the appellant and all persons who provided testimony in the original decision; and
 - viii. For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
- b. The community development director or designee shall prepare an affidavit of notice and the affidavit shall be made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who were sent notice.
- c. At least fourteen business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the city as well as on the city's website. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

2. Content of Notice. Notice of appeal of a Type II administrative decision or notice of a Type III hearing to be mailed and published per subsection (C)(1) of this section shall contain the following information:

- a. The nature of the application and the proposed land use or uses that could be authorized for the property;
- b. The applicable criteria and standards from the development code(s) that apply to the application;
- c. The street address or other easily understood geographical reference to the subject property;
- d. The date, time, and location of the public hearing;
- e. A statement that the failure to raise an issue in person, or in writing at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be raised at the State Land Use Board of Appeals;
- f. The name of a city representative to contact and the telephone number where additional information on the application may be obtained;
- g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at city of Central Point City Hall at no cost and that copies shall be provided at a reasonable cost;
- h. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;
- i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and
- j. The following notice: "Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance:

- a. The applicable approval criteria and standards that apply to the application or appeal;
 - b. A statement that testimony and evidence shall be directed at the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations that the person testifying believes to apply to the decision;
 - c. A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue means that no appeal may be made to the State Land Use Board of Appeals on that issue;
 - d. Before the conclusion of the initial evidentiary hearing, any participant may ask the planning commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per subsection (D)(2) of this section, or by leaving the record open for additional written evidence or testimony per subsection (D)(3) of this section.
2. If the planning commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence;
3. If the planning commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the city in writing for an opportunity to respond to new evidence submitted during the period that the record was left open. If such a request is filed, the planning commission shall reopen the record to allow rebuttal evidence.
- a. If the planning commission reopens the record to admit new evidence or testimony, any person may raise new issues that relate to that new evidence or testimony;
 - b. An extension of the hearing or record granted pursuant to subsection D of this section is subject to the limitations of ORS 227.178 ("one-hundred-twenty-day rule"), unless the continuance or extension is requested or agreed to by the applicant;
 - c. If requested by the applicant, the city shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant's final submittal shall be part of the record but shall not include any new evidence;
 - d. The record shall contain all testimony and evidence that is submitted to the city and that the hearings body has not rejected;
 - e. In making its decision, the hearings body may take official notice of facts not in the hearing record (e.g., local, state, or federal regulations; previous city decisions; case law; staff reports). The review authority must announce its intention to take notice of such facts in its deliberations, and allow persons who previously participated in the hearing to request the hearing record be reopened, if necessary, to present evidence concerning the noticed facts;
 - f. The city shall retain custody of the record until the city issues a final decision and all appeal deadlines have passed.
4. Participants in an appeal of a Type II administrative decision or participants in a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see subsection (D)(6) of this section) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in subsection (D)(5) of this section) concerning the application or appeal. He or she shall also state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly. Hearing participants shall be entitled to question hearing body members as to ex parte contacts and to object to their

participation as provided in subsection (D)(5)(b) of this section;

b. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

c. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;

d. If all members of the planning commission abstain or are disqualified, the city council shall be the hearing body. If all members of the city council abstain or are disqualified, a quorum of those members present who declare their reasons for abstention or disqualification shall be requalified to make a decision;

e. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.

5. Ex Parte Communications.

a. Members of the hearings body shall not:

i. Communicate directly or indirectly with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing without giving notice per subsection C of this section;

ii. Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.

b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:

i. Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and

ii. Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.

c. A communication between city staff and the hearings body is not considered an ex parte contact.

6. Presenting and Receiving Evidence.

a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony or evidence;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing only as provided in subsection (D)(3) of this section;

c. Members of the hearings body may visit the property and the surrounding area, and may use information obtained during the site visit to support their decision, if the information relied upon is disclosed at the beginning of the hearing and an opportunity is provided to dispute the evidence under subsection (D)(5)(b) of this section.

E. The Decision Process.

1. Basis for Decision. Approval or denial of a Type II administrative appeal or of a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the city as a whole;

2. Findings and Conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to

the criteria, standards, and facts;

3. Form of Decision. The planning commission shall issue a final written order containing the findings and conclusions stated in subsection (E)(2) of this section, which either approves, denies, or approves with specific conditions. The planning commission may also issue appropriate intermediate rulings when more than one permit or decision is required. If the application is for a quasi-judicial zone change, the planning commission shall issue a denial as a final written order. However, if the planning commission decides in favor of the zone change, it shall issue written recommendation to the city council, which shall hold a hearing and adopt either an order denying the zone change or an ordinance approving the zone change.

4. Decision-Making Time Limits. A final order for any Type II administrative appeal or Type III action shall be filed with the community development director or designee within ten business days after the close of the deliberation;

5. Notice of Decision. Written notice of a Type II administrative appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within ten business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision; provided, that a good faith attempt was made to mail the notice.

6. Final Decision and Effective Date. The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the city. The decision is effective on the day after the appeal period expires. If an appeal of a Type III decision is filed, the decision becomes effective on the day after the appeal is decided by the city council. An appeal of a land use decision to the State Land Use Board of Appeals must be filed within twenty-one days of the city council's written decision.

F. Appeal. A Type III decision may be appealed to the city council as follows:

1. Who May Appeal. The following people have legal standing to appeal a Type III decision:

- a. The applicant or owner of the subject property;
- b. Any person who was entitled to written notice of the Type III decision;
- c. Any other person who participated in the proceeding by submitting written comments.

2. Appeal Filing Procedure.

a. Notice of Appeal. Any person with standing to appeal, as provided in subsection (F)(1) of this section, may appeal a Type III decision by filing a notice of appeal according to the following procedures;

b. Time for Filing. A notice of appeal shall be filed with the community development director or designee within ten days of the date the notice of decision was mailed;

c. Content of Notice of Appeal. The notice of appeal shall contain:

- i. An identification of the decision being appealed, including the date of the decision;
- ii. A statement demonstrating the person filing the notice of appeal has standing to appeal;
- iii. A statement explaining the specific issues being raised on appeal;
- iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and
- v. The applicable filing fee.

3. Scope of Appeal. The appeal of a Type III decision shall be limited to the application materials, evidence and other documentation, and specific issues raised in the Type II administrative review.

4. Appeal Procedures. Type III notice, hearing procedure and decision process shall also be used for all Type III appeals, as provided in subsections (C) through (E) of this section;

5. Final Decision. The decision of the city council regarding an appeal of a Type III decision is the final decision of the city. (Ord. 1874 §1(part), 2006).

17.05.500 Type IV procedure (legislative).

A. Pre-Application Conference. A pre-application conference is required for all Type IV applications initiated by a party other than the city of Central Point. The requirements and procedures for a pre-

application conference are described in Section [17.05.600\(C\)](#).

B. Timing of Requests. The city accepts plan map amendment and annexation applications twice yearly, on January 30th and June 30th; provided, that the city council may initiate its own such proposals at any time.

C. Application Requirements.

1. Application Forms. Type IV applications shall be made on forms provided by the community development director or designee.

2. Submittal Information. The application shall contain:

- a. The information requested on the application form;
- b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
- c. The required fee; and
- d. One copy of a letter or narrative statement that explains how the application satisfies each and all of the relevant approval criteria and standards.

D. Notice of Hearing.

1. Required Hearings. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except annexations and Measure 37 claims where only a hearing by the city council is required.

2. Notification Requirements. Notice of public hearings for the request shall be given by the community development director or designee in the following manner:

- a. At least twenty days, but not more than forty days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed to:
 - i. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment) shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment;
 - ii. Any affected governmental agency;
 - iii. Any person who requests notice in writing;
 - iv. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175;
 - v. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
 - b. At least ten days before the scheduled planning commission public hearing date, and fourteen days before the city council hearing date, public notice shall be published in a newspaper of general circulation in the city.
 - c. The community development director or designee shall:
 - i. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection (D)(2) (a) of this section; and
 - ii. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection (D)(2)(b) of this section.
 - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received. The notice to DLCD shall include a DLCD Certificate of Mailing.
 - e. Notifications for annexation shall follow the provisions of this chapter.
3. Content of Notices. The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the community development director or designee's office where additional information about the application can be obtained;
 - b. The proposed site location, if applicable;
 - c. A description of the proposal in enough detail for people to determine what change is proposed,

and the place where all relevant materials and information may be obtained or reviewed;

d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the council and available at City Hall (see subsection E of this section); and

e. Each mailed notice required by subsection D of this section shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The Central Point Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

4. Failure To Receive Notice. The failure of any person to receive notice shall not invalidate the action, providing:

a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;

b. Published notice is deemed given on the date it is published.

E. Hearing Process and Procedure.

1. Unless otherwise provided in the rules of procedure adopted by the city council:

a. The presiding officer of the planning commission and of the city council shall have the authority to:

i. Regulate the course, sequence, and decorum of the hearing;

ii. Direct procedural requirements or similar matters;

iii. Impose reasonable time limits for oral presentations; and

iv. Waive the provisions of this chapter so long as they do no prejudice the substantial rights of any party.

b. No person shall address the commission or the council without:

i. Receiving recognition from the presiding officer; and

ii. Stating his or her full name and address.

c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.

2. Unless otherwise provided in the rules of procedures adopted by the council, the presiding officer of the commission and of the council shall conduct the hearing as follows:

a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a preliminary decision, such as a recommendation to the city council or the final decision of the city;

b. The community development director or designee's report and other applicable staff reports shall be presented;

c. The public shall be invited to testify;

d. The public hearing may be continued to allow additional testimony or it may be closed; and

e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

F. Continuation of the Public Hearing. The planning commission or the city council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

G. Decision-Making Criteria. The recommendation by the planning commission and the decision by the city council shall be based on the following factors:

1. Whether the request is consistent with the applicable statewide planning goals;

2. Whether the request is consistent with the comprehensive plan; and

3. If the proposed legislative change is particular to a particular site, the property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.

H. Approval Process and Authority.

1. The planning commission shall:

- a. After notice and a public hearing, vote on and prepare a recommendation to the city council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
 - b. Within fourteen business days of adopting a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the community development director or designee.
2. Any member of the planning commission who votes in opposition to the planning commission's majority recommendation may file a written statement of opposition with the community development director or designee before the council public hearing on the proposal. The community development director or designee shall send a copy to each council member and place a copy in the record;
 3. If the planning commission does not adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal within sixty days of its first public hearing on the proposed change, the community development director or designee shall:
 - a. Prepare a report to the city council on the proposal, including noting the planning commission's actions on the matter, if any; and
 - b. Provide notice and put the matter on the city council's agenda for the city council to hold a public hearing and make a decision. No further action shall be taken by the planning commission.
 4. The city council shall:
 - a. Consider the recommendation of the planning commission; however, the city council is not bound by the commission's recommendation;
 - b. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the planning commission for rehearing and reconsideration on all or part of the application; and
 - c. If the application for legislative change is approved, the council shall act by ordinance, which shall be signed by the mayor after the council's adoption of the ordinance.
- I. Vote Required for a Legislative Change.
 1. A vote by a majority of the qualified voting members of the planning commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial or adoption of an alternative.
 2. A vote by a majority of the qualified members of the city council present is required to decide any motion made on the proposal.
 - J. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the city council decision is filed with the community development director or designee. The city shall also provide notice to all persons as required by other applicable laws.
 - K. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.
 - L. Record of the Public Hearing.
 1. A verbatim record of the proceeding shall be made by stenographic, mechanical, or electronic means. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
 2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
 3. The official record shall include:
 - a. All materials considered and not rejected by the hearings body;
 - b. All materials submitted by the community development director or designee to the hearings body regarding the application;
 - c. The verbatim record made by the stenographic, mechanical, or electronic means; the minutes of the hearing; and other documents considered;
 - d. The final decision;

- e. All correspondence; and
- f. A copy of the notices that were given as required by this chapter. (Ord. 1874 §1(part), 2006).

17.05.600 General provisions--One-hundred-twenty-day rule--Time computation--Pre-application conferences--Acceptance and review--Planning official's duties--Amended applications--Resubmittal.

A. One-Hundred-Twenty-Day Rule. The city shall take final action on Type I, II, and III permit applications that are subject to this chapter, including resolution of all appeals, within one hundred twenty days from the date the application is deemed as complete, unless the applicant requests an extension in writing; however, the total of all extensions may not exceed two hundred forty-five days. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The one-hundred-twenty-day rule does not apply to Type IV legislative decisions -- plan and code amendments -- under ORS 227.178.)

B. Time Computation. In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event the period runs until the end of the next day which is not a Saturday or legal holiday.

C. Pre-Application Conferences.

1. Participants. When a pre-application conference is required, the applicant shall meet with the community development director or his/her designee(s) and such other parties as the community development director deems appropriate;
2. Information Provided. At such conference, the community development director or designee shall:
 - a. Cite the comprehensive plan policies and map designations that appear to be applicable to the proposal;
 - b. Cite the ordinance provisions, including substantive and procedural requirements that appear to be applicable to the proposal;
 - c. Provide available technical data and assistance that will aid the applicant;
 - d. Identify other governmental policies and regulations that relate to the application; and
 - e. Reasonably identify other opportunities or constraints concerning the application.
3. Disclaimer. Failure of the community development director or designee to provide any of the information required by this subsection C of this section shall not constitute a waiver of any of the standards, criteria or requirements for the application;
4. Changes in the Law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws.

D. Acceptance and Review of Applications.

1. Initiation of Applications.
 - a. Applications for approval under this chapter may be initiated by:
 - i. Order of city council;
 - ii. Resolution of the planning commission;
 - iii. The community development director or designee;
 - iv. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
 - b. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.
2. Consolidation of Proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings may, at the option of the applicant, be consolidated for review and decision.
 - a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over

one of the applications in the following order of preference: The council, the commission, or the community development director or designee.

b. When proceedings are consolidated:

i. The notice shall identify each application to be decided;

ii. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

iii. Separate findings shall be made on each application.

3. Check for Acceptance and Completeness. In reviewing an application for completeness, the following procedure shall be used:

a. Acceptance. When an application is received by the city, the community development director or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant:

i. The required form;

ii. The required fee;

iii. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

b. Completeness.

i. Review and Notification. After the application is accepted, the community development director or designee shall review the application for completeness. If the application is incomplete, the community development director or designee shall notify the applicant in writing of exactly what information is missing within thirty days of receipt of the application and allow the applicant one hundred eighty days to submit the missing information.

ii. Application deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the community development director or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit further information and requesting that the application be processed notwithstanding any identified incompleteness. For the refusal to be valid, the refusal shall be made in writing and received by the community development director or designee.

iii. If the applicant does not submit all of the missing information or provide written notice that no further information will be provided (whether some of the additional information has been provided or not) within one hundred eighty days of the date the initial submittal was accepted, the application is void.

iv. Standards and Criteria That Apply to the Application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted, unless the application is for a change to the plan or land use regulations.

v. Coordinated Review. The city shall also submit the application for review and comment to the city engineer, road authority, and other applicable county, state, and federal review agencies.

4. Changes or Additions to the Application During the Review Period. Once an application is deemed complete:

a. All documents and other evidence relied upon by the applicant shall be submitted to the community development director or designee at least seven days before the notice of action or hearing is mailed. Documents or other evidence submitted after that date shall be received by the community development director or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;

b. When documents or other evidence are submitted by the applicant during the review period but after the notice of action or hearing is mailed, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;

c. If the assigned reviewer determines that the new documents or other evidence significantly change

the application, the reviewer shall include a written determination to the approving authority that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change, and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;

d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the city shall take one of the following actions, at the choice of the applicant:

i. Suspend the existing application and allow the applicant to submit a revised application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the one-hundred-twenty-day rule (subsection A of this section) on the existing application. If the applicant does not consent, the city shall not select this option;

ii. Declare the application, based on the significant change, a new application and reprocess accordingly.

e. If a new application is submitted by the applicant, that applicant shall pay the applicable application fee and shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. Community Development Director's Duties. The community development director or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the city's comprehensive plan, and implementing ordinance provisions;

2. Accept all development applications that comply with this section;

3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or nonconformance with the criteria. The staff report may also provide a recommended decision of: approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;

4. Prepare a notice of the proposal decision:

a. In the case of an application subject to a Type I or II review process, the community development director or designee shall make the staff report and all case-file materials available at the time that the notice of the decision is issued;

b. In the case of an application subject to a hearing (Type III or IV process), the community development director or designee shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections [17.05.300\(C\)](#) (Type II), [17.05.400\(C\)](#) (Type III), or [17.05.500\(D\)](#) (Type IV);

5. Administer the application and hearings process;

6. File notice of the final decision in the city's records and mail a copy of the notice of the final decision to the applicant, all persons who provided comments or testimony, persons who requested copies of the notice, and any other persons entitled to notice by law;

7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice, the application and all supporting information, the staff report, the final decision (including the findings, conclusions and conditions, if any), all correspondence, minutes of any meeting at which the application was considered, and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and

8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the community development director or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The community development director or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is

amended, the decision shall be issued within fourteen business days after the original decision would have become final, but in no event beyond the one-hundred-twenty-day period required by state law. A new ten-day appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures in Chapter [17.09](#). All other changes to decisions that are not modifications under Chapter [17.09](#) follow the appeal process.

G. Resubmittal of Application Following Denial. An application or proposal that has been denied, or that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least twelve months from the date the final city action is made denying the same, unless there is substantial change in the facts or a change in city policy that would change the outcome, as determined by the community development director or designee.

H. City Council Review. The city council shall have the authority to call up any Type II or Type III application for review. The decision to call up an application may occur at any time after the application is filed until the decision is otherwise final. When the city council calls up an application, the council shall, in its order of call up, determine the procedure to be followed, including the extent of preliminary processing and the rights of the parties. At a minimum, the council shall follow the procedures in Section [17.05.400](#)(F), regarding appeals from Type III decisions. (Ord. 1874 §1(part), 2006).

17.05.700 Special procedures.

A. Expedited Land Divisions. An expedited land division (ELD) shall be defined and may be used as provided under ORS 197.360 through 197.380.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it;

2. Review Procedure. All applications for expedited land divisions shall comply with ORS 197.360 through 197.380 and the Central Point comprehensive plan; ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for expedited land divisions.

3. Appeal Procedure. An appeal of an ELD shall follow the procedures in ORS 197.375. (Ord. 1874 §1(part), 2006).

17.05.900 Traffic impact analysis.

The purpose of this section of the code is to assist in determining which road authorities participate in land use decisions, and to implement Section 660-012-0045(2)(e) of the State Transportation Planning Rule that requires the city to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities.

This chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a traffic impact analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a traffic impact analysis; and who is qualified to prepare the study.

A. When a Traffic Impact Analysis is Required. The city shall require a traffic impact analysis (TIA) as part of an application for development, a change in use, or a change in access in the following situations:

1. If the application includes residential development, a TIA shall be required when the land use application involves one or more of the following actions:

- a. A change in zoning or a plan amendment;
 - b. An increase in site traffic volume generation by two hundred fifty average daily trips or more;
 - c. An increase in peak hour volume of a particular movement to and from the State highway by twenty percent or more; or
 - d. An increase in use of adjacent streets by vehicles exceeding the twenty thousand pounds gross vehicle weights by ten vehicles or more per day;
2. If the application does not include residential development, a TIA shall be required when a land use application involves one or more of the following actions:
- a. A change in zoning or a plan amendment designation;
 - b. Any proposed development or land use action that a road authority, including the city, Jackson County or ODOT, states may have operational or safety concerns along its facility(ies);
 - c. An increase in site traffic volume generation by two hundred fifty average daily trips (ADT) or more;
 - d. An increase in peak hour volume of a particular movement to and from the State highway by twenty percent or more;
 - e. An increase in use of adjacent streets by vehicles exceeding twenty thousand pounds gross vehicle weight by ten vehicles or more per day;
 - f. The location of the access driveway does not meet minimum sight distance requirements, as determined by the city engineer, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the state highway, creating a safety hazard in the discretion of the community development director; or
 - g. A change in internal traffic patterns that, in the discretion of the community development director, may cause safety problems, such as back-up onto a street or greater potential for traffic accidents.
- B. Traffic Impact Analysis Preparation. A traffic impact analysis shall be prepared by a traffic engineer or civil engineer licensed to practice in the state of Oregon with special training and experience in traffic engineering. The TIA shall be prepared in accordance with the public works department's document entitled "Traffic Impact Analysis." If the road authority is the Oregon Department of Transportation (ODOT), consult ODOT's regional development review planner and OAR 734-051-180. (Ord. 1874 §1(part), 2006).

Chapter 17.08 DEFINITIONS

Sections:

- [17.08.005](#) Definitions, general.
- [17.08.010](#) Definitions, specific.
- [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:

- A. Words used or defined in one tense or form shall include other tenses and derivative forms.
- B. Words in the singular shall include the plural, and words in the plural shall include the singular.
- C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
- D. The word "shall" is mandatory.
- E. The word "may" is permissive.
- F. The word "person" includes individuals, firms, corporations, associations, trusts, local agency, city, county, state or federal government or any district or division thereof.
- G. The word "city" shall mean the city of Central Point.
- H. The word "council" shall mean the city council of the city of Central Point.
- I. The words "planning commission" shall mean the planning commission of the city of Central Point.
- J. 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. (Ord. 1867 §1(part), 2006; Ord. 1436 §2(part), 1981).

17.08.010 Definitions, specific.

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

"Abutting" means adjoining with a common boundary line except where two or more lots adjoin only at a single point, such as a corner.

"Access" means the way or means by which pedestrians and vehicles enter and leave property.

"Accessory dwelling unit (ADU)" means an attached or detached unit that provides complete independent living facilities and that serves as an accessory use to a primary single dwelling unit. Accessory dwelling units differ from guest quarters, which do not provide independent living facilities.

"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.

"Adjacent" means near, close; for example, a commercial business on an adjacent lot or across the street from a residence shall be considered "adjacent."

"Adjoining" means the same as "abutting."

"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, services, or activities that are not located on the same lot as the advertising structure.

"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.

"Alley" means a street which affords only secondary access to property.

"Amendment" means a change in the wording, context or substance of an official ordinance or other publication, including related maps, illustrations, concepts, or plans.

"Anchor tenant" means a large retail establishment such as a national or regional chain store strategically placed in a shopping center so as to generate the most customers for all of the stores located in the shopping center.

"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.

"Antenna" means a device, dish or array used to transmit or receive signals for telecommunication purposes. An antenna is typically mounted on a supporting tower, pole, mast or building.

"Apartment" means a dwelling unit within a multiple-family building. Commonly a rented unit.

"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.

"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.

"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.

"Basement" means a space wholly or partly underground, and having more than one-

half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

"Billboard" means the same as "advertising structure."

"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.

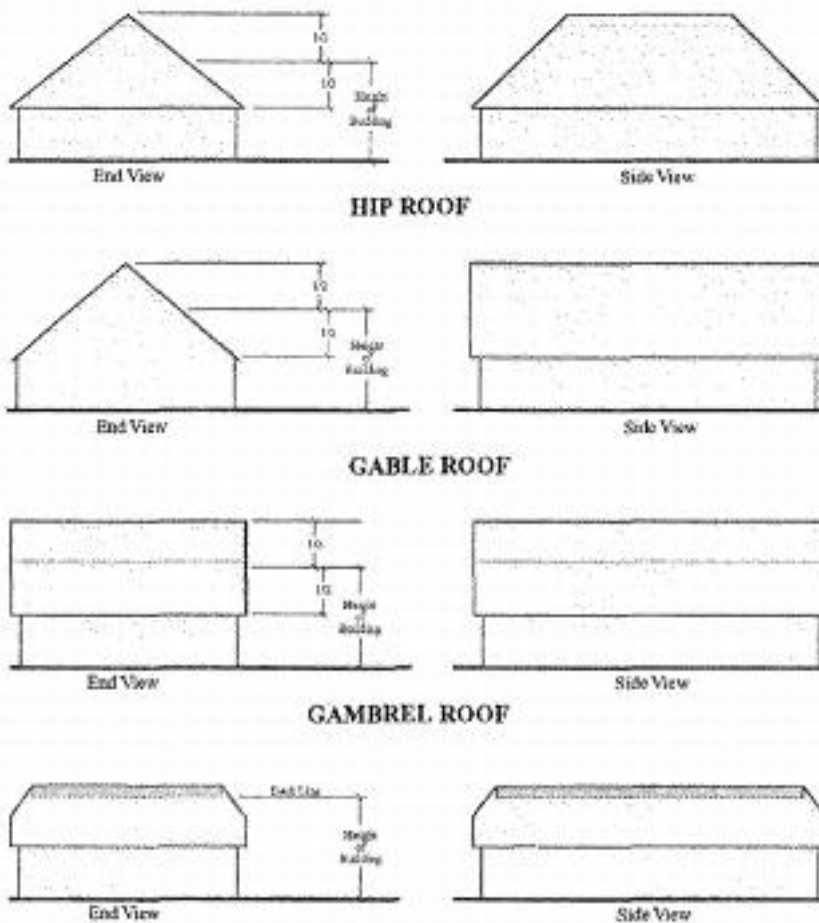
"Boarding and rooming houses" means a dwelling or part thereof, other than a hotel or motel where lodging with or without meals is provided, for compensation, for three or more persons.

"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.

"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.

"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.

"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 mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs (see Building Height Illustrations).



Building Height Illustrations

"Building roof-mounted antennas" means any wireless communication facility (WCF) antennas for cellular, personal telecommunications services (PCS) and similar radio services installed on a building roof (see Section 17.60.040).

"Building wall-mounted antennas" means any wireless communication facility (WCF) antennas for cellular, personal telecommunications services (PCS) and similar radio services mounted to the roof edge or sidewall elevation of a building or structure (see Section 17.60.040).

"Centerline" means the linear centerline of a right-of-way, as established by the city.

"Church" means a permanently located building wholly or partly used for the purpose of religious worship.

"City," as used in this title, means the city of Central Point, Oregon.

"City council," as used in this title, means the city council of the city of Central Point, Oregon.

"Clinic" means a place for group medical services not involving overnight housing of patients.

"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.

"Communication facility tower (wireless)" means a structure, tower, pole or mast solely dedicated to support one or more wireless communications antenna systems. For the purpose of this section, such a support structure will be referred to generically as a "tower." Tower types include:

1. "Guyed tower" means a tower that is supported by use of cables (guy wires) that are permanently anchored to the ground.
2. "Lattice tower" means a tower characterized by an open framework of lateral cross-members that stabilize the structure.
3. "Monopole" means a single, upright pole, engineered to be self-supporting and requiring no guy wires or lateral cross-members.

"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.

"Contiguous" means the same as "abutting" and "adjoining."

"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.

"Day care center" means any type of regularly operated group day care programs, including nurseries for children of 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.

"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.

"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.

"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.

Dwelling, Multifamily. "Multifamily dwelling" means a building containing three or more residential dwelling units.

Dwelling, Single-Family. "Single-family dwelling" means a detached building containing a single residential dwelling unit, not including manufactured homes or mobile homes.

Dwelling, Two-Family. "Two-family dwelling" means a detached building containing two residential dwelling units.

"Dwelling unit" means one or more rooms designed for occupancy by one family and

having no more than one cooking facility.

"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.

"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.

"Fence" means a structure serving as an enclosure, barrier, or boundary, including freestanding walls, hedges and screen plantings.

Fence, Sight-Obscuring. "Sight-obscuring fence" means a fence constructed in such a manner or of such materials as to obstruct vision.

"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.

"Floor area ratio (F.A.R)" 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.

"Frontage" means that portion of a lot which abuts a dedicated street or highway.

"Garage" means a fully enclosed detached accessory building or portion of a main building, designed for the shelter or storage of an automobile.

"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."

"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.

"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.

"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](#).

"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.

"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.

"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.

"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.

"Lot area" means the total area within the boundary lines of a lot, exclusive of any street or alley rights-of-way.

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.

"Lot coverage" means the percentage of the lot area, exclusive of rights-of-way, that is covered by structures or buildings, including accessory buildings.

"Lot depth" means 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.

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.

Lot Line, Side. "Side lot line" means any lot line not meeting the definitions of a "front" or "rear" lot line.

"Lot width" means the perpendicular bisect of the lot depth measurement.

"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."

"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.

"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.

"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 guest house, 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.

"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 "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.

"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.

"Outdoor advertising structure" means any structure erected and maintained for outdoor advertising purposes, including billboards, off-premises signs, and similar structures.

"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.

"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.

"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.

"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.

"Planning commission," as used in this title, means the planning commission of the city of Central Point, Oregon.

"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."

"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.

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

"Residential facility" shall have the same meaning given that term in ORS 197.660(1).

"Residential home" shall have the same meaning given that term in ORS 197.660(2).

"Retail establishment, large" means a retail establishment (general merchandise sales), a retail grocery establishment (food and beverage sales), or an establishment with a combination of both uses, with a floor area of thirty thousand square feet or

greater, which includes gross floor area, outdoor storage areas, and any outside area which provides associated services to the public, such as, but not limited to, outdoor merchandise display, snack bars, etc. The floor area does not include motor vehicle parking or loading areas.

For the purposes of determining the applicability of the thirty-thousand-square-foot area, the aggregate square footage of all adjacent stores, which share checkstands, management, a controlling ownership interest, and storage areas, shall be considered one establishment, e.g., a plant nursery associated with a general merchandise store, such as a home improvement store, shall be considered one establishment.

"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.

"Shopping center anchor tenant ratio" means the share of a shopping center's total gross floor area that is attributable to its anchor tenants.

"Shopping center, community" means a shopping center with two or more anchor tenants and having a total gross floor area of not less than one hundred thousand square feet and not more than three hundred thousand square feet with a maximum anchor tenant ratio of fifty percent.

"Shopping center, neighborhood" means a shopping center designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood and having one or more anchor tenants and having a total gross floor area of not less than fifty thousand square feet and not more than eighty thousand square feet with a maximum anchor tenant ratio of sixty percent.

"Shopping center, regional" means a shopping center with a minimum of three anchor tenants and having a total gross floor area of not less than three hundred thousand square feet with a maximum anchor tenant ratio of sixty percent.

"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.

"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.

"Stealth or concealed design" means the design of wireless communications facilities in a manner that camouflages, or conceals, or disguises the facilities as described below:

1. "Camouflage" means the use of shape, color, and texture to cause an object to appear to become a part of something else, usually a structure, such as a building, wall or roof. "Camouflage" does not mean invisible, but rather appearing as part of or exactly like the structure used as a mount.
2. "Concealment" means fully hidden from view. For example, a wireless communication facility (WCF) is concealed when it is completely hidden or contained

within a structure, and is compatible with or complements the architectural character of the building, wall, or roof.

3. "Disguised" means a wireless communication facility (WCF) that has been changed to appear to be something other than what it really is. For example, WCFs are sometimes disguised to appear as trees or flagpoles.

"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.

"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.

"Temporary structure" means 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.

"Tower-mounted antenna" means an antenna or a co-located antenna mounted on a communication facility tower.

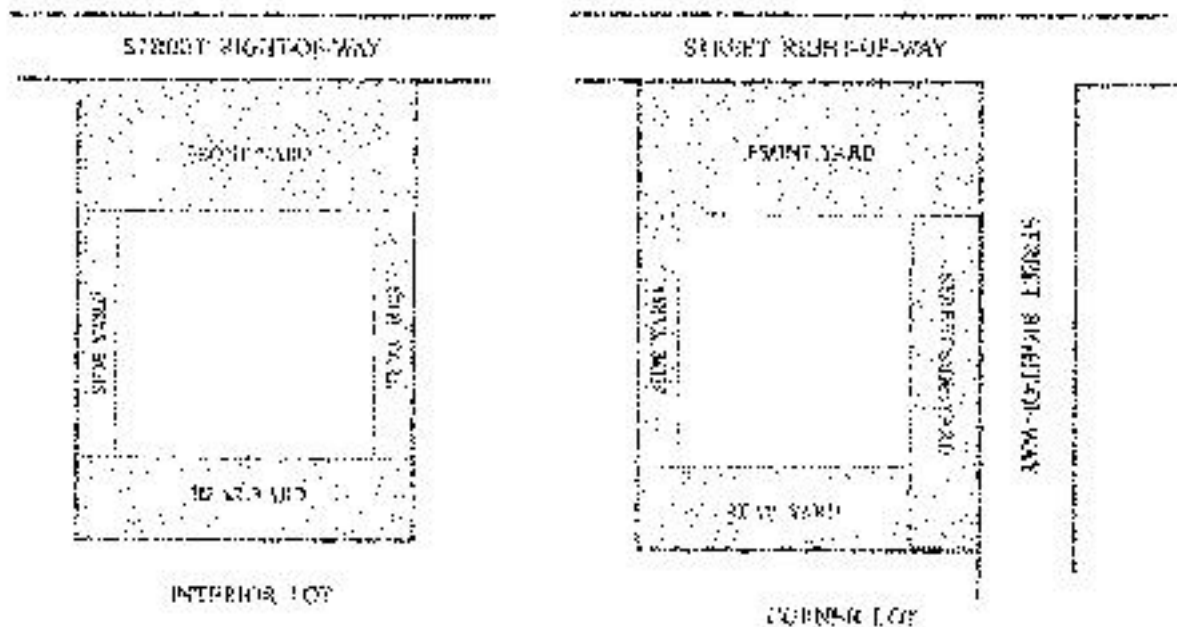
"Use" means the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Wireless communication facility (WCF)" means a nonstaffed facility for the transmission of radio frequency (RF) signals, usually consisting of an equipment shelter, cabinet or other enclosed structure housing electronic equipment; a support structure; and antenna systems or other transmission and reception devices. This includes cellular antennas, satellite dishes, and microwave dishes.

"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](#).

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 setback and the front lot line (see illustration below).

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 setback and the rear lot line (see illustration below).



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 setback 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 setback and the nearest side lot line (see illustration above). (Ord. 1900 §1, 2007; Ord. 1880, 2006; Ord. 1867 §1(part), 2006; Ord. 1823 §3, 2001; Ord. 1818 §1(part), 2001; Ord. 1731 §1, 1995; Ord. 1726 §§1, 2, 1995; Ord. 1719 §1, 1995; Ord. 1684 §§15--26, 1993; Ord. 1615 §§61, 62, 1989; Ord. 1436 §2 (part), 1981. Formerly 17.08.010--17.08.405).

17.08.410 TOD district and corridor definitions and uses.

A. Definitions of Land Use Types. The purpose of this section is to classify land uses and activities into use categories for the TOD district and corridor in Chapters [17.65](#), [17.66](#), and [17.67](#) on the basis of common functional, product, or physical characteristics. Characteristics include the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and certain site factors. The types of uses allowed in the various zones are based on the goals and policies of the comprehensive plan.

B. Considerations.

1. Uses are assigned to the category whose description most closely describes the nature of the primary use. Developments may have more than one primary use, and accessory activities may also be present. Primary and accessory uses are addressed in subsections (B)(2) and (3) of this section.

2. The following factors are considered to determine what category the use is in, and; whether the activity(ies) constitute primary or accessory uses:

- a. The description of the activity(ies) in relationship to the characteristics of each use category;
- b. The relative amount of site or floor space and equipment devoted to the activity;
- c. The relative amount of sales from each activity;
- d. The number and type of customers for each activity;
- e. The relative number of employees in each activity;
- f. Hours of operation;
- g. Building and site arrangement;
- h. The number and type of vehicles used with the activity;
- i. The relative number of vehicle trips generated by the activity(ies);
- j. Signs;
- k. How the use advertises itself; and
- l. Whether the activity(ies) would be likely to be found independent of the other activities on the site.

3. **Multiple Primary Uses.** When a development has a number of primary uses that fall within one use category, then the development is assigned to that use category. For example, if a development includes a grocery store and pharmacy, the development would be classified as a commercial retail sales and service use. When the primary uses in a development are within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

4. **Accessory Uses.** These uses are allowed by right and are regulated in conjunction with the primary use unless otherwise stated in this title.

5. **Examples and Exceptions.** To help illustrate the types of uses allowed or not allowed under a specific uses category, examples and/or exceptions are given. They are based on the common meaning of the terms and not on what a specific use may call itself.

C. Residential Use Types.

1. **Dwelling, Single-Family.** A detached dwelling unit located on its own lot.

a. **Large and Standard Lot Single-Family, Detached.** These include dwellings located on individual lots. Homes which are constructed on-site or manufactured homes are included under this definition.

b. **Zero Lot Line, Detached.** These residences are detached with building setbacks on the property line. Examples include Charleston row houses and courtyard cluster residences.

c. **Attached Row Houses.** These residences are attached along common side lot lines with adjoining units. They are classified as single-family residences because each unit is located on a separate lot, and they do not share common floors or ceilings with other dwelling units.

2. **Dwelling, Multi-Family.** A structure that contains three or more dwelling units which share common walls, floors, or ceilings on one lot.

- a. Plexes. These include two or more attached units on a single lot. They may have single or multiple stories. They share common walls with other dwelling units, but not common floors or ceilings.
- b. Apartments and Condominiums. These include two or more attached units on a single lot. They typically have multiple stories. Common walls, floors and ceilings are shared with other dwelling units. Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included under this use type.
3. Dwelling, Accessory Unit. An auxiliary living unit with separate kitchen, living and sleeping facilities in a single-family structure or in a separate accessory building on the same lot as a primarily single-family residence.
4. Boarding and Rooming Houses. See Section [17.08.010](#).
5. Family Care. This includes two types of child care services and one type for adults.
 - a. Family Day Care. As defined by Oregon state statute, refers to the provision of day care services for children, with or without compensation, in the home of the caregiver. Family day care may provide care for six or fewer children full-time, with an additional four or fewer part-time children. During the school year, a family day care provider may care for four additional day care children on the days and during the hours school is not in session. Such children must be at least three years of age up to a maximum of four hours per day. No more than a total of ten children including the provider's own children may be present at any one time.
 - b. Day Care Group Home. As defined by Oregon state statute, is one in which care is provided in the home of the caregiver, with or without compensation, for seven through twelve children. It is subject to certification by the Children's Services Division. For the purposes of this section, "full-time" is defined as eight or more hours in a twenty-four-hour period. "Part-time" is defined as four or fewer hours in a twenty-four-hour period.
 - c. Adult Day Care. A community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is a structured, comprehensive program that provides a variety of health, social, and related support services in a protective setting during part of a day but for less than twenty-four hours. These facilities have an enrollment of ten or more individuals.
6. Home Occupation. See Section [17.08.010](#).
7. Residential Facility. A residential care, residential training, or residential treatment facility licensed or registered by the state (Mental Health and Developmental Services Division) as defined in ORS 443.400 where supervision; protection; assistance while bathing, dressing, grooming or eating; management of money; transportation; recreation; and the providing of room and board or a combination thereof are provided for six or more physically disabled or socially dependent individuals, in one or more buildings on contiguous properties.

A residential facility does not include a residential school; state or local correctional facility; juvenile training school; youth care center operated by a county juvenile department; juvenile detention facility; nursing home; family care facility; or children's

or adult day care as defined by state law.

8. Residential Home. A residential treatment or training or an adult foster home licensed by or under the authority of the state (Mental Health and Developmental Services Division), which provides residential care alone or in conjunction with treatment or training or a combination thereof for less than six individuals. These individuals need not be related. Staff persons needed to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

D. Commercial Use Types.

1. Entertainment. Businesses such as restaurants, cafes, and delicatessens; bowling alleys; health clubs; gyms; and membership clubs and lodges.

2. Professional Office. A use that is conducted in an office setting generally for business, government, professional, medical, or financial services.

Examples include professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; government offices and public utility offices; television and radio studios; medical and dental clinics, medical and dental labs; and blood-collections facilities.

3. Retail Sales and Service. Businesses that are involved in the sale, lease, or rental of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods. Such uses are conducted indoors with limited provisions in this title to allow outdoor storage of material or merchandise. Categories and examples of retail sales and service uses include:

a. Sales-Oriented. Stores selling, leasing, or renting consumer, home, and business goods including appliances, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, liquor, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; and food sales.

b. Personal Service-Oriented. Businesses such as branch banks; urgency medical care; dental and medical offices; laundromats; photo or laundry drop-off; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music classes; mortuaries; veterinarians; and animal grooming.

c. Repair-Oriented. Businesses such as repair of televisions, bicycles, clocks, watches, shoes, guns, appliances and office equipment; tailor; locksmith; and upholsterer.

d. Drive-Through Facilities. Vehicle drive-up windows associated with restaurants, banks, laundries, photo processing, and similar uses.

e. Quick Vehicle Service. A business that provides direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The use includes a drive-through facility and the area where the service is performed. Examples include:

- i. Full-service and mini-serve gas stations;
- ii. Unattended card key stations;
- iii. Carwashes; and
- iv. Quick lubrication services. This use type does not include servicing of vehicles over ten thousand pounds gross cargo weight (except for gasoline), body repairs, welding, or painting.
- f. Vehicle Sales/Rental and Repair. Sale, retail, and/or rental of autos, noncommercial trucks, motorcycles, motorhomes, and trailers less than ten thousand pounds gross cargo weight, together with incidental maintenance, such as automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies. Also, repair of automobiles and light vehicles under ten thousand pounds gross cargo weight, including body repairs, welding and painting.

Uses not included, thus prohibited, as part of this definition are:

- i. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation;
 - ii. Landscape materials stored outside, including bark chips, rock, fertilizer, and compost;
 - iii. Repair, sale, rental, or leasing of vehicles over ten thousand pounds gross cargo weight, commercial or consumer vehicles, and industrial vehicles and equipment.
4. Tourist Accommodations. This definition includes two use categories:
- a. Bed and Breakfast Inn. A structure designed and occupied as a residence in which sleeping rooms are provided on a daily or weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility. The bed and breakfast establishment has no more than five guest sleeping rooms provided on a daily or weekly basis for the use of no more than a total of ten travelers or transients at any one time;
 - b. Motel or Hotel. Establishments primarily engaged in providing lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests.

E. Industrial Use Types.

1. Manufacturing. The manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, manmade, raw, secondary, or partially competed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
2. Industrial Services. The repair, servicing, and storage of industrial, business, or consumer machinery, equipment, products, or by-products. Contractors and building maintenance services and similar uses can perform services off-site. Few customers, especially the general public, come to the site. Categories and examples of industrial service uses include:
 - a. Light. These activities are generally conducted indoors, but may have related outdoor activities including parking or storage of operable vehicles and equipment and

finished products. Examples include welding shops; machine shops; tool, electric motor, and scientific or professional instruments repair; metal and building materials; towing and vehicle storage; heavy truck servicing and repair; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing and lithography shops; exterminators; janitorial and building maintenance services; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories; and warehousing.

b. Heavy. Activities are conducted indoors and outdoors, and outdoor activities may include storage of inoperable vehicles and equipment, scrap metal, other salvage or recyclable materials, and stockpiled material such as gravel, construction debris, or compost. Examples include sales, repair, storage, salvage or wrecking of heavy machinery; auto and truck salvage and wrecking; tire retreading or recapping; fuel oil distributors; and solid fuel yards.

3. Wholesale Sales. The sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order-taking and often include display areas. Businesses may or may not be open to the general public, but sales to the public are limited. Products may be picked up on the site or delivered to the customer. Examples include sale or rental machinery, equipment, heavy trucks, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment and store fixtures; mail order houses; and wholesale of food, clothing, auto parts, and building hardware.

F. Civic Use Types.

1. Community Services. Uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide other service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities are open to the general public or have membership provisions that are open to the general public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, drug and alcohol centers, social service facilities, vocational training for the physically or mentally disabled, cemeteries, crematoriums, and mausoleums.

Not included as part of this definition are:

- a. Private lodges;
- b. Clubs; or
- c. Private or commercial athletic or health clubs (these uses are classified as retail sales and service).

2. Hospital. A use which provides medical or surgical care to patients and offers overnight care.

3. Public Facilities. Public uses that provide support, transportation, safety, and emergency services to the general public. Examples include police stations, fire

stations, ambulance stations, public utility offices, operations centers, transit stations, and park-and-ride facilities for transit. This definition excludes streets.

4. Religious Assembly. Institutions that are intended to primarily provide meeting areas for religious activities. Examples include churches, temples, synagogues, and mosques.

5. Schools. Public and private kindergarten, primary, elementary, middle, junior high, or high schools that provide state mandated basic education and colleges and trade schools.

6. Utilities. Infrastructure services which need to be located in or near the area where the service is provided. Basic utility uses generally do not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; telephone exchanges; and recycling drop-off. This definition excludes wireless communication facilities and structures as defined in this chapter.

G. Open Space Use Types.

1. Parks and Open Space. Public or private land that is primarily left in a natural state or landscaped with few structures. Examples include parks, play grounds, golf courses, public squares, recreational trails, botanical gardens, and nature preserves.

H. Sign-Related Definitions.

1. A-board sign. A double-face temporary rigid sign which is self-supporting.

2. Area of Sign. The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet, the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within the parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such sign structure, which shall be counted as one sign per structure.

3. Balloon. See definition under Temporary sign.

4. Banner. See definition under Temporary sign.

5. Building Face. The single wall surface of a building facing a given direction.

6. Directional Sign. A permanent sign which is designed and erected solely for the purpose of traffic or pedestrian direction and placed on the property to which the public is directed.

7. Flashing Sign. A sign any part of which pulsates or blinks on and off. This excludes message signs.

8. Free-Standing Sign. A sign supported by any structure primarily for the display and support of the sign.

9. Height of Sign. Height is measured from the grade of the curb line closest to the

base of the sign to the highest point of the sign. In the absence of a curb line, the edge of the street pavement shall be used. In the absence of street pavement, the ground level shall be used to measure the height.

10. Lawn Sign. See definition under Temporary Signs.

11. Lighting Methods.

a. Direct. Exposed lighting or neon tubes on the sign face;

b. Flashing. Lights which blink on and off randomly or in sequence;

c. Indirect or External. The light source is separate from the sign face or cabinet and is directed toward the sign so as to shine upon the exterior surface of the sign;

d. Internal. A source of illumination from within a sign.

12. Message Sign. A sign with a maximum area of eight square feet, which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature.

13. Multi-Faced Sign. A sign which has two or more sign faces, contained in a single sign structure.

14. Projecting Sign. A sign that is mounted perpendicular to the face of a building or that hangs from a canopy or awning.

15. Real Estate Sign. A sign for the purpose of rental, lease, sale, etc. of real property, building opportunities, or building space.

16. Roof Sign. A sign any portion of which is displayed above the highest point on the roof.

17. Sign Face. Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for sign area.

18. Temporary Sign. A sign not permanently affixed to a structure on a property.

These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support.

a. Temporary Rigid Sign. A temporary sign, other than a lawn sign, made of rigid materials such as wood, plywood, or plastic. This includes A-board signs.

b. Lawn Sign. A freestanding sign in a residential zone which is exempt from sign permit requirements for one or two signs which do not exceed six square feet per sign face or three feet in height. Examples include real estate signs and election signs.

19. Wall Sign. Any sign attached to, painted on, or erected against the wall of a building or structure with the exposed face of the sign in a plane parallel to the wall. (Ord. 1815 §1(part), Exh. D, 2000).

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Chapter 17.09 MODIFICATIONS TO APPROVED PLANS AND CONDITIONS OF APPROVAL

Sections:

[17.09.100](#) Modifications--Purpose.

[17.09.200](#) Modifications--Applicability.

[17.09.300](#) Major modifications.

[17.09.400](#) Minor modifications.

17.09.100 Modifications--Purpose.

The purpose of this chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve city resources. (Ord. 1874 §2(part), 2006).

17.09.200 Modifications--Applicability.

A. This chapter applies to all development applications approved through the provisions of this title, including:

1. Land use review approvals;
2. Site design review approvals;
3. Subdivisions, partitions, and property line adjustments;
4. Conditional use permits;
5. Planned unit developments; and
6. Conditions of approval on any of the above permit types.

B. This chapter does not apply to comprehensive plan amendments, land use district changes, text amendments, annexations, or other permits not listed in subsection A of this section. Any matter not identified in subsection A of this section shall be changed through the applicable process for the initial approval of such a matter.

C. When an application for a modification is complete, the community development director shall review the proposed modification and determine whether the modification is a major or minor modification and the process to be used in processing the proposed modification, as described below. (Ord. 1874 §2(part), 2006).

17.09.300 Major modifications.

A. Major Modification Defined. The community development director shall determine that a major modification(s) is required if one or more of the changes listed below are proposed:

1. A change in land use;
2. An increase in density by more than ten percent, provided the resulting density does not exceed that allowed by the land use district;
3. A change in setbacks or lot coverage by more than ten percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district;
4. A change in the type and/or location of accessways, drives or parking areas affecting off-site traffic;
5. An increase in the floor area proposed for nonresidential use by more than fifteen percent where previously specified;
6. A reduction of more than ten percent of the area reserved for common open space; or
7. Change to a condition of approval, or a change similar to subsections (A)(1) through (6) of this section, that could have a detrimental impact on adjoining properties. The city planning official shall have discretion in determining detrimental impacts warranting a major modification.

B. Major Modification Applications; Approval Criteria. An applicant may request a major modification using a Type II or Type III review procedure, as follows:

1. Upon the community development director determining that the proposed modification is a major modification, the applicant shall submit an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The community development director may require other relevant information, as necessary, to evaluate the request.
2. The application shall be subject to the same review procedure (Type II or III), decision-making body, and approval criteria used for the initial project approval, except that adding a conditional use to an approved project shall be reviewed using a Type III procedure.
3. The scope of review shall be limited to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping. Notice shall be provided in accordance with the applicable notice requirements for Type II or Type III procedures.
4. The decision-making body shall approve, deny, or approve with conditions an application for major modification based on written findings on the criteria. (Ord. 1874 §2(part), 2006).

17.09.400 Minor modifications.

A. Minor Modification. Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section [17.09.300\(A\)](#).

B. Minor Modification Review Procedure. An application for approval of a minor modification shall be reviewed by the planning official using a Type I or a Type II review procedure under Section [17.05.200](#) or [17.05.300](#). The community development director is responsible for determining the appropriate review procedure

based on the following criteria:

1. Minor modifications that involve only clear and objective code standards may be reviewed using a Type I procedure;
2. Minor modifications that involve one or more discretionary standards shall be reviewed through Type II procedure; and
3. When the code is unclear on whether the application should be a Type I or Type II review, a Type II procedure shall be used.

C. Minor Modification Applications. An application for minor modification shall include an application form, filing fee and narrative, and a site plan using the same plan format as in the original approval. The community development director may require other relevant information, as necessary, to evaluate the request.

D. Minor Modification Approval Criteria. The community development director shall approve, deny, or approve with conditions an application for minor modification based on written findings that the modification is in compliance with all applicable requirements of the development code and conditions of approval on the original decision, and the modification is not a major modification as described in Section [17.09.300\(A\)](#). (Ord. 1874 §2(part), 2006).



Chapter 17.10 ZONING MAP AND TEXT AMENDMENTS

Sections:

- [17.10.100](#) Amendments--Purpose.
- [17.10.200](#) Legislative amendments.
- [17.10.300](#) Quasi-judicial amendments.
- [17.10.400](#) Conditions of approval on quasi-judicial amendments.
- [17.10.500](#) Record of amendments.
- [17.10.600](#) Transportation planning rule compliance.

17.10.100 Amendments--Purpose.

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the Central Point city zoning map (zoning map). These will be referred to as "map and text amendments." Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law. (Ord. 1874 §3(part), 2006).

17.10.200 Legislative amendments.

Legislative amendments are policy decisions made by city council. They are reviewed using the Type IV procedure in Section [17.05.500](#) and shall conform to the statewide planning goals, the Central Point comprehensive plan, the Central Point zoning ordinance and the transportation planning rule provisions in Section [17.10.600](#), as applicable. (Ord. 1874 §3(part), 2006).

17.10.300 Quasi-judicial amendments.

A. Applicability of Quasi-Judicial Amendments. Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial zoning map amendments shall follow the Type III procedure, as governed by Section [17.05.400](#), using standards of approval in subsection B of this section. The approval authority shall be as follows:

1. The planning commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments;
2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. The city council shall decide

such applications; and

3. The planning commission shall make a recommendation to the city council on a land use district change application that also involves a comprehensive plan map amendment application. The city council shall decide both applications.

B. Criteria for Quasi-Judicial Amendments. A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the applicable statewide planning goals;
2. Approval of the request is consistent with the Central Point comprehensive plan;
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided in the planning period; and
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and
5. The amendment conforms to the transportation planning rule provisions under Section [17.10.600](#). (Ord. 1874 §3(part), 2006).

17.10.400

Conditions of approval for quasi-judicial amendments.

A quasi-judicial decision may be for denial, approval, or approval with conditions. Conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied. (Ord. 1874 §3(part), 2006).

17.10.500 Record of amendments.

The city recorder shall maintain a record of amendments to the text of this code and the zoning map in a format convenient for public use. (Ord. 1874 §3(part), 2006).

17.10.600 Transportation planning rule compliance.

A. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or zoning district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule--TPR) and the traffic impact study provisions of Section [17.05.900](#).

"Significant" means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street, as identified by the city's transportation system plan (TSP); or

2. Change the standards implementing a functional classification system; or

3. As measured at the end of the planning period identified in the road authority's adopted transportation system plan (TSP)/city's comprehensive plan, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or

4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the city's transportation system plan (TSP)/comprehensive plan; or

5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the City's transportation system plan (TSP)/comprehensive plan.

B. Amendments that Affect Transportation Facilities. Except as provided in subsection C of this section, amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility. This shall be accomplished by one of the following:

1. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

2. Amending the comprehensive plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses. Such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or

5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

C. Exceptions. Amendments to the comprehensive plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the city's transportation system plan (TSP)/comprehensive plan, may be approved when all of the following criteria are met:

1. The amendment does not include property located in an interchange area, as defined under applicable law;

2. The currently planned facilities, improvements or services are not adequate to achieve the standard;

3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility. (Ord. 1874 §3 (part), 2006).

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Chapter 17.11 CODE INTERPRETATIONS

Sections:

[17.11.100](#) Interpretations--Purpose.

[17.11.200](#) Code interpretation procedure.

17.11.100 Interpretations--Purpose.

Some terms or phrases within this title may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the code text. (Ord. 1874 §4(part), 2006).

17.11.200 Code interpretation procedure.

A. Requests. A request for a code interpretation shall be made in writing to the community development director with the applicable fee.

B. Decision to Issue Interpretation. The community development director shall have the authority to interpret the code, or refer the request to the planning commission for its interpretation. The community development director shall advise the person making the inquiry in writing within fourteen days after the request is made, on whether or not the city will make an interpretation.

C. Written Interpretation. If the city decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy. The written interpretation shall be issued within fourteen days of the request. The decision shall become effective fourteen days later, unless an appeal is filed in accordance with subsections D and E of this section.

D. Type II Procedure. Code interpretations shall be made using a Type II procedure under Section [17.05.300](#).

E. Appeals. The applicant and any party who received notice or who participated in the proceedings through the submission of written or verbal evidence may appeal the decision to the planning commission for a Type III decision. The appeal must be filed within fourteen days after the interpretation was mailed or delivered to the applicant. Initiating an appeal requires filing a notice of appeal with the city planning department pursuant to Section [17.05.400](#).

F. Interpretations on File. The city shall keep on file a record of all code interpretations. (Ord. 1874 §4(part), 2006).

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Chapter 17.12 ZONING DISTRICTS

Sections:

- [17.12.010](#) Compliance with provisions.
- [17.12.020](#) Zones--Classification.
- [17.12.030](#) District--Location.
- [17.12.040](#) Zoning maps.
- [17.12.050](#) District--Boundaries.
- [17.12.060](#) Zoning of annexed area.

17.12.010 Compliance with provisions.

- A. A lot may be created or used and a structure or part thereof constructed, reconstructed, altered, occupied or used only as permitted in this code.
- B. No lot shall be created if the effect thereof is to allow the perpetuation of a nonconforming use. (Ord. 1684 §27, 1993; Ord. 1436 §2(part), 1981).

17.12.020 Zones--Classification.

For the purposes of this title, the following zones are established by the city:

Abbreviation	District
R-L	Residential low-density
R-1	Residential single-family
R-2	Residential two-family
R-3	Residential multiple-family
C-1	Neighborhood convenience shopping
C-2(M)	Commercial-medical district
C-4	Tourist and office-professional
C-5	Thoroughfare commercial
M-1	Industrial
M-2	Industrial general
B.C.G.	Bear Creek Greenway
TOD/TOC	Transit oriented district/ corridor
LMR	Low mix residential
MMR	Medium mix residential
HMR	High mix residential

EC	Employment commercial
GC	General commercial
C	Civic
OS	Open space

(Ord. 1888, 2006; Ord. 1643 §1, 1990; Ord. 1615 §2, 1989; Ord. 1436 §2(part), 1981).

17.12.030 District--Location.

The boundaries for each district listed in this title are the boundaries indicated for the district by the city zoning map of 1987, which is adopted by reference. The boundaries shall be modified in accordance with zoning map amendments, which amendments this section subsequently adopts by reference. (Ord. 1615 §3, 1989; Ord. 1436 §2(part), 1981).

17.12.040 Zoning maps.

A zoning map or zoning map amendment adopted by Section [17.12.030](#) or by an amendment to the section shall be prepared by authority of the city planning commission or be a modification by the city council of a map or map amendments so prepared. The map or map amendment shall be dated with the date of its approval by the planning commission or the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained without change in the office of the city administrator as long as the ordinance codified in this title remains in effect. (Ord. 1615 §4, 1989; Ord. 1436 §2 (part), 1981).

17.12.050 District--Boundaries.

Unless otherwise specified, district boundaries are lot lines, the centerlines of streets or such lines extended. If a district boundary divides a lot into two districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided the boundary adjustment is for a distance not to exceed twenty feet. (Ord. 1436 §2(part), 1981).

17.12.060 Zoning of annexed area.

All future annexations are expected to include only lands within the city's urban growth boundary (UGB). The comprehensive plan of Central Point includes a plan for future land uses within the UGB area. The zoning map described in Section [17.12.030](#) is consistent with the comprehensive plan and will determine the district into which a newly annexed area is placed. The appropriate zoning district shall be applied to the area upon annexation. (Ord. 1615 §5, 1989; Ord. 1436 §2(part), 1981).

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Chapter 17.13 EXCEPTIONS TO CODE STANDARDS

Sections:

- [17.13.100](#) Variances--Purpose.
- [17.13.200](#) Variances--Applicability.
- [17.13.300](#) Class A variances.
- [17.13.400](#) Class B variances.
- [17.13.500](#) Class C variances.
- [17.13.600](#) Variance application and appeals.

17.13.100 Variances--Purpose.

This chapter provides standards and procedures for variances, which are modifications to land use or development standards that are not otherwise permitted elsewhere in this title as exceptions to code standards. This chapter cannot provide standards to fit every potential development situation. The city's varied geography, and complexities of land development, require flexibility. This chapter provides that flexibility, while maintaining the purposes and intent of the code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. (Ord. 1874 §5(part), 2006).

17.13.200 Variances--Applicability.

- A. Exceptions and Modifications Versus Variances. A code standard or approval criterion ("code section") may be modified without approval of a variance if the applicable code section expressly allows exceptions or modifications. If the code section does not expressly provide for exceptions or modifications, then a variance is required to modify that code section and the provisions of this chapter apply.
- B. Combining Variances with Other Approvals; Permit Approvals by Other Agencies. Variance requests may be combined with and reviewed concurrently by the city approval body with other land use and development applications (e.g., development review, site design review, subdivision, conditional use, etc.); however, some variances may be subject to approval by other permitting agencies, such as ODOT in the case of state highway access.
- C. Types of Variances. As provided in Sections [17.13.300](#), [17.13.400](#) and [17.13.500](#), there are three types of variances (Class A, B, or C). The type of variance required depends on the extent of the variance request and the discretion involved in the

decision-making process. (Ord. 1874 §5(part), 2006).

17.13.300 Class A variances.

A. Applicability. The following variances are reviewed using a Type II procedure, as governed by Chapter [17.05](#), using the approval criteria in subsection B of this section:

1. Front Yard Setbacks. Up to a ten percent change to the front yard setback standard in the land use district.
2. Interior Setbacks. Up to a ten percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.
3. Lot Coverage. Up to five percent increase of the maximum lot coverage required in the base zone.
4. Landscape Area. Up to five percent reduction in landscape area (overall area or interior parking lot landscape area).

B. Approval Criteria. A Class A variance shall be granted if the applicant demonstrates compliance with all of the following criteria:

1. The variance requested is required due to the lot configuration, or other conditions of the site;
2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area;
3. The variance will not result in violation(s) of any other adopted ordinance or code standard. Each code standard to be modified shall require a separate variance request.
4. An application for a Class A variance is limited to one lot per application.
5. No more than three Class A variances may be approved for one lot or parcel in twelve months. (Ord. 1874 §5(part), 2006).

17.13.400 Class B variances.

A. Applicability. Class B variance requests apply to the types of requests meeting the approval criteria in subsections (B) through (G) of this section, and that conform to subsections (A)(1) through (3) of this section. Class B variances shall be reviewed using a Type III procedure, in accordance with Chapter [17.05](#):

1. The Class B variance standards apply to individual platted and recorded lots only.
2. The Class B variance procedure shall not be used to modify a standard for lots yet to be created through a partition or subdivision process; such requests shall utilize the Class C variance procedure.
3. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of any zoning district.

B. Variance to Minimum Housing Density Standard. The city may approve a variance to a minimum housing density standard after finding that the minimum housing density cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.

C. Variance to Vehicular Access and Circulation Standards. Where vehicular access and circulation cannot be reasonably designed to conform to code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the city may grant a variance to the access requirements after finding all of the following:

1. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
2. There are no other alternative access points on the street in question or from another street;
3. The access separation requirements cannot be met;
4. The request is the minimum variance required to provide adequate access;
5. The approved access or access approved with conditions will result in a safe access;
6. The visual clearance requirements of this code will be met;
7. Variances for street access deviations shall be subject to review and approval by the roadway authority;
8. Variances for access deviations on an ODOT or Jackson County right-of-way may require approval, respectively, by ODOT or Jackson County.

D. Variance to Street Tree Requirements (Chapter [12.36](#)). The city may approve, approve with conditions, or deny a request for a variance to the street tree requirements of this code after finding the following:

1. Installation of the tree would interfere with existing utility lines, and no substitute tree with a lower canopy is appropriate for the site;
2. The tree would cause visual clearance problems; or
3. There is not adequate space in which to plant a street tree;
4. The city may require the installation of additional or replacement landscaping elsewhere on the site (e.g., parking lot area trees) to compensate for the street tree variance;
5. Street tree approval or modification of standards within an ODOT or Jackson County right-of-way may require approval, respectively, by ODOT or Jackson County.

E. Variance to Parking and Loading Standards.

1. The city may approve variances to the minimum or maximum standards for off-street parking (quantities and dimensions of parking spaces) in this code upon finding all of the following:
 - a. The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity, or modified parking dimensions, as demonstrated by a parking analysis or other facts provided by the applicant;
 - b. The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
 - c. All other code standards are met, in conformance with this code.
2. The city may reduce the number of required bicycle parking spaces as required by this code, if the applicant can demonstrate that the proposed use by its nature would

be reasonably anticipated to generate a lesser need for bicycle parking.

3. The city may allow a reduction in the amount of vehicle stacking area required for drive-through facilities if such a reduction is deemed appropriate after analysis of the size and location of the development, limited services available and other pertinent factors.

4. The city may modify the loading area standards if such a reduction is deemed appropriate after analysis of the use, anticipated shipping or delivery traffic generated by the use and alternatives for loading/unloading, such as use of on- or off-street parking areas during nonbusiness hours; provided, that traffic is not impeded.

F. Variance to Maximum or Minimum Yard Setbacks to Avoid or Reduce Impacts to Floodplains, Significant Trees, Wetlands, or Other Natural Features. The city may grant a variance to the applicable setback requirements of this code for the purpose of avoiding or reducing impact to floodplains, significant trees, wetlands, or other natural features. Modification of the standard shall not be more than is necessary for the preservation of the natural feature to be protected.

G. Variances to Transportation Improvement Requirements. The City may approve, approve with conditions, or deny a variance to a transportation improvement standard when the variance does not exceed ten percent of the standard. When a variance request to the standards exceeds ten percent, then the request shall be reviewed as a Class C variance. (Ord. 1874 §5(part), 2006).

17.13.500 Class C variances.

A. Applicability. Class C variance requests are those that do not conform to the provisions of Sections [17.13.300](#) and [17.13.400](#) (Class A and Class B), and that meet the criteria in subsections (A)(1) through (4) of this section. Class C variances shall be reviewed using a Type III procedure, in accordance with Chapter [17.05](#):

1. The Class C variance standards apply to individual platted and recorded lots only.

2. The Class C variance procedure may be used to modify a standard for three or fewer lots, including lots yet to be created through a partition process.

3. An applicant who proposes to vary a standard for lots yet to be created through a subdivision process may not utilize the Class C variance procedure. Approval of a planned unit development shall be required to vary a standard for lots yet to be created through a subdivision process where a specific code section does not otherwise permit exceptions.

4. A variance shall not be approved that would vary the "permitted uses" or "prohibited uses" of a zoning district.

B. Approval Process. Class C variances shall be processed using a Type III procedure, as governed by Section [17.05.400](#), using the approval criteria in subsection C of this section. In addition to the application requirements contained in Section [17.05.400](#), the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection C of this section.

C. Approval Criteria. The city shall approve, approve with conditions, or deny an

application for a variance based on all of the following criteria:

1. The proposed variance will not be materially detrimental to the purposes of this code, to any other applicable policies and standards, and to other properties in the same zoning district or vicinity;
2. A hardship to development exists which is peculiar to the lot size or shape, topography, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same zoning district);
3. The use proposed will be the same as permitted under this title and city standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
4. Existing physical and natural systems, such as but not limited to traffic, drainage, natural resources, and parks, will not be adversely affected any more than would occur if the development occurred as specified by the subject code standard;
5. The hardship is not self-imposed; and
6. The variance requested is the minimum variance that would alleviate the hardship. (Ord. 1874 §5(part), 2006).

17.13.600 Variance application and appeals.

A. Application. The variance application shall conform to the requirements for Type I, II, or III applications (Sections 17.05.200, 17.05.300, 17.05.400), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, how the stated variance criteria are satisfied, and why the subject standard cannot be met without the variance.

B. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter [17.05](#). (Ord. 1874 §5(part), 2006).



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 [17.08.010](#), and subject to the following conditions:
 1. The manufactured home shall be multisectional 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. 1867 §2(part), 2006; Ord. 1529 §1(part), 1984; Ord. 1436 §2(part), 1981).

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.
- 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. 1867 §2(part), 2006; 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).

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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](#) Density, lot area, lot width, dimension, building height, lot coverage, and yard requirements.

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 [17.08.010](#), and subject to the following conditions:
 1. The manufactured home shall be multisectional 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).

17.20.030 Conditional uses.

The following uses and their accessory uses are permitted in an R-1 district when authorized in accordance with Chapter [17.76](#):

- A. Recreational uses, parks, and similar uses that are open and available to the general public and intended to provide for the recreational or park needs of the neighborhood or community;
- B. Public and public utility buildings, structures and uses;
- C. Public and parochial early childhood development preschools, nursery schools, kindergartens or day care centers;
- D. Museums;
- E. 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. 1704 §1, 1994; Ord. 1684 §31, 1993; Ord. 1615 §§7, 30, 1989; Ord. 1551 §2, 1985; Ord. 1541 §2, 1985; Ord. 1436 §2(part), 1981).

17.20.040 Height regulations.

A maximum height of thirty-five feet is allowed in an R-1 district. (Ord. 1867 §3(part), 2006; Ord. 1436 §2(part), 1981).

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 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:

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)	N/A	N/A	N/A
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*	5 feet*	5 feet*
Minimum side yard (street side) .	10 feet**	10 feet**	10 feet**
Minimum rear yard .	15 feet	15 feet	15 feet

Maximum building height .	35 feet	35 feet	35 feet
Maximum lot coverage .	50%	50%	40%

* Side yard setback shall be increased by an additional one-half foot for each additional foot of building height above fifteen feet.

** 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 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. (Ord. 1867 §3(part), 2006; Ord. 1738 §2, 1996; Ord. 1723 §2, 1995; Ord. 1684 §32, 1993; Ord. 1615 §23, 1989; Ord. 1436 §2(part), 1981).

Chapter 17.24
R-2, RESIDENTIAL TWO-FAMILY DISTRICT

Sections:

- [17.24.010](#) Purpose.
- [17.24.020](#) Permitted uses.
- [17.24.030](#) Conditional uses.
- [17.24.040](#) Height regulations.
- [17.24.050](#) Area, width and yard requirements.
- [17.24.055](#) Density.
- [17.24.060](#) Lot coverage.
- [17.24.070](#) Special yards and distances between buildings.
- [17.24.080](#) Restrictions on additional dwelling units on a single lot.

17.24.010 Purpose.

The purpose of the R-2 district is to promote and encourage a suitable environment for family life at a slightly higher density than that permitted in the R-1 district, and also to provide opportunities for the development of lower cost duplex and attached dwellings. Where this district is applied to areas of existing single-family homes, the intent is to preserve the low density neighborhood character, promote continued home maintenance and rehabilitation, and allow replacement housing at slightly higher densities that is compatible with the overall character of the neighborhood. (Ord. 1436 §2(part), 1981).

17.24.020 Permitted uses.

The following uses and their accessory uses are permitted in the R-2 district:

- A. One single-family dwelling;
- B. Single-family manufactured home, as defined in Section [17.08.010](#), and subject to the following conditions:
 1. The manufactured home shall be multisectional 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. One two-family dwelling;
 - D. Public schools, parochial schools, kindergartens, but not including business, dance, music, art, trade, technical or similar schools;
 - E. Churches and similar religious institutions;
 - F. Public parks and recreational facilities;
 - G. Developer's project office and sales office including mobile homes and trailers adapted to that purpose during construction of the project only;
 - H. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660 (1); provided, however, the city may require an applicant proposed 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;
 - I. Residential homes; and
 - J. Other uses not specified in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the R-2 district as provided in Section [17.60.140](#). (Ord. 1912(Exh. 1), 2008; Ord. 1691 §1, 1993; Ord. 1684 §33, 1993; Ord. 1615 §31, 1989; Ord. 1436 §2(part), 1981).

17.24.030 Conditional uses.

The following uses and their accessory uses are permitted in the R-2 district when authorized by the planning commission in accordance with Chapter 17.76:

- A. Rest homes, nursing homes and convalescent homes;
- B. Private recreational uses and facilities that are compatible with the residential neighborhood, but not including such intensive commercial uses as golf courses and driving ranges, race tracks, amusement parks and similar activities;
- C. Public and public utility buildings, structures and uses, but not including corporation, storage or repair yards, warehouses and similar uses;

- D. Service, fraternal and lodge organizations;
- E. Dwelling groups composed of single-family and/or duplex dwellings; provided, that there shall be at least three thousand square feet of lot area for each single-family detached dwelling and at least five thousand square feet for each duplex or attached dwelling;
- F. Mobile and manufactured home subdivisions;
- G. Planned unit developments in accordance with Chapter 17.68;
- H. Public and parochial early childhood development preschools, nursery schools or day care centers;
- I. 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 §34, 1993; Ord. 1615 §32, 1989; Ord. 1551 §3, 1985; Ord. 1530 §1, 1984; Ord. 1436 §2(part), 1981).

17.24.040 Height regulations.

No building or structure shall exceed thirty-five feet in height in an R-2 district. (Ord. 1436 §2(part), 1981).

17.24.050 Area, width and yard requirements.

The following lot requirements shall be observed in the R-2 district:

- A. Lot Area. The lot area shall be a minimum of six thousand square feet with corner lots being a minimum of seven thousand square feet.
- B. Lot Width. The minimum width of a lot shall be sixty feet, with corner lots being a minimum of seventy feet in width.
- C. Lot Depth. No requirements.
- D. Front Yard. The front yard shall be a minimum of twenty feet.
- E. Side Yard. Side yards shall be a minimum of five feet per story. Side yards abutting a street shall be a minimum of ten feet; provided that, 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 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.
- F. Rear Yard. The rear yard shall be a minimum of ten feet.
- G. Notwithstanding the yard requirements above and depending on the location of the lot, special setback requirements may apply as specified in Section [17.60.090](#). (Ord. 1738 §3, 1996; Ord. 1723 §3, 1995; Ord. 1615 §24, 1989; Ord. 1436 §2(part), 1981).

17.24.055 Density.

All development within the R-2 district shall comply with the following minimum and

maximum density requirements:

- A. Minimum density: six units per net acre; and
- B. Maximum density: twelve units per net acre.

The term "net acre" is defined as the project area less all dedicated public areas. (Ord. 1912 §2, 2008).

17.24.060 Lot coverage.

The maximum permitted aggregate building coverage in an R-2 district shall be fifty percent of the lot area. (Ord. 1436 §2(part), 1981).

17.24.070 Special yards and distances between buildings.

- A. The distance between any principal building and detached accessory building shall be a minimum of ten feet.
- B. An inner court providing access to double-row dwelling group units shall be a minimum of twenty feet.
- C. The distance between principal buildings on the same lot shall be a minimum of one-half the sum of the height of both buildings, and in no case shall the distance be less than twelve feet. (Ord. 1436 §2(part), 1981).

17.24.080

Restrictions on additional dwelling units on a single lot.

No additional dwelling units, as defined in this title, shall be constructed on a single lot upon which there is an existing dwelling unit or units, unless all of the requirements of this chapter are met, and:

- A. Unoccupied and unobstructed access, designed and constructed in accordance with the Standard Specifications and Uniform Standard Details for Public Works Construction Manual, shall be provided from the street fronting the lot to the rear dwelling or dwellings on the lot; and
- B. Primary access to each dwelling unit is not gained through an alley for either pedestrians or vehicles. (Ord. 1684 §35, 1993; Ord. 1615 §39, 1989; Ord. 1436 §2(part), 1981).

Chapter 17.28
R-3, RESIDENTIAL MULTIPLE-FAMILY DISTRICT

Sections:

- [17.28.010](#) Purpose.
- [17.28.020](#) Permitted uses.
- [17.28.030](#) Conditional uses.
- [17.28.040](#) Height regulations.
- [17.28.050](#) Development standards.
- [17.28.085](#) Restrictions on additional dwelling units on a single lot.
- [17.28.090](#) Off-street parking.

17.28.010 Purpose.

The R-3 district is intended to provide opportunities for the development of attractive living environments at densities greater than permitted in other residential districts. This district encourages high-density development of affordable single-family and multiple-family housing types for both owner and renter occupants. R-3 districts should be located to maximize direct access to shopping and employment opportunities, public facilities, and major streets and highways in order to minimize through traffic in lower density residential neighborhoods. (Ord. 1912 §3(part), 2008; Ord. 1436 §2(part), 1981).

17.28.020 Permitted uses.

The following uses and their accessory uses are permitted in the R-3 district:

- A. Single-family dwellings;
- B. Single-family manufactured home, as defined in Section [17.08.010](#), and subject to the following conditions:
 1. The manufactured home shall be multisectional 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. Duplex and single-family attached dwellings;

D. Multiple-family dwellings and dwelling groups;

E. Boardinghouses and roominghouses;

F. Public schools, parochial schools, kindergartens, but not including business, dance, music, art, trade, technical or similar schools;

G. Public parks and recreational facilities;

H. Churches and similar religious institutions;

I. Developer's project office and sales office including mobile homes and trailers adapted to that purpose during construction of the project only;

J. Residential facilities, as that term is defined in Oregon Revised Statutes 197.660 (1); provided that 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;

K. Residential homes; and

L. Other uses not specified in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the R-2 district as provided in Section [17.60.140](#). (Ord. 1912(Exh. 1), 2008; Ord. 1691 §2, 1993; Ord. 1684 §36, 1993; Ord. 1615 §8, 1989; Ord. 1436 §2(part), 1981).

17.28.030 Conditional uses.

The following uses and their accessory uses are permitted in the R-3 district when authorized by the planning commission in accordance with Chapter 17.76:

A. Rest homes, nursing homes and convalescent homes;

B. Private recreational uses and facilities that are compatible with the residential neighborhood, but not including such large intensive commercial uses as golf courses and driving ranges, race tracks, amusement parks, bowling alleys, roller and ice rinks, and similar facilities;

C. Public and public utility buildings, structures and related uses, but not including

corporation, storage or repair yards, warehouses and similar uses;

D. Mobile home and manufactured home developments;

E. Mobile home parks;

F. Off-street parking lots to serve the residents of multiple-family developments, mobile home development, group quarters facilities and similar uses;

G. Planned unit developments in accordance with 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](#);

I. Public and parochial early childhood development preschools, nursery schools or day care centers. (Ord. 1684 §37, 1993; Ord. 1615 §33, 1989; Ord. 1551 §4, 1985; Ord. 1530 §2, 1984; Ord. 1436 §2(part), 1981).

17.28.040 Height regulations.

No building or structure shall exceed thirty-five feet in height in an R-3 district. (Ord. 1436 §2(part), 1981).

17.28.050 Development standards.

At the discretion of the applicant, a development application within the R-3 district shall be subject to either:

A. Conventional Zoning.

1. Lot Area. The lot area shall be a minimum of six thousand square feet with corner lots being a minimum of seven thousand square feet.

2. Lot Width. The minimum width of a lot shall be sixty feet, with corner lots being a minimum of seventy feet in width.

3. Lot Depth. No requirement.

4. Front Yard. The front yard shall be a minimum of twenty feet.

5. Side Yard. The side yard shall be a minimum of five feet per story. Side yards abutting a street shall be a minimum of ten feet; provided, that side yards abutting streets shall comply with the following:

a. Sight distance and clear vision area requirements set forth in the public works standards;

b. Special setback rules set forth in Section [17.60.090](#); and

c. 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.

6. Rear Yard. The rear yard shall be a minimum of ten feet.

7. Lot Coverage. The maximum permitted aggregate building coverage shall be fifty percent of the lot area.

8. Special Yards and Distances Between Buildings.

a. The distance between any principal building and detached accessory building shall be a minimum of ten feet.

b. An inner court providing access to double-row dwelling group units or clustered units shall be a minimum of twenty feet in width.

c. The distance between principal buildings shall be at least one-half the sum of the heights of both buildings; provided, that in no case shall the distance be less than twelve feet.

9. Density. All development within the R-3 district shall comply with the following minimum and maximum density requirements:

a. Minimum density: fourteen units per net acre; and

b. Maximum density: twenty-five units per net acre.

The term "net acre" is defined as the project area less all dedicated public areas.

10. Notwithstanding the yard requirements above and depending on the location of the lot, special setback requirements may apply as specified in Section [17.60.090](#).

B. Performance Zoning. With the exception of the density requirements set forth in subsection (A)(9) of this section, the development standards of the TOD-MMR district, as set forth in Chapter 17.65, shall apply to the design and development of property within the R-3 district. (Ord. 1912 §3(part), 2008; Ord. 1738 §4, 1996; Ord. 1723 §4, 1995; Ord. 1615 §25, 1989; Ord. 1436 §2(part), 1981).

17.28.085

Restrictions on additional dwelling units on a single lot.

No additional dwelling units, as defined in this title, shall be constructed on a single lot upon which there is an existing dwelling unit or units, unless all of the requirements of this chapter are met and:

A. Unoccupied and unobstructed access not less than eighteen feet wide shall be provided from the street fronting the lot to the rear dwelling or dwellings on the lot;

B. Primary access to each dwelling unit is not gained through an alley for either pedestrians or vehicles. (Ord. 1684 §39, 1993; Ord. 1615 §40, 1989; Ord. 1436 §2(part), 1981).

17.28.090 Off-street parking.

All uses shall provide off-street parking and loading facilities as required in Chapter 17.64. (Ord. 1436 §2(part), 1981).

Chapter 17.29 CIVIC DISTRICT

Sections:

- [17.29.010](#) Purpose.
- [17.29.020](#) Location.
- [17.29.030](#) Land uses and building types.
- [17.29.040](#) Civic use types.
- [17.29.050](#) Use categories and zone districts.

17.29.010 Purpose.

The purpose of the civic district is to have a corresponding zone for the public and quasi-public land use categories in the comprehensive plan. A specific zoning district ensures future development locations for civic uses such as public schools, public (federal, state, and local) buildings, hospitals, cemeteries, churches and fraternal organizations. (Ord. 1839 §1 Exh. A(part), 2003).

17.29.020 Location.

Civic zones are located throughout the city including the transit-oriented development (TOD) district. New sites for civic uses will be designated as sub-area master plans are prepared and adopted by the city or as municipal buildings and uses are identified and developed. (Ord. 1839 §1 Exh. A(part), 2003).

17.29.030 Land uses and building types.

The intent of this zoning category is to allow for necessary civic uses in the community, such as schools, post offices, city and county offices, religious institutions, public utility yards and similar uses. The uses allowed are considered to be compatible with the residential neighborhoods that generally surround them. Institutions such as colleges, hospitals, rehabilitation centers, churches and fraternal meeting halls, which can have a wider range of potential impacts, are subject to conditional use review. (Ord. 1839 §1 Exh. A(part), 2003).

17.29.040 Civic use types.

. Community Services. Uses that are of a public, nonprofit, or charitable nature and which provide a local service to people of the community are considered to be community services. Generally, they have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities are open to the general public or have membership provisions that are open to the general

public to join at any time (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit, or charitable nature.

Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, drug and alcohol centers, social service facilities, vocational training for the physically or mentally disabled, cemeteries, crematoriums, and mausoleums.

B. Hospital. A use that provides medical or surgical care to patients and offers overnight care.

C. Public Facilities. Public uses that provide support, transportation, safety, and emergency services to the general public. Examples include police stations, fire stations, ambulance stations, public utility offices, operations centers, transit stations, and park-and-ride facilities for transit. This definition excludes streets.

D. Religious Assembly. Institutions that are intended to primarily provide meeting areas for religious activities. Examples include churches, temples, synagogues, and mosques.

E. Schools. Public and private kindergarten, primary, elementary, middle, junior high, or high schools that provide state mandated basic education and colleges and trade schools.

F. Utilities. Infrastructure service centers are civic uses that need to be located in or near the area where the service is provided. Basic utility uses generally do not have regular employees at the site but could. Services may be publicly or privately provided. Examples include water and sewer pump stations; electrical substations; water towers and reservoirs; stormwater retention and detention facilities; state and city maintenance yards; telephone exchanges; and recycling drop-off. This definition excludes wireless communication facilities and structures as defined in this chapter. (Ord. 1839 §1 Exh. A(part), 2003).

17.29.050 Use categories and zone districts.

Commercial	
Entertainment	N
Professional Office	N
Retail Sales and Service	
Sales-Oriented/Concessions	C1
Personal Service-Oriented	N
Repair-Oriented	N
Drive-Through Facilities	C1
Quick Vehicle Service	N
Vehicle Sales, Rental and Repair	N
Tourist Accommodations	
Motel/Hotel	N

Bed and Breakfast Inn	N
Industrial	
Manufacturing Light and Heavy	N
Wholesale Sales	N
Civic	
Community Services	P
Nonprofit and Fraternal Uses	C
Hospital	C
Public Facilities	C
Religious Assembly	P
Elementary and Middle Schools	P
High School and Colleges	C
Utilities	C
Open Space	
Parks and Open Space	P
Residential	
Single-Family	N
Two-Family	N
Multifamily	N
Accessory Units	N
Boarding/Rooming House	N
Family Care	
Family Day Care	N
Day Care Group Home	N
Adult Day Care	N
Residential Facility	N
Residential Home	N
Senior Housing	N

N - Not permitted

P – Permitted

C – Conditional use

C1 – Conditional use limiting sales oriented space to a maximum of four hundred square feet

L1 – School athletic and play fields only. School building and parking lots are not permitted.

(Ord. 1839 §1 Exh. A(part), 2003).

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Chapter 17.30 PARKS AND OPEN SPACE DISTRICT

Sections:

- [17.30.010](#) Purpose.
- [17.30.020](#) Location.
- [17.30.030](#) Land uses and building types.
- [17.30.040](#) Park and open space use types.
- [17.30.050](#) Use categories and zone districts.

17.30.010 Purpose.

The purpose of the parks and open space district is to provide necessary open space for the community and to protect environmentally sensitive areas that have a corresponding designation for their public land use category in the comprehensive plan. (Ord. 1839 §1 Exh. A(part), 2003).

17.30.020 Location.

Parks and open space zones are located throughout the city including the transit-oriented development (TOD) district. New sites for parks and open space uses will be designated as sub-area master plans are prepared and adopted by the city. (Ord. 1839 §1 Exh. A(part), 2003).

17.30.030 Land uses and building types.

The intent of this zoning category is to allow for needed park and/or riparian uses in the community, such as active and passive recreation areas, bike and pedestrian paths, dual-purpose flood detention areas, and similar uses. Structures such as tennis and basketball courts, play equipment, gazebos and restrooms are envisioned. The uses allowed are proposed to be compatible with the residential neighborhoods that generally surround them. There may be instances where parks are integrated into commercial and industrial areas as well. Any uses that can have a wider range of potential impact are subject to conditional use review. (Ord. 1839 §1 Exh. A(part), 2003).

17.30.040 Park and open space use types.

A. Parks and Open Space. Public or private land that is primarily left in a natural state or that is landscaped and has few structures. Examples include parks, playgrounds, golf courses, public squares or plazas, recreational trails, botanical gardens, and nature preserves.

B. Bear Creek Greenway. A regionally significant area extending from Central Point to Ashland. It consists of open space along Bear Creek and includes riparian areas, bike, pedestrian and equestrian paths, bridges and observation points. (Ord. 1839 §1 Exh. A(part), 2003).

17.30.050 Use categories and zone districts.

Commercial	
Entertainment	N
Professional Office	N
Retail Sales and Service	
Sales-Oriented/Concesssions	N
Personal Service-Oriented	N
Repair-Oriented	N
Drive-Through Facilities	N
Quick Vehicle Service	N
Vehicle Sales, Rental and Repair	N
Tourist Accommodations	
Motel/Hotel	N
Bed and Breakfast Inn	N
Industrial	
Manufacturing	
Light and Heavy	N
Wholesale Sales	N
Civic	
Community Services	C
Nonprofit and Fraternal Uses	N
Hospital	N
Public Facilities	N
Religious Assembly	N
Elementary and Middle Schools	L1
High School and Colleges	L1
Utilities	C
Open Space	
Parks and Open Space	P
Residential	
Single-Family	N
Two-Family	N
Multifamily	N
Accessory Units	N
Boarding/Rooming House	N

Family Care	
Family Day Care	N
Day Care Group Home	N
Adult Day Care	N
Residential Facility	N
Residential Home	N
Senior Housing	N

N – Not permitted

P – Permitted

C – Conditional use

C1 – Conditional use limiting sales oriented space to a maximum of four hundred square feet

L1 – School athletic and play fields only. School building and parking lots are not permitted.

(Ord. 1839 §1 Exh. A(part), 2003).



Chapter 17.32
C-N, NEIGHBORHOOD COMMERCIAL DISTRICT*

Sections:

- [17.32.010](#) Purpose.
- [17.32.020](#) Permitted uses.
- [17.32.030](#) Conditional uses.
- [17.32.040](#) General regulations.
- [17.32.050](#) Prohibited uses.

* Prior ordinance history: Ords. 1436, 1511, 1615 and 1684.

17.32.010 Purpose.

The neighborhood commercial (C-N) district is intended to provide locations for neighborhood shopping centers to serve the day-to-day retail and service needs of adjacent neighborhoods, and to implement the Central Point comprehensive plan. The C-N district locations should be away from the downtown business district and central to or on the periphery of residential areas for ease of access. The C-N district provides a way to reduce automobile trips by allowing businesses within walking distance of many homes. (Ord. 1881 (part), 2006; Ord. 1709 §1(part), 1994).

17.32.020 Permitted uses.

The following uses and their accessory uses are permitted outright, subject to compliance with all applicable municipal, state and federal environmental, health, and safety regulations as well as the requirements for site plans in Chapter [17.72](#):

- A. Professional and financial offices and personal service establishments other than those related to health care;
- B. Retail stores, shops and offices supplying commodities or performing services other than vehicle and fuel sales;
- C. Eating and drinking establishments that do not possess a liquor license;
- D. Desktop publishing, xerography, copy centers;
- E. Temporary tree sales, from November 1st to January 1st;
- F. Public and quasi-public utility and service buildings, structures and uses;
- G. Neighborhood shopping centers, which may include any of the permitted uses in this section. (Ord. 1881 (part), 2006; Ord. 1709 §1(part), 1994).

17.32.030 Conditional uses.

The following uses and their accessory uses are permitted in the C-N district when

authorized in accordance with Chapter [17.76](#) of this title:

- A. Automobile repair facilities and related fuel sales;
- B. Outdoor storage of commodities associated with a permitted, special permitted or conditional use. All storage shall be within an area surrounded by a solid wall or fence six feet in height unless otherwise specified in the conditional use permit. In no case shall materials or equipment be stored higher than the wall or fence;
- C. Churches or similar religious institutions;
- D. Medical or dental offices and similar health care services;
- E. Family-oriented commercial recreation establishments including, but not limited to, pool/billiard centers, health spas, exercise or physical fitness centers, martial arts schools, arcades/amusement centers, and similar facilities that are neighborhood oriented and consistent with the purpose and intent of the neighborhood convenience center. (Ord. 1709 §1(part), 1994).

17.32.040 General regulations.

- A. Area, Width and Yard Requirements. There shall be no minimum lot area, width, or minimum setback in a front yard, side yard, or rear yard, except as required under Chapter [17.64](#); or where required or increased as a condition of development approval; or where required by other provisions in these general regulations.
- B. Maximum Building Height. No structure shall be greater than thirty-five feet in height in a C-N district.
- C. Abutting Residential Zones. Where abutting a residential district, side and rear yard setbacks shall be maintained at ten feet per story for side and rear yards. Where side or rear property lines abut a residential district, a solid wall or fence, vine-covered open fence, or compact evergreen hedge six feet in height shall be located on the property line and continuously maintained to ensure effective buffering between the two uses.
- D. Lot Coverage. Maximum lot coverage by buildings and structures shall be fifty percent of the total lot area.
- E. Signs. Signs in the C-N district shall be permitted and designed according to provisions of Chapter [15.24](#).
- F. Illumination and Illuminating Signs. Illuminated sign or lighting standards used for the illumination of premises shall be so designed and installed that their direct rays are away from public streets and any property in residential districts.
- G. Off-Street Parking and Loading. Off-street parking and loading space shall be provided as required by Chapter [17.64](#).
- H. Landscaping. Front yard areas and unpaved side yard areas shall be planted with trees, shrubs, flowers or other suitable landscaping materials and shall be continuously maintained in good condition and in an attractive manner. (Ord. 1709 §1 (part), 1994).

17.32.050 Prohibited uses.

The following uses and their accessory uses are not permitted in the C-N, neighborhood commercial district due to concerns about compatibility with the surrounding neighborhood, because there are alternative locations better suited to serve citywide and larger markets, the limited capacity of residential streets and because the city's street standards for residential areas do not anticipate either overall high traffic volumes nor significant levels of heavy truck traffic:

- A. No high traffic volume uses. Notwithstanding the listing of uses in Sections [17.32.020](#), [17.32.030](#), and 17.32.090, no use in the C-N zone shall be allowed that exceeds two hundred vehicle trip-ends per weekday per one thousand square feet as determined by publications of the Institute of Transportation Engineers or by direct measurement;
- B. Wholesale uses;
- C. Businesses that dispatch, sell, or service trucks;
- D. Storage or repair yards, warehouses and electrical substations;
- E. Commercial parking lot. (Ord. 1709 §1(part), 1994).



Chapter 17.37
C-2(M), COMMERCIAL-MEDICAL DISTRICT

Sections:

- [17.37.010](#) Purpose.
- [17.37.020](#) Permitted uses.
- [17.37.030](#) Conditional uses.
- [17.37.040](#) Height regulations.
- [17.37.050](#) Area, width and yard requirements.
- [17.37.060](#) Signs and lighting of premises.
- [17.37.070](#) Off-street parking.

17.37.010 Purpose.

The C-2(M) district is intended to assure that adequate medical care will be available to the residents of Central Point and enhance Central Point's attractiveness as a location for private medical practices and other health facilities, both public and private, that may be directly or indirectly related to hospital-type activities. (Ord. 1684 §43(part), 1993).

17.37.020 Permitted uses.

The following uses are permitted in the C-2(M) district:

A. Professional and financial, including:

1. Hospitals;
2. Health care facilities required to be licensed by the state of Oregon;
3. Professional medical offices; and
4. Medical services, clinics and laboratories.

B. Personal services when the primary use is in conjunction with related health care facilities in the zone, including:

1. Barber and beauty shops;
2. Counseling services; and
3. Day care centers.

C. Retail outlets, when such uses are in conjunction with health care facilities located in the area, including:

1. Drugstore;
2. Health food;
3. Gifts, notions and variety;
4. Sit-down restaurant;
5. Delicatessen, pastry, confectionery, bakery;

6. Jewelry; and

7. Books and stationery.

D. Residential purposes, but only if the structure was initially built for use as a single-family, duplex or multiple-family residence. If a structure was initially built for use as a residence, the fact that it was subsequently used as a professional medical office shall be no bar to reverting back to the original residential use. (Ord. 1684 §43(part), 1993).

17.37.030 Conditional uses.

The following uses are permitted in the C-2(M) district when authorized in accordance with Chapter [17.76](#):

A. Insurance company offices;

B. Legal services;

C. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure; and

D. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size. (Ord. 1684 §43(part), 1993).

17.37.040 Height regulations.

No building or structure shall exceed thirty-five feet in height in a C-2(M) district. (Ord. 1684 §43(part), 1993).

17.37.050 Area, width and yard requirements.

The following lot requirements shall be observed in the C-2(M) district:

A. Lot Area. No requirements except as necessary to meet the applicable yard, parking and loading requirements.

B. Lot Width. No requirements.

C. Lot Depth. No requirements.

D. Front Yard. The front yard shall be a minimum of fifteen feet between the front property line and any buildings, structures or parking areas. The front yard shall be planted with lawn, trees, shrubs, flowers or other suitable landscaping materials and shall be continuously maintained in good condition and in an attractive manner.

E. Side Yard. The side yard shall be a minimum of five feet, except that when a side lot line abuts a lot in a residential district, the side yard shall be a minimum of five feet per story, and when the side lot line abuts a private right-of-way, the side yard shall be ten feet and landscaped as described in Section 17.36.050(D).

F. Rear Yard. No rear yard shall be required in the C-2(M) district except when the rear yard line abuts property in a residential district and then the rear yard shall be a minimum of ten feet.

G. Lot Coverage. The maximum lot coverage by buildings and structures shall be fifty percent of the total lot area. (Ord. 1684 §43(part), 1993).

17.37.060 Signs and lighting of premises.

A. No illuminated signs or lighting standards used or the illumination of premises shall be designed and installed so that direct rays are toward or parallel to a public street or highway or directed toward any property that lies within a residential district.

B. No red, green or amber lights or illuminated signs may be placed in such a location or position that they could be confused with, or may interfere with, any official traffic control device, traffic signal or directional guide signs.

C. Signs in the C-2(M) district shall be permitted and designed according to the provisions of Chapter [15.24](#) and Section [17.60.110](#). (Ord. 1684 §43(part), 1993).

17.37.070 Off-street parking.

Off-street parking and loading space shall be provided as required in Chapter [17.64](#). (Ord. 1684 §43(part), 1993).



Chapter 17.44
C-4, TOURIST AND OFFICE-PROFESSIONAL DISTRICT

Sections:

- [17.44.010](#) Purpose.
- [17.44.020](#) Permitted uses.
- [17.44.030](#) Conditional uses.
- [17.44.040](#) Height regulations.
- [17.44.050](#) Area, width and yard requirements.
- [17.44.060](#) General requirements.
- [17.44.070](#) Signs and lighting of premises.
- [17.44.080](#) Off-street parking.

17.44.010 Purpose.

The C-4 district is intended to provide for the development of concentrated tourist commercial and entertainment facilities to serve both local residents and the traveling public, and also for the development of compatible major professional office facilities. C-4 development should occur at locations that will maximize ease of access and visibility from the Interstate 5 freeway and major arterial streets and to be convenient to the users of Expo Park, the airport, and downtown. (Ord. 1882 (part), 2006; Ord. 1436 §2(part), 1981).

17.44.020 Permitted uses.

The following uses are permitted in the C-4 district:

A. Professional and financial, including:

1. Banks and similar financial institutions,
2. Accounting and bookkeeping offices,
3. Real estate offices,
4. Insurance company offices,
5. Legal services,
6. Architecture and engineering services,
7. Professional photo or art studios,
8. Counseling services,
9. Corporate or governmental offices;

B. Tourist and entertainment-related facilities, including:

1. Convenience market; meat, poultry, fish and seafood sales; fruit and beverage stands,

2. Drugstore,
3. Automobile service station; automobile and recreational vehicle parts sales and repairs; and truck rentals,
4. Motel and hotel,
5. Walk-in movie theater,
6. Bowling alley,
7. Photo and art galleries,
8. Photo processing pickup station,
9. Travel agency,
10. Barber and beauty shops,
11. Sit-down restaurant or dinner house (including alcohol),
12. Cocktail lounges and clubs serving alcoholic beverages,
13. Tavern with beer only,
14. Commercial parking lot,
15. Community shopping centers which may include any of the permitted uses in this section and may also include the following uses:
 - a. Supermarkets,
 - b. Department stores,
 - c. Sporting goods,
 - d. Books and stationery,
 - e. Gifts, notions and variety,
 - f. Florist,
 - g. Leather goods and luggage,
 - h. Pet sales and related supplies,
 - i. Photographic supplies,
 - j. Health food,
 - k. Self-service laundry,
 - l. Antique shop,
 - m. Delicatessen,
 - n. Pastry and confectionery,
 - o. General apparel,
 - p. Shoes and boots,
 - q. Specialty apparel,
 - r. Jewelry,
 - s. Clocks and watches, sales and service,
 - t. Bakery, retail only,
 - u. Bicycle shop,
 - v. Audio, video, electronics sales and service,
 - w. Printing, lithography and publishing,
16. Mobile food vendors,
17. State-regulated package liquor stores,
18. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted

uses and with the intent of the C-4 district as provided in Section [17.60.140](#),

19. Large retail establishment eighty thousand square feet or less as defined in Section [17.08.010](#), Retail establishment, large. (Ord. 1900 §2(part), 2007; Ord. 1882 (part), 2006; Ord. 1835 §1, 2003; Ord. 1823 §4(part), 2001; Ord. 1736 §2, 1996; Ord. 1727 §2, 1995; Ord. 1720 §1, 1995; Ord. 1684 §44, 1993; Ord. 1615 §37, 1989; Ord. 1511 §6, 1984; Ord. 1436 §2(part), 1981).

17.44.030 Conditional uses.

A. The following uses are permitted in the C-4 district when authorized in accordance with Chapter [17.76](#):

1. Campgrounds and recreational vehicle overnight facilities;
2. Drive-in movie theater;
3. Golf course/driving range;
4. Ice and roller skating rinks;
5. Dance halls;
6. Billiard/pool halls;
7. Miniature golf courses;
8. Amusement center (pinball, games, etc.);
9. Nonindustrial business/vocational schools;
10. Physical fitness/conditioning center; martial arts schools;
11. Carwash;
12. Taxicab dispatch office;
13. Ambulance/emergency services;
14. Day care center;
15. Drive-in fast food outlets;
16. Other specialty food outlets, mobile food vendors;
17. Television and radio broadcasting studio;
18. Retail auto parts sales;
19. Accessory buildings and uses customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure;
20. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size.

B. Uses other than those listed above may be permitted in a C-4 district when included as a component of a commercial, tourist, or office-professional planned unit development that consists predominantly of uses permitted in the zone and is planned and developed in accordance with Chapter [17.68](#). These uses shall include the following:

1. Department store;
2. Sporting goods;
3. Books and stationery;
4. Gifts, notions and variety;

5. Florist;
6. Leather goods and luggage;
7. Pet sales and related supplies;
8. Photographic supplies;
9. Health food;
10. Self-service laundry;
11. Antique shop;
12. Delicatessen;
13. Pastry and confectionery;
14. General apparel;
15. Shoes and boots;
16. Specialty apparel;
17. Jewelry;
18. Clocks and watches, sales and services;
19. Bakery, retail only;
20. Bicycle shop;
21. Audio, video, electronics sales and service;
22. Printing, lithography and publishing. (Ord. 1900 §2(part), 2007; Ord. 1835 §2, 2003; Ord. 1823 §4(part), 2001; Ord. 1511 §7, 1984; Ord. 1436 §2(part), 1981).

17.44.040 Height regulations.

No building or structure shall exceed sixty feet in height in the C-4 district except when authorized for telecommunication antenna support structures, other antenna structures or signs defined by this chapter. (Ord. 1823 §4(part), 2001; Ord. 1436 §2 (part), 1981).

17.44.050 Area, width and yard requirements.

- A. Lot Area. Lot area shall be a minimum of five thousand square feet.
- B. Lot Width. Lot width shall be a minimum of fifty feet.
- C. Lot Depth. Lot depth shall be a minimum of one hundred feet.
- D. Front Yard. The front yard shall be a minimum of ten feet.
- E. Side Yard. The side yards shall be a minimum of five feet plus one-half foot for each foot by which the building height exceeds twenty feet.
- F. Rear Yard. The rear yard shall be a minimum of ten feet. In cases where the rear property line abuts any residential (R) district or any unincorporated lands, the rear yard shall be increased by one-half foot for each foot by which the structure or building height exceeds twenty feet.
- G. Lot Coverage. No lot coverage requirements, provided the setback and parking and loading requirements are met. (Ord. 1823 §4(part), 2001; Ord. 1436 §2(part), 1981).

17.44.060 General requirements.

- A. Uses that are normally permitted in the C-4 district but that are referred to the

planning commission for further review, per Section [17.44.030](#)(A)(19), will be processed according to application procedures for conditional use permits. No use shall be permitted and no process, equipment or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination or glare, or are found to involve any hazard of fire or explosion.

B. All businesses, services and processes shall be conducted entirely within a completely enclosed structure, with the exception of off-street parking and loading areas, outdoor eating areas, service stations, outdoor recreational facilities, recreational vehicle overnight facilities, and other compatible activities, as approved by the planning commission.

C. Open storage of materials related to a permitted use shall be conditionally permitted only within an area surrounded or screened by a solid wall or fence having a height of six feet; provided, that no materials or equipment shall be stored to a height greater than that of the wall.

D. Front yard areas shall be planted with lawn, trees, shrubs, flowers or other suitable landscaping materials and shall be continuously maintained in good condition and in an attractive manner. In cases where the buildings are set back to provide for off-street parking in the front yard area, a landscaped strip having a minimum width of ten feet shall be established and maintained along the front lot line. (Ord. 1436 §2(part), 1981).

17.44.070 Signs and lighting of premises.

A. No illuminated sign or lighting standards used for the illumination of premises shall be so designed and installed that their direct rays are toward or parallel to a public street or highway or directed toward any property that lies within a residential (R) district.

B. No red, green or amber lights or illuminated signs may be placed in such a location or position that they could be confused with, or may interfere with, any official traffic-control device, traffic signal or directional guide signs.

C. Signs in the C-4 district shall be permitted and designed according to provisions of Chapter [15.24](#) and with Section [17.60.110](#). (Ord. 1615 §16, 1989; Ord. 1436 §2(part), 1981).

17.44.080 Off-street parking.

Off-street parking and loading spaces shall be provided as required in Chapter 17.64. (Ord. 1436 §2(part), 1981).

Chapter 17.46
C-5, THOROUGHFARE COMMERCIAL DISTRICT

Sections:

- [17.46.010](#) Purpose.
- [17.46.020](#) Permitted uses.
- [17.46.030](#) Conditional uses.
- [17.46.040](#) Height regulations.
- [17.46.050](#) Area, width and yard requirements.
- [17.46.060](#) General requirements.
- [17.46.070](#) Signs and lighting of premises.
- [17.46.080](#) Off-street parking.

17.46.010 Purpose.

The C-5 district is intended to provide for commercial and business uses that are most appropriately located along or near major highways or thoroughfares, and are largely dependent upon highway visibility and easy vehicular access. (Ord. 1883 (part), 2006; Ord. 1436 §2(part), 1981).

17.46.020 Permitted uses.

The following uses are permitted in the C-5 district:

A. Professional and financial, including:

1. Banks and similar financial institutions,
2. Real estate, insurance, and similar offices,
3. Contractor's offices,
4. Medical services, clinics and laboratories;

B. Personal services, including:

1. Self-service laundry and laundry pickup stations,
2. Photo processing pickup stations,
3. Photo processing laboratories,
4. Small appliance service,
5. Printing, lithography and publishing,
6. Locksmith,
7. Taxicab dispatch office,
8. Ambulance/emergency services,
9. Art and music schools,
10. Business/vocational schools,

11. Physical fitness/conditioning center, martial arts schools,
 12. Carwash,
 13. Automobile and truck service stations and repair shops,
 14. Auto and furniture upholstery shops,
 15. Veterinary clinics (within enclosed structure),
 16. Barber shops,
 17. Beauty salons,
 18. Manicure salons;
- C. Retail outlets, including:
1. Auto and truck sales (new and used),
 2. Tire sales and service,
 3. Glass and mirror sales and service,
 4. Wallcovering, floorcovering, curtains, etc.,
 5. Major appliances sales and service,
 6. Hardware sales,
 7. Monument sales,
 8. Supermarket,
 9. Convenience market,
 10. Drugstore,
 11. Feed, seed and fuel (within enclosed structure),
 12. Electrical and plumbing supplies,
 13. Heating and air-conditioning equipment,
 14. Stone, tile and masonry supplies,
 15. Nursery and gardening materials and supplies,
 16. Antique shop,
 17. Art and engineering supplies,
 18. Pawnshop,
 19. Sit-down restaurants, including service of beer, wine and liquor,
 20. Drive-in fast food establishments,
 21. Tavern, beer sales only,
 22. Public/quasi-public utilities and services,
 23. Florist sales,
 24. Pet sales,
 25. General apparel,
 26. Furniture sales, including used furniture,
 27. Sporting goods sales, including firearms,
 28. State-regulated package liquor stores,
 29. Community shopping centers, which may include any of the permitted uses in this section and the C-4 district,
 30. Large retail establishment eighty thousand square feet or less as defined in Section [17.08.010](#), Retail establishment, large;
- D. Tourist/recreational-oriented uses, including:
1. Hotel and motel,

2. Walk-in theater (fully enclosed),
 3. Bowling alley,
 4. Ice and roller skating rinks,
 5. Dancehalls (nonalcoholic),
 6. Billiard/pool hall,
 7. Miniature golf,
 8. Club and organizational meeting facilities;
- E. Commercial parking lots:
1. Recreational vehicle storage lots;
- F. Light fabrication, including:
1. Light fabrication, assembly, packaging, mail-order sales and wholesale sales of consumer goods, and
 2. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheetmetal, signs, stone monuments, upholstery and welding;
- G. Other uses not specified in this or any other district, if the planning commission finds them to be similar to the uses listed above and compatible with other permitted uses and within the intent of the C-5 district. (Ord. 1883 (part), 2006; Ord. 1736 §3, 1996; Ord. 1727 §3, 1995; Ord. 1721 §1, 1995; Ord. 1701 §1, 1994; Ord. 1698 §1, 1994; Ord. 1697 §1, 1994; Ord. 1695 §1, 1993; Ord. 1687 §1, 1993; Ord. 1684 §45, 1993; Ord. 1511 §8, 1984; Ord. 1452 §1, 1982; Ord. 1436 §2(part), 1981).

17.46.030 Conditional uses.

The following uses are permitted in the C-5 district when authorized in accordance with Chapter [17.76](#):

1. Automobile and truck paint shops;
2. Recreational vehicle overnight facilities;
3. Drive-in movie theater;
4. Heavy equipment sales and service;
5. Mobile home and recreational vehicle sales;
6. Boats and marine equipment sales and service;
7. Motorcycle and snowmobile sales and service;
8. Dinner houses and restaurants serving alcoholic beverages;
9. Cocktail lounges and clubs;
10. Other specialty food outlets, mobile food vendors;
11. Meat, fish, poultry and seafood, light processing and sales;
12. Dairy products sales;
13. Paint and related equipment and supplies;
14. Cleaning and janitorial supplies;
15. Secondhand store or thrift shop;
16. Mortuary;
17. Amusement center (pinball, games, etc.);
18. Manufacturing for on-premises sales;
19. Taxidermist;

20. Auction house (excluding livestock);
21. Wholesaling of permitted use products;
22. Adult businesses, as defined in Chapter [5.24](#);
23. Small engine sales and service;
24. Vocational, technical and trade schools, including facilities related to industrial trades;
25. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, may be permitted as conditional uses when not included within the primary building or structure;
26. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type or size;
27. Large retail establishments greater than eighty thousand square feet as defined in Section [17.08.010](#), Retail establishment, large;
28. Regional shopping centers. (Ord. 1883 (part), 2006; Ord. 1701 §2, 1994; Ord. 1695 §2, 1993; Ord. 1511 §9, 1984; Ord. 1450 §1, 1982; Ord. 1436 §2(part), 1981).

17.46.040 Height regulations.

No building or structure shall exceed thirty-five feet in height in the C-5 district. (Ord. 1436 §2(part), 1981).

17.46.050 Area, width and yard requirements.

- A. Lot Area. No requirements except as necessary to comply with applicable yard and parking and loading requirements.
- B. Lot Width. The minimum lot width shall be fifty feet.
- C. Lot Depth. The minimum lot depth shall be one hundred feet.
- D. Front Yard. The front yard shall be a minimum of ten feet and shall be maintained as landscaped open space. When off-street parking is located in the front yard area, the landscaped strip may be reduced to not less than six feet with planning commission approval of the site plan.
- E. Side Yard. The side yard shall be a minimum of five feet, except when abutting structures are proposed with a common wall that complies with the Uniform Building Code.
- F. Rear Yard. No rear yard shall be required in the C-5 district except when the rear lot line abuts property in a residential (R) district and then the rear yard shall be a minimum of twenty feet. Where property in the C-5 district is separated from property in a residential (R) district by a public alley or street, no rear yard setback shall be required.
- G. Lot Coverage. No requirements except as necessary to comply with applicable yard, parking and loading requirements. (Ord. 1436 §2(part), 1981).

17.46.060 General requirements.

- A. Uses that are normally permitted in the C-5 district but that are referred to the

planning commission for further review, per Section 17.46.030(26), will be processed according to application procedures for conditional use permits. No use shall be permitted and no process, equipment or materials shall be used which are found by the planning commission to be harmful to persons living or working in the vicinity by reason of odor, fumes, dust, smoke, cinders, dirt, refuse, water-carried waste, noise, vibration, illumination or glare, or are found to involve any hazard of fire or explosion.

B. No use shall be permitted and no process, equipment or materials shall be used unless in compliance with all applicable state and federal environmental, health and safety regulations.

C. Wherever the side or rear property lines of a parcel in the C-5 district abut parcels in a residential (R) district, a solid wall or fence, vine-covered open fence or compact evergreen hedge six feet in height shall be located on that property line and continuously maintained to ensure effective buffering and visual screening between the two land uses. Where a public alley or street separates the two properties, the barrier or screen shall be placed on the C-5 property at the time of construction and may include driveway and pedestrian openings to the alley or street, as approved by the planning commission.

D. Whenever feasible, buildings shall be located toward the rear of the lot with parking toward the street in the front yard area for easy access and to minimize traffic noise at the rear of the property, especially when the rear property line abuts a residential (R) district. (Ord. 1684 §46, 1993; Ord. 1615 §44, 1989; Ord. 1436 §2 (part), 1981).

17.46.070 Signs and lighting of premises.

A. No illumination sign or lighting standard used for the illumination of premises shall be so designed and installed that its direct rays are toward or parallel to a public street or highway or directed toward any property that lies within a residential (R) district.

B. No red, green or amber lights or illuminated signs may be placed in such a location or position that they could be confused with, or may interfere with, any official traffic control device, traffic signal or directional guide signs.

C. Signs in the C-5 district shall be permitted and designed in accordance with Chapter [15.24](#) and with Section [17.60.110](#). (Ord. 1615 §17, 1989; Ord. 1436 §2(part), 1981).

17.46.080 Off-street parking.

Off-street parking and loading space shall be provided as required in Chapter [17.64](#). (Ord. 1436 §2(part), 1981).

Chapter 17.48
M-1, INDUSTRIAL DISTRICT

Sections:

- [17.48.010](#) Purpose.
- [17.48.020](#) Permitted uses.
- [17.48.030](#) Standards for permitted uses.
- [17.48.040](#) Conditional uses.
- [17.48.050](#) Height regulations.
- [17.48.060](#) Site area requirements.
- [17.48.070](#) Yard requirements.
- [17.48.080](#) Signs.
- [17.48.090](#) Off-street parking.

17.48.010 Purpose.

The purpose of the M-1 district is to provide areas suitable for the location of light industrial uses involved in service, manufacturing or assembly activities and having high standards of operation of such character as to permit their location and operation in close proximity to nonindustrial areas of the community. (Ord. 1436 §2(part), 1981).

17.48.020 Permitted uses.

The following uses and their accessory uses are permitted in an M-1 district, subject to the limitations imposed in Section [17.48.030](#):

- A. Warehousing;
- B. Storage and wholesaling of prepared or packaged merchandise;
- C. Dwellings for a caretaker, watchman, or other person regularly employed on the premises;
- D. Administrative, educational and other related activities and facilities in conjunction with a permitted use;
- E. Ambulance and other emergency service facilities, including police and fire stations;
- F. Municipal corporation and public utility buildings, structures and yards, including the storage, repair and maintenance of vehicles and equipment;
- G. All types of automobile, motorcycle, truck, and equipment sales, service, repair and rental, including automobile and truck service stations;
- H. Boat building, sales and repair;
- I. Cold storage plants, including storage and office;

- J. Printing, publishing and book binding;
- K. Scientific research or experimental development of materials, methods of products, including engineering and laboratory research;
- L. Vocational, technical and trade schools, including facilities related to industrial trades;
- M. Retail and/or wholesale lumber and building materials sales yard, not including concrete mixing;
- N. Light fabrication and repair shops such as blacksmith, cabinet, electric motor, heating, machine, sheet metal, signs, stone monuments, upholstery and welding;
- O. Assembly, manufacture, or preparation of articles and merchandise from previously prepared materials, such as canvas, cloth, cork, fiber, tobacco, wire, wood, excluding sawmills and other wood processing plants, and similar materials;
- P. Manufacture, compounding, processing, packing or treatment of such products as bakery goods, candy, cosmetics, dairy products and meat, drugs, perfumes, pharmaceuticals, toiletries; excluding the rendering of fats and oils, fish and meat slaughtering, and fermented foods such as vinegar and yeast;
- Q. Processing uses such as bottling plants, creameries, blue-printing and photocopying, laundries, carpet cleaning, tire retreading, recapping and rebuilding;
- R. Manufacture of electric, electronic, or optical instruments or related devices;
- S. Manufacture of products used by the medical and dental professions, including artificial limbs, dentures, hearing aids, surgical instruments and dressings, and similar products;
- T. Developer's project and sales offices, including mobile homes adapted to that purpose, during construction only;
- U. Planned unit developments, subject to the provisions of Chapter [17.68](#);
- V. Mini-storage facilities;
- W. Other uses not listed in this or any other district, if the planning commission finds them to be similar to those listed above and compatible with other permitted uses and with the intent of the M-1 district. (Ord. 1684 §47, 1993; Ord. 1615 §38, 1989; Ord. 1436 §2(part), 1981).

17.48.030 Standards for permitted uses.

All uses within the M-1 district shall be subject to the following conditions and standards:

- A. All raw materials, finished products, machinery and equipment, with the exception of automobiles and trucks normally used in the business, shall be stored within an entirely enclosed building or sight-obscuring, nonpierced fence not less than six feet in height;
- B. The facility shall be in compliance with all applicable state and federal environmental, health and safety regulations;
- C. In any M-1 district directly across a street from any residential (R) district, all outdoor parking, loading or display areas shall be set back at least ten feet from the public right-of-way and this setback area shall be planted with trees appropriate for

the neighborhood, ground cover or other landscaping materials that are consistent with the general existing character of the area, or that will establish a landscape theme for other developments to follow. This setback and landscaping requirement shall also apply to M-1 lots fronting on any street designated in the comprehensive plan as a major arterial. (Ord. 1684 §48, 1993; Ord. 1615 §45, 1989; Ord. 1436 §2 (part), 1981).

17.48.040 Conditional uses.

The following uses and their accessory uses may be permitted in an M-1 district when authorized in accordance with Chapter [17.76](#):

- A. Business offices and commercial uses that are compatible with and closely related in their nature of business to permitted uses in the M-1 district, or that would be established to serve primarily the uses, employees, or customers of the M-1 district;
- B. Rail and trucking distribution facilities. (Ord. 1751 §1, 1996; amended during 7/89 Supplement; Ord. 1436 §2(part), 1981).

17.48.050 Height regulations.

Maximum height of any building or structure in an M-1 district shall be sixty feet. (Ord. 1436 §2(part), 1981).

17.48.060 Site area requirements.

There are no minimum site area requirements in the M-1 district, except as necessary to provide for required parking, loading and yard spaces. (Ord. 1436 §2(part), 1981).

17.48.070 Yard requirements.

The following measurements indicate minimum yard requirements in an M-1 district:

- A. Front Yard. The front yard shall be a minimum of twenty feet. (Also see Section [17.48.030\(C\)](#)).
- B. Side Yard. The side yard shall be a minimum of ten feet except when the side lot line is abutting a lot in any residential (R) district and then the side yard shall be a minimum of twenty feet and shall be increased by one-half foot for each foot by which the building height exceeds twenty feet.
- C. Rear Yard. The rear yard shall be a minimum of ten feet except when the rear lot line is abutting a lot in any residential (R) district and then the rear yard shall be a minimum of twenty feet and shall be increased by one-half foot for each foot by which the building height exceeds twenty feet.
- D. Lot Coverage. No requirements. (Ord. 1684 §49, 1993; Ord. 1436 §2(part), 1981).

17.48.080 Signs.

Signs within the M-1 district shall be limited to the following:

- A. 1. Permitted signs shall contain not more than one hundred square feet of surface area on any one side, or an aggregate of two hundred square feet of surface on all sides which can be utilized for display purposes;

2. Lighted signs shall be indirectly illuminated and nonflashing;
 3. Identification signs shall be permitted within any required setback areas provided it does not extend into or overhang any parking area, sidewalk or other public right-of-way;
 4. Signs located within vision clearance areas at intersections of streets shall conform to Section [17.60.110](#).
- B. Signs advertising the property "for rent" or "for sale" shall not exceed four square feet of area on any one side and one such sign shall be permitted for each street frontage.
- C. Signs in the M-1 district shall be permitted and designed according to provisions of Chapter [15.24](#). (Ord. 1615 §18, 1989; Ord. 1436 §2(part), 1981).

17.48.090 Off-street parking.

All uses in an M-1 district shall provide off-street parking and loading facilities as required by Chapter [17.64](#), except when located within a special district organized to provide common public parking areas. (Ord. 1436 §2(part), 1981).

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Chapter 17.52
M-2, INDUSTRIAL GENERAL DISTRICT

Sections:

- [17.52.010](#) Purpose.
- [17.52.020](#) Permitted uses.
- [17.52.030](#) Conditional uses.
- [17.52.040](#) Standards for permitted and conditional uses.
- [17.52.050](#) Height regulations.
- [17.52.060](#) Site area requirements.
- [17.52.070](#) Yard requirements.
- [17.52.080](#) Signs.
- [17.52.090](#) Off-street parking and loading.

17.52.010 Purpose.

The purpose of the M-2 district is to provide areas suitable for all types of industrial uses and to establish minimum standards of operation to prevent conflicts between industrial uses and other types of uses in their vicinity. M-2 districts provide opportunities for the development and operation of heavy industrial uses that, in most cases, are most appropriately located on the periphery of the community and in areas where good highway and rail access is available. (Ord. 1436 §2(part), 1981).

17.52.020 Permitted uses.

The following uses and their accessory uses are permitted in an M-2 district, subject to the limitations imposed in Section [17.52.040](#):

- A. Any use permitted in the M-1 district;
- B. Vocational, technical, and trade schools, including all educational facilities related to industrial trades;
- C. Building materials processing and manufacturing, including the manufacturing of concrete and masonry materials and concrete mixing, and wood products processing and milling;
- D. Rail and trucking distribution facilities for the loading of raw materials and manufactured products;
- E. Other uses not listed which the planning commission may find to be similar to those listed above and which are found to be consistent with the purpose of this district. (Ord. 1436 §2(part), 1981).

17.52.030 Conditional uses.

The following uses and their accessory uses may be permitted in an M-2 district when authorized in accordance with Chapter [17.76](#):

- A. Developer's project and sales offices, including mobile homes adapted to that purpose, during construction only;
- B. Permitted uses that are referred to the planning commission by city staff because they were found to exhibit potentially adverse or hazardous characteristics not normally found in uses of a similar type and size;
- C. Business offices and commercial uses that are compatible with and closely related in their nature of business to permitted uses in the M-2 district, or that would be established to serve primarily the uses, employees, or customers of the M-2 district. (Ord. 1436 §2(part), 1981).

17.52.040 Standards for permitted and conditional uses.

All uses within the M-2 district shall be subject to the following conditions and standards:

- A. The facility shall be in compliance with all applicable state and federal environmental, health and safety regulations;
- B. All principal parking areas for automobiles and industrial vehicles shall be surfaced with rock or pavement and all other open areas shall be appropriately treated and maintained to minimize dust;
- C. Fencing shall be required between any M-2 property and an abutting property in a nonindustrial district. Such fencing shall be a minimum of six feet in height and, when installed between any M-2 lot and a lot in any commercial or residential district, shall be constructed of wood, masonry or other site-obscuring material, including chain link fencing with site-obscuring slats. A wire fence supplemented by site-obscuring plant materials may be approved, if found to be effective by the planning commission. (Ord. 1684 §50, 1993; Ord. 1615 §46, 1989; Ord. 1436 §2(part), 1981).

17.52.050 Height regulations.

Maximum height of any building or structure in an M-2 district shall be sixty feet. (Ord. 1436 §2(part), 1981).

17.52.060 Site area requirements.

There is no minimum site area in an M-2 district except as necessary to provide for required parking, loading and yard spaces. (Ord. 1436 §2(part), 1981).

17.52.070 Yard requirements.

The following measurements indicate minimum yard requirements in an M-2 district:

- A. Front Yard. The front yard shall be a minimum of ten feet.
- B. Side Yard. The side yard shall be a minimum of ten feet except when the side yard property line abuts a lot in any residential (R) district or any county-zoned agricultural district outside the urban growth boundary and then the side yard shall be

a minimum of twenty feet and shall be increased by one-half foot for each foot by which the building height exceeds twenty feet.

C. Rear Yard. The rear yard shall be a minimum of ten feet except when the rear lot line is abutting a lot in any residential (R) district or any county-zoned agricultural district outside the urban growth boundary and then the side yard shall be a minimum of twenty feet and shall be increased by one-half foot for each foot by which the building height exceeds twenty feet.

D. Notwithstanding the yard requirements above and depending on the location of the lot, special setback requirements may apply as specified in Section [17.60.090](#). (Ord. 1615 §26, 1989; Ord. 1436 §2(part), 1981).

17.52.080 Signs.

Signs within the M-2 district shall be subject to the following limitations:

A. Lighted signs shall be indirectly illuminated and nonflashing;

B. Permitted signs shall contain not more than one hundred square feet of surface area on any one side, or an aggregate of two hundred square feet of surface on all sides which can be utilized for display purposes;

C. Signs advertising property "for rent" or "for sale" shall not exceed four square feet of area on any one side and one such sign shall be permitted for each street frontage;

D. All signs must conform to the requirements of Chapter [15.24](#) and with Section [17.60.110](#) pertaining to vision clearances. (Ord. 1615 §19, 1989; Ord. 1436 §2(part), 1981).

17.52.090 Off-street parking and loading.

All uses in an M-2 district shall provide off-street parking and loading areas and facilities as required by Chapter [17.64](#), except when located within a special district organized to provide common public parking areas. (Ord. 1436 §2(part), 1981).

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Chapter 17.54
B.C.G., BEAR CREEK GREENWAY

Sections:

- [17.54.010](#) Purpose.
- [17.54.020](#) Permitted uses.
- [17.54.030](#) Conditional uses.
- [17.54.040](#) Height regulations.
- [17.54.050](#) Area, width and yard requirements.
- [17.54.060](#) General requirements.
- [17.54.070](#) Signs.
- [17.54.080](#) Fences, walls, hedges, and screen plantings.
- [17.54.090](#) Off-street parking.

17.54.010 Purpose.

The B.C.G. district is intended to provide for environmental preservation and limited development within the portion of the Bear Creek Greenway that lies within the city limits and urban growth boundary of Central Point. This district is intended to protect the public health and safety, preserve the natural environment of the Bear Creek corridor, encourage the implementation of the greenway plan, provide for limited recreational uses, and ensure the continued preservation of fish and wildlife habitat within the riparian environment of the creek. (Ord. 1531 §1(part), 1984).

17.54.020 Permitted uses.

The following uses are permitted in the B.C.G. district:

- A. Public parks and nature study areas;
- B. Public recreational or stream-oriented facilities or activities other than parks and nature study areas that are consistent with the greenway plan and with the city's comprehensive plan;
- C. Paths and trail systems for the use of pedestrians, bicyclists and equestrians but not including motorized vehicles;
- D. Uses or structures that are customarily appurtenant to a permitted use such as off-street parking, maintenance buildings, signs, and public improvements. (Ord. 1531 §1 (part), 1984).

17.54.030 Conditional uses.

The following uses are permitted in the B.C.G. district when authorized in accordance

with [Chapter 17.76](#):

- A. Privately developed or operated recreational or stream-oriented facilities or activities that the planning commission may find to be compatible with the purpose of this section and consistent with the city's comprehensive plan and the Bear Creek Greenway plan;
- B. Public or municipally owned facilities or utilities that the planning commission determines to be compatible with the purpose of this section and with area plans;
- C. Agricultural uses, excluding livestock unless the same are maintained as part of an animal husbandry program for educational purposes by a public school;
- D. Mining or aggregate removal. (Ord. 1643 §2, 1990; Ord. 1531 §1(part), 1984).

17.54.040 Height regulations.

All buildings and structures shall be designed to be as inconspicuous as possible and any such structure proposed to exceed fifteen feet in height shall be subject to planning commission review and approval. (Ord. 1531 §1(part), 1984).

17.54.050 Area, width and yard requirements.

All areas within the greenway are in public ownership or proposed for public acquisition. No minimum lot requirements are necessary for the types of development that might occur within this district, except that special setback requirements may apply as specified in Section [17.60.090](#). (Ord. 1617 §27, 1989; Ord. 1531 §1(part), 1984).

17.54.060 General requirements.

The area designated on the comprehensive plan map and zoning map of the city as Bear Creek Greenway shall be preserved to the maximum extent practicable in its natural condition. No person, firm, or corporation, whether public or private, shall cause or permit any excavation, fill, stream diversion, removal of vegetation, or other alteration of the natural environment of the greenway, nor encroach upon any part thereof with buildings, footings, retaining walls, bridges, piers, abutments, dams, diversion weirs, riprap, or any other physical feature without first securing the express written consent of the Central Point planning commission. Application for such consent shall be made in writing and any conditions of approval shall be based on the purposes of this section. (Ord. 1531 §1(part), 1984).

17.54.070 Signs.

All signs shall be designed for maximum visual and aesthetic compatibility with the greenway environment and are subject to planning commission review and approval, and the requirements of Chapter [15.24](#) and Section [17.60.110](#). (Ord. 1615 §20, 1989; Ord. 1531 §1(part), 1984).

17.54.080 Fences, walls, hedges, and screen plantings.

Physical improvements that are obviously manmade and would impair the free

movement of people or wildlife within the greenway are discouraged, but may be permitted when required to solve a specific problem or serve a special purpose, and when designed to be visually and aesthetically compatible with the greenway environment. Any fence, wall, hedge, or screen planting is subject to review and approval by the planning commission. (Ord. 1531 §1(part), 1984).

17.54.090 Off-street parking.

Off-street parking shall be required as a part of any recreational or other facility that could reasonably be expected to generate automobile trips or require automobile access. The number of parking spaces will be determined by the planning commission on a case-by-case basis and on the basis of statistical or other evidence of parking needs as provided by city staff or the applicant. (Ord. 1531 §1(part), 1984).



Chapter 17.56 NONCONFORMING USES

Sections:

- [17.56.010](#) Purpose.
- [17.56.020](#) Definition.
- [17.56.030](#) Classification criteria.
- [17.56.040](#) Procedures for Class A designation.
- [17.56.050](#) Revocation of a Class A designation.
- [17.56.060](#) Regulations pertaining to Class A and Class B nonconforming uses.

17.56.010 Purpose.

The zoning map of the city of Central Point is required by law to be consistent with the comprehensive plan map. In order to meet this consistency requirement, the city's zoning districts are established up to twenty years in advance of actual planned development. As a result, many uses and structures in the city will become "nonconforming uses" although they may be sound, well-maintained and attractive assets to the community. The purpose of this chapter is to establish procedures for dealing with nonconforming uses in a manner that will promote the implementation of the comprehensive plan while providing temporary protection for nonconforming uses that are sound, compatible, and not directly in the path of anticipated development. (Ord. 1436 §2(part), 1981).

17.56.020 Definition.

"Legal nonconforming uses and structures" are those which do not conform to provisions or requirements of the zoning ordinance or of the zoning districts in which they are located, but were lawfully established prior to the effective date of the ordinance codified in this title. (Ord. 1436 §2(part), 1981).

17.56.030 Classification criteria.

All nonconforming uses and structures within the city of Central Point shall be classified as either Class A or Class B nonconforming uses, according to the following criteria:

A. Properties containing nonconforming uses or structures may be designated Class A by the planning commission based upon findings that all of the following criteria apply:

1. Continuance of the existing use or structure would not be contrary to the public

health, safety or welfare, or to the spirit of this title;

2. The continued maintenance and use of the nonconforming property is not likely to depress the values of adjacent or nearby properties, nor adversely affect their development potential in conformance with present zoning;

3. The use or structure was lawful at the time of its inception and no useful purpose would be served by strict application of the provisions or requirements of this chapter with which the use or structure does not conform;

4. The property is not predominantly surrounded; by conforming uses or structures and, considering current growth and development trends, is not reasonably expected to come under development pressures during the next five years;

5. The property is structurally sound, well-maintained, and occupied and used for the purpose for which it was designed;

6. Continuance of this nonconforming use will not in any way delay or obstruct the development or establishment of conforming uses on the subject property or on any adjacent or nearby properties in accordance with the provisions of the zoning ordinance.

B. All nonconforming uses and structures not designated Class A shall become Class B nonconforming uses or structures. (Ord. 1615 §10, 1989; Ord. 1436 §2(part), 1981).

17.56.040 Procedures for Class A designation.

A. All properties within the city of Central Point that meet the classification criteria listed in Section [17.56.030](#)(A) or (B) shall be identified on a map of the city kept in and maintained by the planning department.

B. A request to change the designation of a property or group of properties may be initiated by city staff, the planning commission, the city council, or by a property owner or his representative by the following procedure:

1. A written application shall be filed setting forth the name and address of the applicant, legal description of the property or properties affected, and other information as may be necessary or helpful in decision-making;

2. The applicant shall state in the application the ways in which the property is, or will be, consistent with each of the classification criteria listed in Chapter [17.56.030](#)(A);

3. The application shall be scheduled for consideration at a regularly scheduled planning commission meeting. A denial by the planning commission may be appealed to the city council;

4. The application shall be accompanied by an application fee defined in the city's adopted planning application fee schedule;

5. Because this procedure involves only a minor change in the designation of a nonconforming use and does not involve a variance, conditional use permit, or amendment to the zoning ordinance, comprehensive plan or related maps, public hearings are not required;

6. The planning commission, or city council, upon appeal, may attach conditions, including any time limit, where necessary, to assure that the use or structure does not become contrary to the public health, safety or welfare or the spirit and purpose of this

title;

7. Upon approval of a designation change to Class A, such change shall be reflected on the map of nonconforming uses, as described in subsection A of this section. (Ord. 1786 §7, 1998; Ord. 1684 §51, 1993; Ord. 1615 §11, 1989; Ord. 1436 §2(part), 1981).

17.56.050 Revocation of Class A designation.

A. Any Class A designation may be revoked, following the same procedure required for designation, upon a finding that, as a result of any change of conditions, trends, use, nearby development, or other circumstances, the use or structure no longer qualifies for Class A designation.

B. Upon revocation of a Class A designation, the property and its structures and uses shall revert to Class B nonconforming uses and subject to the regulations contained in Section [17.56.060](#)(B). (Ord. 1436 §2(part), 1981).

17.56.060 Regulations pertaining to Class A and B nonconforminga uses.

A. The following regulations shall apply to all designated Class A nonconforming uses and structures:

1. Class A nonconforming uses and structures shall be permitted to continue in accordance with the provisions and requirements of the most restrictive zoning district in which the use or structure would normally be listed as a permitted use; or conditional use if not listed as a permitted use in any district;
2. Existing legal nonconforming structures and uses shall be permitted to expand, remodel, or otherwise be physically or structurally improved, provided such improvements are in accordance with all applicable codes in effect at the time of the improvements;
3. A Class A nonconforming use shall not be resumed if it has been discontinued for a continuous period of at least twelve months or if it has been changed to a conforming use for any period;
4. No Class A structure or property shall be used, altered or enlarged in violation of any condition that was imposed by the planning commission or city council at the time of its designation as Class A;
5. If a nonconforming structure, or structure containing a nonconforming use, is destroyed by any cause to an extent exceeding fifty percent of the appraised value, as determined by the records of the county assessor, a future structure or use on that property shall conform to the regulations for the district in which it is located; provided, however, that this subsection shall not apply to buildings which have been designated by the city as historic buildings pursuant to Chapter [17.70](#) of this title;
6. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a valid building permit existed prior to the adoption of the ordinance codified in this title, except that if the use will be nonconforming and designated Class A, it shall be subject to all appropriate

provisions of this section and shall be considered discontinued if not in operation within one year of the date of issuance of the building permit. The owner of such discontinued use may apply for reinstatement of the Class A nonconforming use designation by following the procedure established in Section [17.56.040\(B\)](#) of this chapter.

B. The following regulations shall apply to all designated Class B nonconforming uses and structures:

1. Routine maintenance, upkeep, and structural repairs may be performed on a Class B nonconforming use, site or structure;
2. In no case shall a nonconforming use be enlarged or otherwise expanded, and no structure, the use of which is nonconforming, shall be moved on the lot, altered or enlarged, nor shall the floor space allocated to a nonconforming use be moved, altered or enlarged, unless required by law or unless such moving on the lot, alteration or enlargement will result in the elimination of the nonconforming use;
3. The planning commission, or city council, on appeal, may grant an application for a change of use, filed in accordance with Chapter [17.76](#) of this title if, on the basis of the application and the evidence submitted, the following findings are made:
 - a. That the proposed use will not more adversely affect the character of the district or neighborhood in which it would be located than did the existing or preexisting use,
 - b. That a nonconforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use became nonconforming; provided, that no structural alterations are made other than those required by law;
4. If a Class B nonconforming structure, or structure containing a nonconforming use, is destroyed by any cause to an extent exceeding fifty percent of the appraised value, as determined by the records of the county assessor, any future structure or use on that property shall conform to the regulations for the district in which it is located;
5. If any Class B nonconforming use has been changed to a conforming use, or if the nonconforming use of any building, structure, or premises ceases for a period of six months or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located;
6. Nothing contained in this title shall require any change in the plans, construction, alteration or designated use of a structure for which a valid building permit existed prior to the adoption of the ordinance codified in this title, except that if the use will be nonconforming and designated Class B, it shall be subject to all appropriate provisions of this section and shall be considered discontinued if not in operation within one year of the date of issuance of the building permit;
7. If a Class B nonconforming structure containing a nonconforming use is removed from a lot, any future structure on that property shall conform to the regulations for the district in which the lot is located. (Ord. 1762 §1, 1997; Ord. 1615 §47, 1989; Ord. 1451 §1, 1982; Ord. 1436 §2(part), 1981).

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Chapter 17.57 FENCES

Sections:

- [17.57.010](#) Chapter application.
- [17.57.020](#) General regulations.
- [17.57.030](#) Fences in the stream setback area.
- [17.57.040](#) Prohibited fence types.
- [17.57.050](#) Violation--Penalty.

17.57.010 Chapter application.

This chapter will apply to all zone classifications within the city as listed in this title. All of the provisions of Chapter [12.20](#) and Chapter [17.67](#) relating to the location, placement, and height of fences are also applicable to fences affected by this chapter. (Ord. 1846 §2(part), 2003).

17.57.020 General regulations.

A. Fence Permits. A fence permit is required for all fences constructed within the one-hundred-year floodplain, defined by local Flood Insurance Rate Maps (FIRMs) and for all fences constructed within a public right-of-way, per Section [12.20.020](#).

B. Building Permits. A building permit for the following structures shall be accompanied by a permit fee and a plan review fee in an amount based on valuation per the building department fee schedule as adopted by the city:

1. Barriers around swimming pools, as required by the 2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G; and the 1998 Oregon Structural Specialty Code, Appendix Chapter 4;
2. Fences over six feet tall;
3. Masonry walls;
4. Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and
5. Retaining walls, any height, supporting a surcharge.

C. Setbacks and Design Criteria.

Fence Regulations

Fence Permit Required	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1	a, a-1
Front Yard Setback For 6' Fence	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b
Side Yard Setback	5'	5'	5'	5'	5'	5'	5'	5'	5'	5'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c	10' c
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e

Chain Link Fencing, Space-Board-Type Fencing, etc.	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'
Variiances	f	f	f	f	f	f	f	f	f	f

a: A fence permit is required if fence is to be constructed in stream setback area or public right-of-way.

a-1: A building permit is required for fencing around swimming pools, fences over six feet in height, masonry walls and retaining walls.

*b: Forty-two-inch-high maximum fences allowed within front setback area.

*c: No fencing will conflict with the sight distance requirements set by the public works department.

*d: Fence height will be measured from the finished grade on the side nearest the street.

e: Masonry walls, retaining walls, chain link fencing, space board-type fencing or similar fencing that creates a solid wall by either design or the accumulation of debris will not be allowed when located in or adjacent to a recognized floodplain.

f: Requests for variiances shall be made by application on such form as designated by the city administrator and will be reviewed in accordance with Chapter [17.05](#).

(Ord. 1846 §2(part), 2003).

17.57.030 Fences in the stream setback area.

A. Fences are prohibited inside a floodway as designated on the Federal Insurance Rate Maps (FIRMs) for the city of Central Point. However, some types of fences and other improvements can be allowed within the recommended building setbacks for properties abutting a stream as long as they meet the following criteria:

1. A setback of five feet from the top of the stream bank is required for all fencing. This allows for periodic inspection of the creek channel by the city.
2. Gates that are installed between properties that border a creek shall be of a width no less than twelve feet.
3. Irrigation systems constructed inside a floodway should be designed to allow for public works vehicles to navigate in the setback area.
4. Irrigation systems, fencing or other objects and improvements that are damaged in a flood event within the city of Central Point's jurisdiction will not be replaced by the city.

B. Prohibition of Fencing in the Stream Setback Area--Discussion. Fencing within the floodplain occurs frequently and can significantly increase flood elevation. This is due to the fences collecting debris and effectively creating a dam. Limited fencing will be allowed within the floodplain; provided, that it does not create flow restrictions and allow for the free flow of water. The policies will not apply to agricultural or agricultural/residential parcels greater than five acres, except where flood elevations are significantly impacted.

C. Prohibition of Fencing in the Stream Setback Area--Policies.

1. Fencing will be prohibited within the floodway of a watercourse. Open fencing parallel to the flow direction may be allowed within the stream setback area on a case-by-case basis.
2. Fencing built within the stream setback area must be built in removable sections. Maximum width per section shall be no wider than eight feet.
3. Fencing that consists of solid walls, creates a barrier impervious to stream flow or fencing that greatly restricts the passage of water will not be allowed.
4. Fencing outside the floodway but within the conveyance area of a watercourse will be restricted to the least flow-restrictive types of open fencing.
5. Fencing outside the conveyance area of a watercourse but within the one-hundred-year floodplain will be restricted to fencing that allows the passage of water.
6. The city may, at any time, for any reason, require removal of any fence placed in the stream setback area, with no compensation to the owner for the value of the fence. If removal is not accomplished by the owner within thirty days after city's written request therefor, city may effect removal and disposal, and assess the property for the costs thereof in the same manner as set forth in Section [8.08.030](#) of this code.

7. If existing circumstances make it reasonably necessary for city to remove a fence in the stream setback area without giving the property owner advance notice and an opportunity to remove the fence, city may effect removal and disposal, and assess the property for the costs thereof in the same manner as set forth in Section [8.08.030](#) of this code, the same as if the property owner had failed to remove the fence after due notice.

8. The city shall not, under circumstances, be responsible for any damage resulting from city's removal of any fence placed in the stream setback area, whether such damage is to a fence, landscaping, underground sprinklers, any building or structure, loss of a pet, damage caused by a loose pet, or any other damage whatsoever, including personal injury. (Ord. 1846 §2(part), 2003).

17.57.040 Prohibited fence types.

- A. Barbed wire fencing or other like material, which creates an unreasonable or unnecessary risk of injury.
- B. Block or retaining walls, which create impervious water barriers within a stream setback area. (Ord. 1846 §2(part), 2003).

17.57.050 Violation--Penalty.

Any person violating any provision of this chapter will, upon conviction thereof, be subject to the general penalty. Upon discovering any violation of the restrictions imposed by this chapter, except a violation of Section [12.20.020](#), it will be the duty of the city administrator, or his designee, to give written notice of the violation to the person in possession and control of the premises on which the offending fence exists or is being constructed, with a demand that the same be forthwith made to conform to this chapter. Upon receipt of such notice, the person responsible for the structure will be deemed to be guilty of a separate offense for each day during which the fence is thereafter permitted to exist in violation for the restrictions of this chapter. (Ord. 1846 §2(part), 2003).

Chapter 17.60 GENERAL REGULATIONS

Sections:

- [17.60.010](#) Commercial excavation and removal of sand, gravel, stone, loam, dirt, or other earth products.
- [17.60.015](#) Paving of open areas.
- [17.60.020](#) Utilities.
- [17.60.025](#) Transportation facilities.
- [17.60.030](#) Accessory buildings.
- [17.60.040](#) Antenna standards.
- [17.60.050](#) Storage and occupancy of mobile homes, motor homes and similar recreational vehicles.
- [17.60.055](#) Criteria for temporary mobile home placement for infirm citizens.
- [17.60.060](#) Lot size requirements--General exception.
- [17.60.070](#) Building height limitation--General exception.
- [17.60.090](#) Special setback requirements.
- [17.60.100](#) Projections from buildings.
- [17.60.110](#) Clear-vision areas--Establishment.
- [17.60.120](#) Clear-vision areas--Measurement.
- [17.60.130](#) Access.
- [17.60.135](#) Landscaping requirements.
- [17.60.140](#) Authorization for similar uses.
- [17.60.150](#) Principal and accessory uses.
- [17.60.160](#) Maintenance of minimum requirements.
- [17.60.170](#) Appeal of administrative decisions.
- [17.60.180](#) Duties of officers.
- [17.60.190](#) Home occupations.
- [17.60.200](#) Interpretation.
- [17.60.210](#) Padlot developments.

17.60.010 Commercial excavation and removal of sand, gravel, stone, loam, dirt, or other earth products.

A. Before a conditional use permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of premises, grading plan, existing and proposed drainage, proposed truck access and details of regrading and revegetation of the site shall be submitted to and approved by the planning commission.

B. Any deviation from the plans as approved will serve as grounds to revoke the conditional use permit.

C. In reviewing the application, the commission shall consider and be bound by considerations of the most appropriate use of the land, distances from the property lines, the protection of pedestrians and vehicles, and the prevention of the collection and stagnation of water of all stages of the

operation, and the rehabilitation of the land upon termination of the operation.

D. A bond, or cash deposit in lieu thereof, shall be deposited in an amount equivalent to the estimated maximum damage that will ensue as a result of failure on the part of the applicant to excavate according to the conditional use permit. Said bond, or cash deposit, shall indemnify damage to all properties proximate to the excavation where such damage is caused by failure to excavate according to the provisions of the permit, and the owner of said properties shall be considered to be third party beneficiaries to said bond, or in case of cash deposit, said deposit shall be held by the city of Central Point for that purpose.

E. Nothing contained herein is intended to waive any governmental immunity held by the city. (Ord. 1436 §2(part), 1981).

17.60.015 Paving of open areas.

In all commercial and industrial zones, all open areas utilized by vehicles, or used as sales or storage areas, shall be surfaced with pavement or otherwise treated so that no dust is created by the uses. This requirement shall be applicable to all development whenever a site plan is required or a change in use occurs. (Ord. 1684 §52, 1993).

17.60.020 Utilities.

The erection, construction, alteration or maintenance by public utility or municipal or other governmental agencies of underground or overhead gas, electrical steam or water transmission or distribution systems, collection, communication, supply or disposal systems, includes poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire-alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this title. (Ord. 1436 §2(part), 1981).

17.60.025 Transportation facilities.

The erection, construction, alteration or maintenance of public utility or municipal or other governmental agencies of public roads and highway facilities or railroads within public or public utility rights-of-way and including the widening or replacement of bridges, pavement, curbs, gutters, traffic signs and signals, grade crossing lights, gates and signals, sidewalks, bicycle lanes and paths, bus stops, fencing, guard rails, median barriers, lighting and similar improvements in connection therewith, but not including buildings, shall be permitted in any district. (Ord. 1615 §48, 1989).

17.60.030 Accessory buildings.

Accessory buildings shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

A. Regardless of the side and rear yard requirements of the district, in a residential (R) district a side or rear yard not adjoining a street may be reduced to three feet, measured from the furthest protrusion or overhang, for an accessory structure erected more than fifty-five feet from the street right-of-way line on which the lot fronts, other than alleys, provided the structure is detached and separated from other buildings by ten feet or more.

B. Canvas-Covered Canopies and Other Temporary Structures. Temporary structures in residential (R) districts shall not be permitted within a front setback and only within a side setback that does not abut a public right-of-way. Temporary structures within a side setback shall be at least three feet from the side lot line measured from the furthest protrusion or overhang. Such structures are to be anchored to the ground in accordance with building code requirements.

C. Structural Dimensions. All accessory buildings totaling one hundred twenty square feet or more will require a building permit and be subject to the requirements of all building specialty codes

adopted under the Central Point Municipal Code.

1. Height. Accessory structures in residential (R) districts shall not exceed twenty-five feet if detached from the main structure. Structures greater than fifteen feet but less than twenty-five feet in height shall be set back a minimum of five feet from a side or rear lot line.
2. Width and Length. Garages and carports intended to satisfy the municipal code requirement for two off-street covered parking spaces shall be a minimum interior dimension of twenty feet in width by twenty feet in length. Standard garage doors shall be of adequate width to facilitate safe passage and maneuvering of automobile traffic.
3. Alley Setback. Accessory structures in residential (R) districts which abut an alley, are used as garages, and take their access from the alley shall have a setback of fifteen feet from the rear property line. (Ord. 1818 §1(part), 2001; Ord. 1684 §53, 1993; Ord. 1436 §2(part), 1981).

17.60.040 Antenna standards.

The purpose of these regulations is to ensure that antennas continue to serve the needs of the community, while assuring that antennas are regulated in a manner that minimized visual impacts. The standards regulating the placement of antennas within the city of Central Point are as set forth in this section.

A. Building Roof and Wall-Mounted Antennas. The purpose of these regulations is to ensure that building and wall-mounted antennas are regulated in a manner that minimizes visual impacts, complies with the intent of the terms "concealed," "camouflage" and "disguised" as defined in Section [17.08.010](#), protects neighborhood livability, promotes universal service to all customers and ensures all providers are fairly treated. Roof- and wall-mounted antennas, as defined in Section [17.08.010](#), are allowed per Table 1 subject to the following:

Table 1

Zoning District	Permitted Use	Conditional Use	Not Permitted
R-1	–	NA	Not Permitted
R-2	–	NA	Not Permitted
R-3/HMR	Permitted	NA	–
Civic	Permitted	NA	–
C-2	Permitted	NA	–
EC/GC	Permitted	NA	–
C-4	Permitted	NA	–
C-5	Permitted	NA	–
M-1	Permitted	NA	–
M-2	Permitted	NA	–

1. Building Roof and Wall-Mounted Antennas.

- a. Building Roof-Mounted Antennas. Antennas installed on a building roof shall be incorporated within or concealed behind existing or new architectural features compatible with and complementary to the building's architectural character so as to not be readily recognizable as an antenna and to be screened from view from the ground level of abutting public streets and adjacent properties. Acceptable types of screening are placement behind the roof parapet, placement behind a screen designed to blend with the existing building, placement within or on the mechanical penthouse or on a roof-mounted building element such as a chimney, exhaust pipe, cupola, bell tower or flagpole.
- b. Historic Compatibility. All roof-mounted antennas shall comply with the historic preservation overlay zone, Chapter [17.70](#) of this code.

c. **Building Wall-Mounted Antennas.** Any wireless communication facility (WCF) antennas mounted to the roof edge or sidewall elevation of a building shall be completely covered with the same, or complementing exterior finish and color as the exterior of the building or structure. All wall-mounted antennas shall comply with Section [17.60.100](#), Projections from buildings, of this chapter.

d. **Allowable Height for Antennas Mounted on Building Roofs and Walls.** Antennas mounted on building roofs and walls shall not extend more than ten feet above the highest existing architectural feature on the building.

2. **Site Plan Review.** All roof-mounted and wall-mounted antennas shall require site plan review. A site plan review of the application for a building permit shall be an administrative Type II procedure and comply with Section [17.05.300](#) of this title. In some circumstances, a Type II application may be referred by staff to a Type III procedure when unusual features or circumstances of the site, building or improvement could result in an adverse impact on the building, neighborhood or adjacent properties. When such a referral is made, the application shall be processed as a Type III application, including the requirements for a hearing, notice of decision as provided by Section [17.05.400](#) and shall comply with Chapter [17.72](#) of this title.

3. **Notification.** Contemporaneously with any installation of building or wall-mounted antennas, written notice in the form of a sign at least eight inches by twelve inches in size shall be affixed to the building in a conspicuous place, which place shall be approved in advance by the city planning department.

B. **Tower-Mounted Antennas.** Tower-mounted antennas shall comply with the following standards:

1. Tower-mounted antennas are allowed per Table 2:

Table 2

Zoning District	Permitted Use	Conditional Use	Not Permitted
R-1	–	–	Not Permitted
R-2	–	–	Not Permitted
R-3	–	–	Not Permitted
C-2	–	–	Not Permitted
C-4	–	Conditional Use	–
C-5	–	Conditional Use	–
M-1	–	Conditional Use	–
M-2	–	Conditional Use	–
C-4 TOD Overlay	–	–	Not Permitted
C-5 TOD Overlay	–	–	Not Permitted
TOD District	–	–	Not Permitted

2. **Tower-Mounted Antennas, Single.** Single tower-mounted antennas are subject to the following general requirements:

- When adjacent to residentially zoned properties, additional tower setback may be required to protect against collapse;
- Towers and tower-mounted antennas shall be painted an unobtrusive color;
- Lighting on towers shall be prohibited unless required by the Federal Aviation Administration;
- Conditional use permit applications may have additional conditions imposed to mitigate the visual impact of the tower and tower-mounted antennas on surrounding properties.

3. **Tower-Mounted Antennas, Co-Located.** Co-located antennas are subject to the following requirements:

- Shall be reviewed subject to the site plan review provisions of subsection (A)(2) of this section;

b. Shall be mounted in a configuration similar to or less obtrusive than antennas already existing on the tower. (Ord. 1900 §3, 2007).

17.60.050 Storage and occupancy of mobile homes, motor homes and similar recreational vehicles.

A. A mobile home designed and intended for use as a dwelling unit shall not be parked or stored on any lot in any zoning district within the city limits, with the exceptions of a lawfully established mobile home park, trailer park, a commercial or industrial lot approved for mobile home sales or storage, or a residential lot having an approved conditional use permit for mobile home occupancy as a residential dwelling.

B. Mobile homes having kitchen facilities shall not be utilized in any residential (R) district as a guesthouse.

C. Motor homes, travel trailers, campers, and other similar vehicles normally used for recreational use may be stored on the premises of the owner for any length of time, provided it is not utilized for living purposes and is not parked or stored on the public street.

D. Motor homes, travel trailers, campers and similar recreational vehicles occupied by visiting guests may be parked on the public street for a period not to exceed two weeks (fourteen days) providing the vehicle does not constitute a hazard, obstruct visibility, block driveway access to the street, or interfere with pedestrian usage of a public sidewalk.

E. No motor homes, travel trailer, camper or similar recreational vehicle shall be used as a permanent guesthouse or for temporary or permanent occupancy by a member of the household occupying the premises on which the vehicle is stored.

F. Nothing in this section shall be construed to prohibit the siting of a manufactured home, as defined in this title, upon a residential lot, when the same has been done according to all applicable city standards and with city approval. (Ord. 1684 §54, 1993; Ord. 1436 §2(part), 1981).

17.60.055 Criteria for temporary mobile home placement or infirm citizens.

A. A permit may be issue in accordance with the procedure set forth in this section for the temporary placement and use of a mobile home for occupancy by an infirm person who is related to the applicant by blood or in law as a parent or grandparent of a property owner who is engaged in caring for the infirm person whose infirmity renders that person incapable of maintaining a residence on separate property.

1. Application. Application for a conditional permit shall be on forms supplied by the city and shall be filed with the city planning department.

2. Conditions for Issuance. A permit may be issued by the planning commission when the following conditions are met:

a. Minimum lot size for the placement of temporary mobile homes shall be one acre;

b. A medical doctor licensed by the state of Oregon has certified in writing the nature of the infirmity, that the infirm person is not physically or mentally capable of maintaining a residence on separate property, and that the infirmed person requires the assistance of another person who is nearby;

c. The infirmity must be due to physical or mental impairment. Financial hardship conditions, child care or other convenience arrangements not relating to physical and mental impairment are not considered an infirm condition for which a permit can be issued;

d. Water and sewer disposal systems for the mobile home must meet all city and state code requirements;

e. The applicant must receive a mobile home setup permit and conform to the State Building Codes Division/Mobile Home Division requirements for the placement of mobile homes;

f. The mobile home must be currently registered by the State Department of Motor Vehicles with X-plates;

g. The location of the mobile home must conform with setback requirements for primary buildings as

established by the city zoning ordinance. The creation of an imaginary property line between the mobile home and the original residence on the property will determine the necessary setbacks as though the mobile home was a primary structure;

h. The applicant shall bear the responsibility of certifying that the placement of the mobile home does not violate any of the provisions of any deed restriction or subdivision covenant for the property;

i. The applicant has agreed to remove the mobile home within forty-five calendar days after the unit has ceased to be used for the person for which the permit was issued;

j. The placement of temporary mobile homes shall require skirting around their entire perimeter;

k. The applicant shall not apply for a land partition or subdivision for the life of this permit which would separate the temporary mobile home from the primary structure for which the temporary mobile home would be accessory to.

3. Notice. Upon verification that the application is complete, the city administrator shall cause the scheduling of the conditional use permit application and notice to be given in accordance with Chapter [17.05](#) of the Central Point Municipal Code.

4. Revocation. A temporary mobile home permit may be revoked by the city for violation of any of the conditions of this section. (Ord. 1684 §55, 1993; Ord. 1552 §1, 1985).

17.60.060 Lot size requirements--General exception.

If a lot or the aggregate of contiguous lots or land parcels held in single ownership and recorded in the office of the clerk of Jackson County at the time of passage of the ordinance codified in this title has an area or dimension which does not meet the lot size requirements of the district in which the property is located, the lot or aggregate holdings may be occupied by a use permitted outright in the district subject to all other requirements, provided it complied with all ordinances when it was recorded. (Ord. 1436 §2(part), 1981).

17.60.070 Building height limitation--General exception.

Height limitations set forth elsewhere in this title shall not apply to:

A. Church spires, belfries, cupolas and domes; smokestacks; flag poles; elevator penthouses; cooling towers; grain elevators; parapet walls extending not more than four feet above the limiting height of the building; outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater;

B. Places of public assembly in churches, schools and other permitted public and semipublic buildings; provided, that these are not more than one story in height; and, provided, that for each one foot by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yard shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district. The building shall not occupy more than twenty-five percent of the area of the lot and shall be distant not less than twenty-five feet in all directions from every lot line not a street lot line. (Ord. 1436 §2(part), 1981).

17.60.090 Special setback requirements.

To permit or afford better light, air and vision on more heavily traveled streets, to protect arterial streets and to permit the eventual widening of streets, to preserve the natural beauty and distinctive character of creeks and other water drainage channels (hereinafter referred to as "creeks") and to protect both public and private property adjacent to creeks from flood damage, the following special setback lines are established along all secondary and major arterial streets and highways, as identified in the comprehensive plan, and along all creeks. No building, structure, or parking area shall be erected or maintained within such setback areas, with the exception that fences may be erected and maintained within street setback areas in accordance with Chapter 15.20.

A. In any residential district, the Bear Creek Greenway district and the M-1 district the street setback line shall be:

1. Sixty feet distant from the centerline of any secondary arterial or highway;
2. Seventy feet distant from the centerline of any major arterial street or highway.
- B. In any C-1 and C-2 district the street setback line shall be:
 1. Forty-five feet distant from the centerline of any secondary arterial or highway;
 2. Fifty-five feet distant from the centerline of any major arterial street or highway.
- C. In any C-3 district the street setback line shall be:
 1. Forty feet distant from the centerline of any secondary arterial or highway;
 2. Fifty feet distant from the centerline of any major arterial street or highway.
- D. In any C-4, C-5 and M-2 district the street setback line shall be:
 1. Fifty feet distant from the centerline of any secondary arterial or highway;
 2. Sixty feet distant from the centerline of any major arterial street or highway.
- E. In any zoning district the following special setback requirements from creeks shall apply:
 1. The creek setback line shall be twenty-five feet from the top of the creek bank or the boundary of the floodway as established pursuant to Section [8.24.070](#) or [8.24.150](#), as applicable, whichever is further.
 2. The top of the creek bank is defined as the center of the transition area lying above the bank which rises out of the lower plain of the creek trough. The lower plain of the creek trough is usually at, or slightly above, the average high water level. The creek trough is described as that area of the creek corridor within the mean high water line. (See Figure 1 for generalized diagram.)
 3. The special setback requirements from creeks shall not apply to platted lots recorded prior to the effective date of the ordinance adopting such requirements.
 4. Within the creek setback area, the city shall have the authority to require conveyance of a maintenance access easement. The maintenance access easement shall be parallel to the creek or channel and shall be of sufficient width to allow a twenty-foot wide maintenance access road along one side of the creek or channel.
 5. Prohibited Practices. The following practices are prohibited within the creek setback area, unless otherwise approved by the city's department of public works and all applicable state and federal regulatory agencies:
 - a. Storage or dumping of herbicides, pesticides, fertilizers, solvents, fuels, or other hazardous or toxic materials or wastes;
 - b. Dumping, piling, or disposal of refuse;
 - c. Channelizing, culverting, straightening, or otherwise modifying natural drainageways;
 - d. Dumping, piling, disposing, or composting of yard debris, fill, or other material or other deleterious materials, except for single-family residential composting which must be kept a minimum of ten feet from the top of bank;
 - e. Filling, grading, excavating, or application of herbicides, pesticides, or fertilizers, except as otherwise approved by the city and all applicable state and federal agencies for the protection of public safety and the enhancement or maintenance of the stormwater conveyance or flood control capacity. (Ord. 1771 §1, 1997; Ord. 1684 §56, 1993; Ord. 1615 §§21, 28, 1989; Ord. 1436 §2(part), 1981).

17.60.100 Projections from buildings.

Bay windows, cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than eighteen inches into a required yard or into a required open space as established by coverage standards. (Ord. 1436 §2(part), 1981).

17.60.110 Clear-vision areas--Establishment.

A clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad. A clear-vision area shall contain no planting, fence, wall, structure

or temporary or permanent obstruction exceeding three and one-half feet in height, measured from the top of the curb, or where no curb exists, from the established street centerline grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade. (Ord. 1436 §2(part), 1981).

17.60.120 Clear-vision areas--Measurement.

A. A clear-vision area shall consist of a triangular area two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in the public works standards, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection, and so measured, and the third side of which is a line across the corner of the lot adjoining the nonintersecting ends of the other two sides.

B. The minimum clear-vision areas for the various zoning districts shall be as set forth in the Standard Specifications and Uniform Standard Details for Public Works Construction Manual. (Ord. 1684 §57, 1993; Ord. 1436 §2(part), 1981).

17.60.130 Access.

Each lot shall abut a minimum frontage of forty feet upon a public street, other than an alley, with the exception of padlots and lots fronting on a cul-de-sac, which may be permitted a reduced frontage of not less than thirty feet, provided all driveway and off-street parking requirements of Chapter [17.64](#) can be met. This section is not intended to prohibit the creation or development of flag lots. (Ord. 1746 §1, 1996; Ord. 1684 §58, 1993; Ord. 1436 §2(part), 1981).

17.60.135 Landscaping requirements.

For all land use applications that require site plan approval, the planning commission may, in its discretion, attach as a condition of approval, reasonable landscaping requirements designed to beautify the development. (Ord. 1684 §59, 1993).

17.60.140 Authorization for similar uses.

The planning commission may rule that a use, not specifically named in the examples of allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the permitted uses.

A. The planning commission in ruling upon similar uses shall find as follows:

1. That the use is closely related to listed uses and can be shown to exist compatibly with those uses;
2. That the use was not anticipated or known to exist on the effective date of the ordinance codified in this title, either because it involves products, services or activities not available in the community at that time or the use involves new products, services or activities that are nonetheless similar to permitted uses in size, traffic, impact, appearance and other attributes;
3. That the use is treated under local, state or national codes or rules in the same manner as permitted uses. Except that these codes or rules shall not include land use or zoning regulations;
4. That the use is consistent with the purpose of the district and the comprehensive plan map and policies.

B. The planning commission may rule upon similar uses for one or more districts either when a similar use is proposed or at the time of amendments to the zoning text or zoning map. The city shall maintain a record of rulings on similar uses. (Ord. 1615 §49, 1989; Ord. 1436 §2(part), 1981).

17.60.150 Principal and accessory uses.

A. Land uses that are listed as either permitted or conditional uses in each of the zoning districts are

considered to be the principal use of a structure or property. Accessory uses that are subordinate or incidental to a principal use are generally permitted, provided they conform to established patterns of land usage or customary business practices for uses or businesses of like nature. The planning commission may find a use to be in violation of the zoning ordinance if either of the following circumstances occur:

1. A principal use exists that is not permitted in the district in which it is located and has not been granted a conditional use permit;
 2. An accessory use exists which is not considered to be related to the principal use, is not incidental to the principal use, or is not compatible with the principal use or with other permitted uses within the district.
- B. An incidental or accessory use may be considered the principal use if it has expanded to exceed the formerly recognized principal use in floor area, lot coverage, total gross receipts, or other measurement, as determined by the planning commission. (Ord. 1436 §2(part), 1981).

17.60.160 Maintenance of minimum requirements.

No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of the ordinance codified in this title shall be reduced in area, dimension or size below the minimum required by this title, except as provided in Chapter [17.13](#) or Chapter [17.68](#). Nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this title for one use be used as the lot area, yard or other open space or off-street parking or area requirement for any other use, except as provided in Section [17.64.060](#). (Ord. 1615 §50, 1989; Ord. 1436 §2(part), 1981).

17.60.170 Appeal of administrative decisions.

- A. The planning commission shall have the power to hear and decide appeals based on the enforcement or interpretation of the provisions of this title.
- B. Any appeal from a decision relating to the enforcement or interpretation of this title, unless otherwise specifically provided for in this title, shall be in writing, and shall be filed with the planning commission within ten days after such decision; such appeal shall set forth the reasons therefor.
- C. The planning commission shall consider such appeal and render its decision within forty days after the filing thereof.
- D. In case an applicant is not satisfied with the action of the planning commission on his appeal, he may, within ten days after the action of the planning commission, appeal in writing to the city council.
- E. Notice shall be given to the planning commission of such appeal and a report shall be submitted to the city council setting forth the reasons for action taken by the planning commission or it shall be represented at the council meeting.
- F. The city council shall render its decision within forty days after the filing of such appeal. (Ord. 1615 §51, 1989; Ord. 1436 §2(part), 1981).

17.60.180 Duties of officers.

All departments, officials and employees of the city vested with the duty or authority to issue permits shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void. It shall be the duty of the building inspector to enforce the provisions of this title pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure and the use of any land, building or premises. (Ord. 1436 §2(part), 1981).

17.60.190 Home occupations.

- A. Purpose and Scope. The intention of the home occupation permit for residential zones is to provide for a limited service-oriented business activity which is conducted in such a manner that the residential character of the building and the neighborhood is preserved.
- B. Permit Transfers. No permit for a home occupation shall be transferred or assigned, nor shall the permit authorize any person other than named therein to commence or carry on the occupation for which the permit was issued.
- C. Permit Required. The city administrator, or his designate, shall issue a home occupation permit if, and only if, he finds that all of the following criteria are, and will be, met by the individual applicant. The permit may include conditions setting an expiration date, requiring periodic review and renewal, requiring the applicant to sign an acknowledgement of the conditions, or other conditions specifically dealing with the property use involved, where such conditions are found to be reasonably necessary to maintain the criteria herein mentioned.
1. The home occupation must be conducted solely within the confines of an accessory structure or the main dwelling and, if within the main dwelling, the home occupation shall not exceed ten percent of the total floor area;
 2. Carports shall not be used for the home occupation. A portion of a garage may be used for the home occupation only if the applicant can show that there will be no resulting loss in the number of required off-street parking spaces;
 3. No signs associated with such a use shall be permitted;
 4. The occupation shall be conducted by a member or members of the family residing on the property as an incidental use to the primary residential use. No additional person or persons shall be employed;
 5. In conducting the home occupation, there shall be no mechanical noise so loud, unusual, or penetrating as to cause discomfort or annoyance to adjacent residents; no such noise shall be perceptible on any adjacent property;
 6. The home occupation shall not have utility services other than those required for normal residential use;
 7. There shall be no entrance nor exit specifically provided in the dwelling or on the premises for the conduct of the home occupation;
 8. The home occupation use shall not generate more than 10 vehicle trips per day, not counting the vehicle trips not associated with the home occupation use;
 9. The electrical, plumbing or structural elements of the dwelling shall not be significantly altered in order to accommodate the home occupation;
 10. The yards, landscaping and exterior of the structure shall not be altered from their residential character in order to make the site appear to be a commercial business.
- D. Fee Required. At the time of application to the city administrator, or his designate, for a home occupation permit, the applicant is required to pay, in addition to an annual business license fee, a fee defined in the city's adopted planning application fee schedule. This application fee is nonrefundable.
- E. Revocation. The permit may be revoked by the city administrator for violation of any conditions imposed or authorized, or when it has been found that the occupation is being conducted in violation of any state statute or city ordinance in a disorderly manner, to the detriment of the public, or when the occupation is being carried out by a person other than that named on the permit. The city administrator, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.
- F. Appeal. Any applicant or affected or concerned property owner has the right to appeal the decision of the city administrator or his designate to the planning commission, in the manner provided by Section [17.60.170](#) of this Chapter.
- G. Existing Uses. Persons engaged in home occupations lawfully in existence on residentially-owned premises on the effective date of the amendment codified in this section may continue to thus

operate but shall be required to secure a permit hereunder, and any such activity, use, or accessory sign, device or structure, or part thereof, which does not conform to this section shall not be permitted to expand or enlarge and shall be removed or terminated upon (1) change of use or ownership of the premises; or (2) written complaint of adjacent property owners, after due notice and hearing, if the city administrator finds that the interference with the use and enjoyment of the neighboring premises is such as to defeat the purpose of the zoning ordinance.

H. Nothing in this section or any other code provision shall be construed to require the issuance of a home occupation permit for a "residential home" or a "residential facility," as those terms are defined in Oregon Revised Statutes 197.660. (Ord. 1786 §8, 1998; Ord. 1735 §1, 1996; Ord. 1711 §2, 1994; Ord. 1471 §1, 1982; Ord. 1436 §2(part), 1981).

17.60.200 Interpretation.

The provisions of this title shall be held as the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this title are less restrictive than comparable conditions imposed by any other provisions of this title or of any ordinance, resolution or regulation, the provisions which are more restrictive shall govern. (Ord. 1436 §2(part), 1981).

17.60.210 Padlot developments.

Padlot developments shall be a permitted use in all zoning districts in the city, except R-1 districts, subject to the following:

A. Padlot development applications shall be presented to the city, and processed by the city, in the same manner as a partition or subdivision application: first, in the form of a tentative plan, and then in the form of a final plat. All provisions of [Title 16](#) of this code that apply to subdivisions and partitions shall also apply to padlot developments; provided, that the lot size provisions of [Title 16](#) of this code shall apply only to the parent lot and not to the padlot.

B. The parent parcel, from which the padlots and common area, if any, are to be created shall conform to the standard requirements for lots in the particular zone in which the parent parcel is located, including, but not limited to, requirements pertaining to lot area, lot width, lot depth, lot coverage, yard and setback requirements, number and height of buildings, density restrictions, parking requirements, and distances between buildings.

C. The padlots within the parent parcel are exempt from the lot area, width and depth, yard and setback, and lot coverage requirements to which the parent lot is subject.

D. Structures on padlots must meet all applicable state of Oregon building code requirements, as well as all other applicable city, state and federal regulations.

E. Structures on padlots must be multi-dwelling unit attached buildings. No detached, single-dwelling unit buildings shall be constructed on a padlot.

F. No final plat for the creation of a padlot development shall be approved unless and until the developer has also previously submitted and received city approval for the covenants, conditions and restrictions applicable to the common area, if any, providing for the continual management and maintenance of the common area and any improvements thereon. (Ord. 1763 §1, 1997; Ord. 1731 §2, 1995; Ord. 1726 §3, 1995).

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Chapter 17.64 OFF-STREET PARKING AND LOADING

Sections:

- [17.64.010](#) Purpose.
- [17.64.020](#) Off-street loading.
- [17.64.030](#) Off-street parking--Required.
- [17.64.040](#) Off-street parking--Number of spaces.
- [17.64.050](#) Mixed uses.
- [17.64.060](#) Common parking or loading areas.
- [17.64.070](#) Compact car adjustment.
- [17.64.080](#) Change to another use.
- [17.64.090](#) Fractional requirement.
- [17.64.100](#) Parking design requirements.

17.64.010 Purpose.

The following regulations are established to provide for the off-street parking of automobiles, trucks and other vehicles in connection with the uses of land permitted by this zoning ordinance. Various land uses generate vehicular traffic according to their specific characteristics and require differing amounts of off-street parking and loading area. These requirements will help to relieve on-street parking demand and traffic congestion by ensuring adequate off-street parking and loading facilities where they are needed most. (Ord. 1436 §2(part), 1981).

17.64.020 Off-street loading.

A. In all districts, except those specifically excepted and noted, for each use for which a building is to be erected or structurally altered to the extent of increasing the floor area to equal the minimum floor area required to provide loading space and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, there shall be provided off-street loading space on the basis of minimum requirements, as follows:

1. Commercial, industrial, and public utility uses which have a gross floor area of five thousand square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	No. of Berths Required
Less than 5,000	0
5,000 to 30,000	1
30,001 to 100,000	2
100,001 and over	3

2. Office buildings, hotels, motels, hospitals, schools, institutions, public buildings, recreational or entertainment facilities, and any similar use which has a gross floor area of thirty thousand square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	No. of Berths Required
Less than 30,000	0
30,000 to 100,000	1
100,001 and over	2

B. A loading berth shall not be less than ten feet wide, thirty-five feet long and have a height clearance of twelve feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

C. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately

meet the needs of the use.

D. Off-street parking areas used to fulfill the requirements of this title shall not be counted as required loading spaces and shall not be used for loading and unloading operations, except during periods of the day when not required to meet parking needs.

E. In no case shall any portion of a street or alley be counted as a part of the required parking or loading space, and such spaces shall be designed and located as to avoid undue interference with the public use of streets or alleys. (Ord. 1436 §2(part), 1981).

17.64.030 Off-street parking--Required.

In all districts, except those specifically excepted and noted, in connection with any use whatsoever, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity or the use is changed or increased in intensity, off-street parking spaces for automobiles for the enlarged or increased portion in the case of an addition or for the building, structure or use in other cases, in accordance with the requirements herein. (Ord. 1436 §2(part), 1981).

17.64.040 Off-street parking--Number of spaces.

The number of off-street parking spaces required for specific land uses shall be as set forth in the following schedule:

A. Residential

- | | |
|--|--|
| 1. One- and two-family dwellings. | A private garage or carport accommodating not less than two parking spaces for each dwelling unit. |
| 2. Multiple-family dwellings. | Not less than two spaces per dwelling unit, at least one of which shall be a garage or carport; plus one guest parking space for each four dwelling units or fraction thereof. |
| 3. Mobile home parks. | Two spaces on the same lot or pad as the mobile home (may be in tandem); plus one guest space for each four mobile homes or fraction thereof. |
| 4. Rooming or boarding houses; residential hotels or motels. | One space for each accommodation; plus one space per each two employees. |

B. Commercial Lodging

- | | |
|--------------------|---|
| 1. Hotel or motel. | Not less than one space per guest unit; plus one space per each two employees. Units having kitchen facilities shall provide two spaces each. |
| 2. Club, lodge. | Spaces to meet the combined requirements of the uses being conducted within. |

C. Institutions

- | | |
|--|--|
| 1. Welfare or correctional institution. | Not less than one space per five beds for patients or inmates. |
| 2. Convalescent hospital, nursing home, rest home, sanitarium. | Not less than one space per each two beds for patients or residents. |
| 3. Hospital. | Not less than three spaces per each two beds, determined by the maximum designed capacity of the facility. |

D. Places of Public Assembly

- | | |
|--|---|
| 1. Churches, chapels, mortuaries, public. | Not less than one space per each four seats or eight square feet plus one space for every fifty square feet of area available for portable seating, secondary assembly or classroom purposes. |
| 2. Library, reading room, museum, art gallery. | Not less than one space per four hundred square feet of net floor area; plus one space per each two employees. |

E. Schools

- | | |
|---|--|
| 1. Child care center, day nursery, preschool. | Not less than one space per employee; plus one space per five children the facility is designed or intended to accommodate. No requirements for facilities caring for five or fewer children simultaneously. |
|---|--|

- | | |
|--|--|
| 2. Elementary and junior high schools. | Not less than three spaces per classroom, or, one space per four seats in the main auditorium, gymnasium, or other place available for public assembly, whichever is greater. |
| 3. High schools and colleges. | Not less than one space per each five students, based on the designed capacity of the facility, or, one space per four seats in the main auditorium, whichever is greater. |
| 4. Private and parochial schools, including vocational schools. | Same as subsection (E)(3) of this section, if in accordance with Section 17.64.050 . |
| F. Commercial Amusement and Entertainment | |
| 1. Theaters, amphitheaters, stadiums. | Not less than one space per each four fixed seats or eight feet of bench length. |
| 2. Bowling alley. | Five spaces per lane; plus one space per each two employees. Other uses in the building shall be calculated separately, per Section 17.64.050 . |
| 3. Dancehall, skating rink. | Not less than one space per each one hundred square feet of net floor (or ice) area or fraction thereof; plus one space per each two employees. |
| 4. Swimming pool (for public use). | Not less than one space per each one hundred square feet of pool surface area. |
| G. General Commercial | |
| 1. Retail stores, personal services and uses other than those listed in subsections (G)(2) through (G)(7) of this section. | Not less than one space per each two hundred square feet of net floor area (excluding storage and other nonsales or nondisplay areas). |
| 2. Furniture, appliances, wholesale outlets. | Not less than one space per each five hundred square feet of gross floor area. |
| 3. Automobile, boat, manufactured home and mobile home, and recreational vehicle sales, service and rental. | Not less than one space for each employee on the major shift; plus two spaces for each service bay; plus one space per each three hundred square feet of showroom area; plus one space per each two thousand square feet of used or new vehicle sales area, or other outdoor sales area. |
| 4. Nurseries, gardening materials, building materials, and similar businesses requiring large sales buildings or yards. | Same as subsection (G)(3) of this section. |
| 5. Service or repair shop. | Not less than one space per each three hundred square feet of gross floor area. |
| 6. Eating and drinking establishments. | Not less than one space per each three seats, or, per each one hundred square feet of gross floor area, whichever is greater; plus one space per each two employees on the major shift. |
| 7. Restaurant, fast-food. | Not less than one space per one hundred feet of gross floor area, plus three stacking spaces for drive-through window. |
| H. Office-Professional | |
| 1. Banks, other financial institutions, general and professional offices, governmental offices. | Not less than one space per each three hundred square feet of gross floor area or fraction thereof. In no case shall there be fewer than three spaces provided. |
| 2. Medical and dental offices; clinics. | Not less than three spaces per practitioner; plus one space per each two employees, or one space per each two hundred square feet of floor area, whichever is greater. |
| I. Industrial and Manufacturing | |
| 1. Assembling and manufacturing businesses. | Not less than two spaces per each three employees on the two largest shifts*, or one space per each five hundred square feet of gross floor area, whichever is greatest.
(*One space per employee if the business has only one shift). |

2. Warehousing and other storage facilities. Not less than two spaces per each three employees on the two largest adjacent shifts*, or one space per each one thousand square feet of gross floor area, whichever is greater. (*One space per employee if the business has only one shift).
3. Industrial vehicles. One space for each vehicle kept or operated in connection with the use.

(Ord. 1912 §1(part), 2008; Ord. 1684 §60, 1993; Ord. 1436 §2(part), 1981).

17.64.050 Mixed uses.

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities shall be the sum of the requirements for each of the various uses, computed separately. Off-street parking facilities provided for one use shall not be considered as providing required parking space for any other use, except as specified in Section [17.64.060](#). (Ord. 1436 §2(part), 1981).

17.64.060 Common parking or loading areas.

Parking area requirements applicable to two or more separate building sites or uses in any commercial (C) or manufacturing (M) district may be satisfied by the establishment and maintenance of common parking areas. Such areas shall be subject to approval by the planning commission as to size, shape, location and other factors. Such facilities shall be improved and maintained in the manner provided in this chapter. If the common parking area and the buildings or building sites to be served are subject to more than one ownership, permanent improvement and maintenance of such parking facilities must be provided for and such facilities shall not be used for any other purpose, unless approved substitute parking areas are provided. (Ord. 1436 §2(part), 1981).

17.64.070 Compact car adjustment.

A. Any parking lot or otherwise required public parking area containing ten or more parking spaces shall be eligible for a compact car adjustment, provided all requirements of this chapter are adequately met.

B. Up to, but not exceeding, twenty-five percent of the total number of required parking spaces may be designed and provided for the parking of compact cars.

C. All compact parking spaces must be identified for compact parking only. Compact parking spaces shall have the following minimum dimensions:

Width--as per Table 1, as provided in Section [17.64.100](#).

Length--reduce column "C" in Table 1 by three feet, as provided in Section [17.64.100](#).

D. All compact car parking spaces shall be clearly marked as such, with such marking to be of the type found to be most appropriate by the planning commission. (Ord. 1912 §1(part), 2008; Ord. 1436 §2(part), 1981).

17.64.080 Change to another use.

Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, nor transferred to meet the parking requirements of another building or use until the original user of said parking area has adequately met the parking requirements of his use or has adequately provided his needed parking at another location approved by the planning commission. (Ord. 1436 §2(part), 1981).

17.64.090 Fractional requirement.

Any building or use that, upon computation of the required number of parking spaces, is found to require a fractional part of a parking space, any fraction shall be construed as one complete space. (Ord. 1436 §2(part), 1981).

17.64.100 Parking design requirements.

A. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to city standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figure 1 and Table 1:

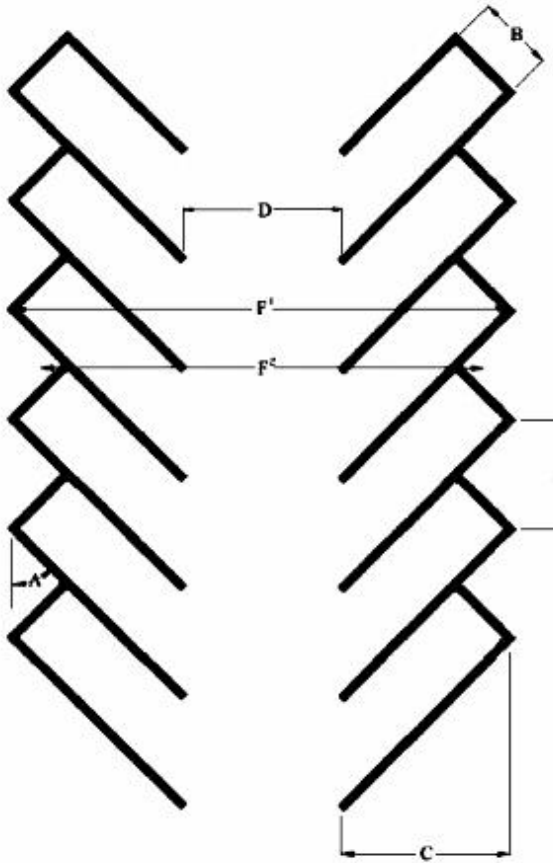


Figure 1

- A = Parking Angle
- B = Stall Width
- C = Stall to Curb
- D = Aisle Width
- E = Curb Length per Vehicle
- F1 = Maximum Center-to-Center Width of 2-Row Bin
- F2 = Nested Center-to-Center Width of 2-Row Bin

TABLE 1. Parking Dimension Schedule

0 Degrees (parallel)	8.00	8.00	12.00	23.00	28.00	n.a.
	8.50	8.50	12.00	23.00	29.00	n.a.
	9.00	9.00	12.00	23.00	30.00	n.a.
	9.50	9.50	12.00	23.00	31.00	n.a.
20 Degrees	8.00	14.00	11.00	23.40	39.00	31.50
	8.50	14.50	11.00	24.90	40.00	32.00
	9.00	15.00	11.00	26.30	41.00	32.50
	9.50	15.50	11.00	27.80	42.00	33.10
30 Degrees	8.00	16.50	11.00	16.00	44.00	37.10
	8.50	16.90	11.00	17.00	44.80	37.40
	9.00	17.30	11.00	18.00	45.60	37.80
	9.50	17.80	11.00	19.00	46.60	38.40
40 Degrees	8.00	18.30	13.00	12.40	49.60	43.50
	8.50	18.70	12.00	12.20	49.40	42.90
	9.00	19.10	12.00	14.00	50.20	43.30

	9.50	19.50	12.00	14.80	51.00	43.70
45 Degrees	8.00	19.10**	14.00	11.30	52.20	46.50
	8.50	19.40**	13.50	12.00	52.30	46.30
	9.00	19.80**	13.00	12.70	52.60	46.20
	9.50	20.10**	13.00	13.40	53.20	46.50
50 Degrees	8.00	19.70**	14.00	10.50	53.40	48.30
	8.50	20.00**	12.50	11.10	52.50	47.00
	9.00	20.40**	12.00	11.70	52.80	47.00
	9.50	20.70**	12.00	12.40	53.40	47.30
60 Degrees	8.00	20.40**	19.00	9.20	59.80	55.80
	8.50	20.70**	18.50	9.80	59.90	55.60
	9.00	21.00**	18.00	10.40	60.00	55.50
	9.50	21.20**	18.00	11.00	60.40	55.60
70 Degrees	8.00	20.60**	20.00	8.50	61.20	58.50
	8.50	20.80**	19.50	9.00	61.10	58.20
	9.00	21.00**	19.00	9.60	61.00	57.90
	9.50	21.20**	18.50	10.10	60.90	57.70
80 Degrees	8.00	20.10**	25.00*	8.10	65.20	63.80
	8.50	20.20**	24.00*	8.60	64.40	62.90
	9.00	20.30**	24.00*	9.10	64.30	62.70
	9.50	20.40**	24.00*	9.60	64.40	62.70
90 Degrees	8.00	19.00**	26.00*	8.00	64.00	n.a.
	8.50	19.00**	25.00*	8.50	63.00	n.a.
	9.00	19.00**	24.00*	9.00	62.00	n.a.
	9.50	19.00**	24.00*	9.50	62.00	n.a.
Notes:						
* Two-way circulation						
** Maximum deduction of two feet for overhang when curb serves as wheel stop						

B. When a concrete curb is used as a wheel stop, it may be placed within the parking space up to two feet from the front of a space. In such cases, the area between the wheel stop and landscaping need not be paved provided it is maintained with appropriate ground cover, or walkway. In no event shall the placement of wheel stops reduce the minimum landscape or walkway width requirements.

C. Access. There shall be adequate provision for ingress and egress to all parking spaces.

D. Driveways. Driveway width shall be measured at the driveway's narrowest point, including the curb cut. The design and construction of driveways shall be as set forth in the Standard Specifications and Uniform Standard Details for Public Works Construction Manual.

E. Improvement of Parking Spaces.

- All areas utilized for off-street parking, access and maneuvering of vehicles shall be paved with durable materials for all-weather use and shall be adequately drained, including prevention of the flow of runoff water across sidewalks or other pedestrian areas.
- Required parking areas shall be designed with painted striping or other approved method of delineating the individual spaces, with the exception of lots containing single- or two-family dwellings.
- Parking spaces for uses other than one- and two-family dwellings shall be designed so that no backing movements or other maneuvering within a street or other public right-of-way shall be necessary.
- Any lighting used to illuminate off-street parking or loading areas shall be so arranged as to reflect the light away from adjacent streets or properties.
- Service drives shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line joining the lines through points twenty feet from their intersection.
- Parking spaces located along the outer boundaries of a parking lot shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line, a public street, public sidewalk, or a required landscaping area.
- Parking, loading, or vehicle maneuvering areas shall not be located within the front yard area or side yard area of a corner lot abutting a street in any residential (R) district, nor within any portion of a street setback

area that is required to be landscaped in any commercial (C) or industrial (M) district.

F. Limitation on Use of Parking Areas. Required parking areas shall be used exclusively for vehicle parking in conjunction with a permitted use and shall not be reduced or encroached upon in any manner. The parking facilities shall be so designed and maintained as not to constitute a nuisance at any time, and shall be used in such a manner that no hazard to persons or property, or unreasonable impediment to traffic, will result. (Ord. 1912 §1(part), 2008; Ord. 1684 §61, 1993; Ord. 1512 §1, 1984; Ord. 1436 §2(part), 1981).



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.

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. 1867 §4(part), 2006; 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 2 TOD District Land Uses							
Use Categories	Zoning Districts						
	UMS	UMF	UMR	EC	OC	OC2	OC3
Residential							
Dwelling, Single-Family							
Large and 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
Dwelling, Multifamily							
Multiplex, apartment	P	P	P	L1	L1	N	N
Accessory Units							
Boarding/Rooming House	N	C	C	N	N	N	N
Family Care							
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							
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
Retail Sales and Service							
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
Tourist Accommodations							
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
Industrial Service							
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, one unit per lot.

C--Conditional use.

L1--Only permitted as residential units above ground floor commercial uses.

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--Second story offices may be permitted in areas adjacent to EC zones as a conditional use.

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.

TOD Districts							
	Central Point	Central Point	Central Point	Central Point	Central Point	Central Point	Central Point
Density--Units Per Net Acre (f)							
Maximum	12	32	NA	NA	NA	NA	NA
Minimum	6	14	30	NA	NA	NA	NA
Dimensional Standards							
Minimum Lot or Land Area/Unit							
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
Multifamily and senior housing	2,000 SF	1,500 SF	1,000 SF	1,000 SF	NA	NA	NA
Average Minimum Lot or Land Area/Unit							
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
Multifamily and senior housing	2,500 SF	2,000 SF	1,500 SF	1,500 SF	NA	NA	NA
Minimum Lot Width							
Large single-family	50'	NA	NA	NA	NA	NA	NA
Standard single-family	50'	NA	NA	NA	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA	NA	NA	NA
Attached row houses	24'	22'	18'	NA	NA	NA	NA
Multifamily and senior housing	NA	NA	NA	NA	NA	NA	NA

Minimum Lot Depth	50'	50'	50'	NA	NA	NA	NA
Building Setbacks							
Front (min./max.)	10'/15'	10'/15'	0'/15'	0'	15'	5'	15'
Side (between bldgs.) (detached/attached)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)(c)	5' detached 0' attached (a)	0' 10' (b)	0' 15' (b)	0' 20' (b)	5'
Corner (min./max.)	5'/10'	5'/10'	0'/10'	5'/10'	15'/30'	5'/10'	15'/NA
Rear	15'	15'	10'	0' 10' (b)	15' (b) 0'	0' 20' (b)	5'
Garage Entrance	(d)	(d)	(d)	(e)	(e)	(e)	NA
Maximum Building Height	35'	45'	60'	60'	60'	45'	35'
Maximum Lot Coverage (g)	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.	<p>< 16 units in development: 1 housing type.</p> <p>16--40 units in development: 2 housing types.</p> <p>> 40 units in development: 3 or more housing types (plus approved master plan)</p>			NA	NA	NA	NA

Notes:

NA--Not applicable.

(a) The five-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 ten feet minimum between units when using zero lot line configurations.

(d) Ten feet behind front building facade 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.

Minimum Required Parking	
Residential	
Dwelling, Single-Family Large and standard lot Zero 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 and 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. 1867 §4(part), 2006; Ord. 1815 §1(part), Exh. B(part), 2000).

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. (Ord. 1867 §5 (part), 2006; Ord. 1815 §1(part), Exh. B(part), 2000).

17.65.070 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 conditional 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.

Residential				
Dwelling, Single-Family				
Large and standard lot	P	L4	N	N
Zero lot line, detached	P	P	N	N
Attached row houses	P	P	N	N
Dwelling, Multifamily				
Multiplex, apartment	P	P	L1	L1

Accessory Units	P1	P1	C	N
Boarding/Rooming House	N	C	N	N
Family Care				
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
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
Retail Sales and Service				
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
Tourist Accommodations				
Motel/hotel	N	N	P	P
Bed and breakfast inn	C	C	P	P
Industrial				
Manufacturing	N	N	N	P
Industrial Service				
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

N--Not permitted.

P--Permitted use.

P1--Permitted use, one unit per lot.

C--Conditional use.

L1--Only permitted as residential units above ground floor commercial uses.

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 zones and/or when adjacent to an environmentally sensitive area.

	LD	MD	ED	CD
Density--Units Per Net Acre (f)				
Maximum	12	32	NA	NA
Minimum	6	14	NA	NA
Dimensional Standards				
Minimum Lot Area or Land Area/ Unit				
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
Multifamily and senior housing	2,000 SF	2,000 SF	1,000 SF	NA
Average Minimum Lot or Land Area/Unit				
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
Multifamily and senior housing	2,000 SF	2,000 SF	1,000 SF	NA
Minimum Lot Width				

Large single-family	50'	NA	NA	NA
Standard single-family	50'	NA	NA	NA
Zero lot line detached	30'	30'	NA	NA
Attached row houses	24'	22'	NA	NA
Multifamily and senior housing	NA	NA	NA	NA
Minimum Lot Depth	50'	50'	NA	NA
Building Setbacks				
Front (min./max.)	10'/15'	10'/15'	0'	15'
Side (between bldgs.) (detached/attached)	5' detached 0' attached (a) (c)	5' detached 0' attached (a) (c)	0' 10' (b)	0' 15' (b)
Corner (min./max.)	5'/10'	5'/10'	5'/10'	15'/30'
Rear	15'	15'	0' 10' (b)	0' 15' (b)
Garage Entrance	(d)	(d)	(e)	(e)
Maximum Building Height	35'	45'	60'	60'
Maximum Lot Coverage (g)	80%	80%	100%	85%
Minimum Landscaped Area (i)	20% of site area	20% of site area	0% of site area	15% of site area
Housing Mix				
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

NA--Not applicable

Notes:

- (a) The five-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 ten feet minimum between units when using zero lot line configurations.
- (d) Ten feet behind building facade 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. 1867 §5 (part), 2006; Ord. 1815 §1(part), Exh. B(part), 2000).



Chapter 17.66 APPLICATION REVIEW PROCESS FOR THE TOD DISTRICT AND CORRIDOR

Sections:

- [17.66.010](#) Purpose.
- [17.66.020](#) Applicability.
- [17.66.030](#) Application and review.
- [17.66.040](#) Parks and open spaces.
- [17.66.050](#) Application approval criteria.
- [17.66.060](#) Conditions of approval.
- [17.66.070](#) Approval expiration.

17.66.010 Purpose.

The purpose of the Central Point TOD (transit oriented development) district and corridor is to promote efficient land development, pedestrian/bike travel, and the increased use of transit as required by the Oregon Transportation Planning Rule. This chapter describes the review procedures to be followed for development proposed within the TOD district and corridor which are identified on the official city zoning map. (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.020 Applicability.

These regulations apply to land within the Central Point TOD district. As provided in Section [17.65.020](#) of this code, these regulations may also apply to land within the Central Point TOD corridor. The boundaries of the district and corridor are shown on the official city zoning map. (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.030 Application and review.

A. Application Types. There are four types of applications which are subject to review within the Central Point TOD district and corridor.

1. TOD District or Corridor Master Plan. Master plan approval shall be required for:
 - a. Development or land division applications which involve more than five acres of land or forty dwelling units; or
 - b. Modifications to a valid master plan approval which involve one or more of the following:
 - i. An increase in dwelling unit density which exceeds five percent;

- ii. An increase in commercial gross floor area of ten percent or two thousand square feet, whichever is greater;
 - iii. An increase in building height by more than twenty percent;
 - iv. A change in the type and location of streets, accessways, and parking areas where off-site traffic would be affected; or
 - v. A modification of a condition imposed as part of the master plan approval.
2. Site Plan, Landscaping and Construction Plan Approval. The provisions of Chapter [17.72](#), Site Plan, Landscaping and Construction Plan Approval, shall apply to permitted and limited uses within the TOD district and corridor. For development or land division applications involving more than five acres of land or forty dwelling units, a master plan approval, as provided in this chapter, shall be approved prior to, or concurrently with, a site plan, landscaping and construction plan application.
3. Land Division. Partitions and subdivisions shall be reviewed as provided in [Title 16](#), Subdivisions.
4. Conditional Use. Conditional uses shall be reviewed as provided in Chapter [17.76](#), Conditional Use Permits.
- B. Submittal Requirements. Applications shall be submitted as required in Chapter [17.05](#) of this code. (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.040 Parks and open spaces.

Common park and open space shall be provided for all residential development within a TOD district or corridor as per Section [17.67.060](#). (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.050 Application approval criteria.

A. TOD district or corridor master plan. A master plan shall be approved when the approval authority finds that the following criteria are satisfied or can be shown to be inapplicable:

1. Sections [17.65.040](#) and [17.65.050](#), relating to the TOD district;
2. Sections [17.65.060](#) and [17.65.070](#), relating to the TOD corridor;
3. Chapter [17.67](#), Design Standards--TOD district and TOD corridor;
4. Chapter [17.60](#), General Regulations, unless superceded by Sections [17.65.040](#) through [17.65.070](#);
5. Chapter [17.64](#), Off-Street Parking and Loading;
6. Chapter [17.70](#), Historic Preservation Overlay Zone; and
7. Chapter [17.76](#), Conditional Use Permits, for any conditional uses proposed as part of the master plan.

B. Site Plan, Landscaping and Construction Plan Approval. A site plan, landscaping and construction plan application shall be approved when the approval authority finds that the following criteria are satisfied or can be shown to be inapplicable:

1. The provisions of Chapter [17.72](#), Site Plan, Landscaping and Construction Plan

Approval, shall be satisfied; and

2. The proposed improvements comply with the approved TOD district or corridor master plan for the property; and
3. Chapter [17.67](#), Design Standards--TOD district and TOD corridor.

C. Land Division. A land division application shall be approved when the approval authority finds that the following criteria are satisfied or can be shown to be inapplicable:

1. The provisions of [Title 16](#)--Subdivisions; and
2. The proposed land division complies with the approved TOD district or corridor master plan for the property; and
3. Chapter [17.67](#), Design Standards--TOD district and TOD corridor.

D. Conditional Use.

1. A conditional use application shall be approved when the approval authority finds that the following criteria are satisfied or can be shown to be inapplicable:
 - a. The provisions of Chapter [17.76](#), Conditional Use Permits; and
 - b. The proposed conditional use complies with the approved TOD district or corridor master plan for the property; and
 - c. Chapter [17.67](#), Design Standards--TOD district and TOD corridor.
2. A conditional use application shall not be required for a conditional use which was approved as part of a valid master plan approval as provided in Section [17.66.050\(A\)](#). (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.060 Conditions of approval.

The approval authority may apply reasonable conditions of approval to ensure that the applicable standards of this code are satisfied. (Ord. 1815 §1(part), Exh. B(part), 2000).

17.66.070 Approval expiration.

A. Application approvals granted according to the provisions of this chapter shall be valid for the following time periods, unless a longer time period is specified in the approval.

1. Master plan--two years for the first phase and ten years for all subsequent phases, if any.
2. Site plan, landscape plan and construction plan; land division; and conditional use--one year.

B. Application approvals shall expire if building permits to initiate construction or final plat approval have not been obtained within the time allowed in Section [17.66.070\(A\)](#). (Ord. 1815 §1(part), Exh. B(part), 2000).

Chapter 17.67 DESIGN STANDARDS--TOD DISTRICT AND TOD CORRIDOR

Sections:

- [17.67.010](#) Purpose.
- [17.67.020](#) Area of application.
- [17.67.030](#) Conflict with other regulations.
- [17.67.040](#) Circulation and access standards.
- [17.67.050](#) Site design standards.
- [17.67.060](#) Public parks and open space design standards.
- [17.67.070](#) Building design standards.

17.67.010 Purpose.

The purpose of the Central Point TOD district and TOD corridor design standards is to complement and support efficient and sustainable land development, to reduce auto reliance and to increase transit use as required by the Oregon Transportation Planning Rule. (Ord. 1815 §1(part), Exh. C(part), 2000).

17.67.020 Area of application.

These regulations apply to the Central Point TOD district and TOD corridor. The boundaries of the district and corridor are shown on the official city zoning map. (Ord. 1815 §1(part), Exh. C(part), 2000).

17.67.030 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. C(part), 2000).

17.67.040 Circulation and access standards.*

A. Public Street Standards.

1. Except for specific transportation facilities identified in a TOD district or corridor master plan, the street dimensional standards shown in Table 1 and Figure 1 shall apply for all development located within the TOD district and for development within the TOD corridor which is approved according to the provisions in Section [17.65.020](#) and Chapter [17.66](#).
2. Block perimeters shall not exceed one thousand six hundred feet measured along the public street right-of-way.
3. Block lengths for public streets shall not exceed five hundred feet between through streets, measured along street right-of-way.
4. Public alleys or major off-street bike/pedestrian pathways, designed as provided in this chapter, may be used to meet the block length or perimeter standards of this section.
5. The standards for block perimeters and lengths shall be modified to the minimum extent necessary based on findings that strict compliance with the standards is not reasonably practicable or appropriate due to:
 - a. Topographic constraints;
 - b. Existing development patterns on abutting property which preclude the logical connection of streets or accessways;
 - c. Railroads;
 - d. Traffic safety concerns;

- e. Functional and operational needs to create a large building; or
- f. Protection of significant natural resources.
6. All utility lines shall be underground but utility vault access lids may be located in the sidewalk area.
7. Connections shall be provided between new streets in a TOD district or corridor and existing local and minor collector streets.
8. Pedestrian/Bike Accessways Within Public Street Right-of-Way.
 - a. Except for specific accessway facilities identified in a TOD district or corridor master plan, the following accessway dimensional standards in Table 1 and Figure 1 shall apply for any development located within the TOD district and for development within the TOD corridor which is approved according to the provisions in Section [17.65.020](#) and Chapter [17.66](#).
 - b. In transit station areas, one or more pedestrian-scaled amenities shall be required with every one hundred square feet of the sidewalk area, including but not limited to:
 - i. Street furniture;
 - ii. Plantings;
 - iii. Distinctive paving;
 - iv. Drinking fountains; and
 - v. Sculpture.
 - c. Sidewalks adjacent to undeveloped parcels may be temporary.
 - d. Public street, driveway, loading area, and surface parking lot crossings shall be clearly marked and with textured accent paving or painted stripes.
 - e. The different zones of a sidewalk should be articulated using special paving or concrete scoring.
9. Public Off-Street Accessways.
 - a. Pedestrian accessways and greenways should be provided as needed to supplement pedestrian routes along public streets.
 - b. Off-street pedestrian accessways shall incorporate all of the following design criteria:
 - i. The applicable standards in Table 1 and Figure 1;
 - ii. Minimum ten-foot vertical clearance;
 - iii. Minimum twenty-foot horizontal barrier clearance for pathway;
 - iv. Asphalt, concrete, gravel, or wood chip surface as approved by the City, with a compacted subgrade;
 - v. Nonskid boardwalks if wetland construction is necessary; and
 - vi. Minimum one hundred square feet of trailhead area at intersections with other pedestrian improvements. A trail map sign shall be provided at this location.
 - c. Minor off-street trails shall be a minimum of five feet wide, have a minimum vertical clearance of eight feet, a minimum two-foot horizontal clearance from edge of pathway and be constructed of gravel or wood chips, with a compacted subgrade.
- B. Parking Lot Driveways.
 1. Parking lot driveways that link public streets and/or private streets with parking stalls shall be designed as private streets, unless one of the following is met.
 - a. The parking lot driveway is less than one hundred feet long;
 - b. The parking lot driveway serves one or two residential units; or
 - c. The parking lot driveway provides direct access to angled parking stalls.
 2. The number and width of driveways and curb cuts should be minimized and consolidated when possible.
 3. Where possible, parking lots for new development shall be designed to provide vehicular and pedestrian connections to adjacent sites.
 4. Large driveways should use distinctive paving patterns.
- C. On-Site Pedestrian and Bicycle Circulation. Attractive access routes for pedestrian travel should be provided by:
 1. Reducing distances between destinations or activity areas such as public sidewalks and building entrances. Where appropriate, develop pedestrian routes through sites and buildings to supplement

the public right-of-way;

2. Providing an attractive, convenient pedestrian accessway to building entrances;
3. Bridging across barriers and obstacles such as fragmented pathway systems, wide streets, heavy vehicular traffic, and changes in level by connecting pedestrian pathways with clearly marked crossings and inviting sidewalk design;
4. Integrating signage and lighting system which offers interest and safety for pedestrians;
5. Connecting parking areas and destinations with pedestrian paths identified through use of distinctive paving materials, pavement stripings, grade separations, or landscaping. (Ord. 1815 §1(part), Exh. C (part), 2000).

* Editor's Note: Table 1, Design Standards, and Figure 1, Street Cross Sections, are on file in the planning department.

17.67.050 Site design standards.

A. Respect for Existing Facilities and On-Site Features.

1. Adjustments should be made during land division and site design to improve the overall relationship of a development or an individual building to the surrounding context.
2. Buildings should be clustered to preserve natural areas.

B. Natural Features.

1. Buildings should be sited to preserve significant trees.
2. Buildings should be sited to avoid or lessen the impact of development on environmentally critical areas such as steep slopes, wetlands, and stream corridors.
3. Whenever possible, wetlands, groves, and natural areas should be maintained as public preserves and as open space opportunities in neighborhoods.

C. Topography.

1. Buildings and other site improvements should reflect, rather than obscure, natural topography.
2. Buildings and parking lots should be designed to fit into hillsides, for instance, reducing the need for grading and filling.
3. Where neighboring buildings have responded to similar topographic conditions on their sites in a consistent and positive way, similar treatment for the new structure should be considered.

D. Solar Orientation.

1. The building design, massing and orientation should enhance solar exposure for the project, taking advantage of the climate of Central Point for sun-tempered design.
2. Where possible, the main elevation should be facing within twenty-five degrees of due south.
3. In residential developments, the location of rooms should be considered in view of solar exposure, e. g., primary living spaces should be oriented south, but a west facing kitchen should be avoided as it may result in summer overheating.
4. Outdoor spaces should be strategically sited for solar access and the cooling summer winds.
5. Shadow impacts, particularly in winter, on adjacent buildings and outdoor spaces should be avoided.

E. Existing Buildings on the Site.

1. Where a new building shares the site with an admirable existing building or is a major addition to such a building, the design of the new building should be compatible with the original.
2. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

F. New Prominent Structures.

1. Key public or civic buildings, such as community centers, churches, schools, libraries, post offices, and museums, should be placed in prominent locations, such as fronting on public squares or where pedestrian street vistas terminate, in order to serve as landmarks and to symbolically reinforce their importance.

G. Views. The massing of individual buildings should be adjusted to preserve important views while benefiting new and existing occupants and surrounding neighborhoods.

H. Adjoining Uses and Adjacent Services.

1. When more intensive uses, such as neighborhood commercial or multifamily dwellings, are within or adjacent to existing single-family neighborhoods, care should be taken to minimize the impact of noise, lighting, and traffic on adjacent dwellings.
2. Activity or equipment areas should be strategically located to avoid disturbing adjacent residents.
3. All on-site service areas, loading zones and outdoor storage areas, waste storage, disposal facilities, transformer and utility vaults, and similar activities shall be located in an area not visible from a street or urban space.
4. Screening shall be provided for activities areas and equipment that will create noise, such as loading and vehicle areas, air conditioning units, heat pumps, exhaust fans, and garbage compactors, to avoid disturbing adjacent residents.
5. Group mailboxes are limited to the number of houses on any given block of development. Only those boxes serving the units may be located on the block. Multiple units of mailboxes may be combined within a centrally located building of four walls that meets the design guidelines for materials, entrance, roof form, windows, etc. The structure must have lighting both inside and out.

I. Transitions in Density.

1. Higher density, attached dwelling developments shall minimize impact on adjacent existing lower density, single-family dwelling neighborhoods by adjusting height, massing and materials and/or by providing adequate buffer strips with vegetative screens.
2. Adequate buffer strips with vegetative screens shall be placed to mitigate the impact of higher density development on adjacent lower density development.
3. New residential buildings within fifty feet of existing low density residential development shall be no higher than thirty-five feet and shall be limited to single-family detached or attached units, duplexes, triplexes or four-plexes.
4. New commercial buildings within fifty feet of existing low density residential development shall be no higher than forty-five feet.
5. Dwellings types in a TOD district or corridor shall be mixed to encourage interaction among people of varying backgrounds and income levels.
6. Zoning changes should occur mid-block, not at the street centerline to ensure that compatible building types face along streets and within neighborhoods. When dissimilar building types face each other across the street because the zoning change is at the street centerline or more infill housing is desired (for instance, duplexes across the street from single dwellings), design shall ensure similarity in massing, setback, and character.
7. Density should be increased incrementally, to buffer existing neighborhoods from incompatible building types or densities. Sequence density, generally, as follows: large lot single dwelling, small lot single dwelling, duplex, townhomes, courtyard multifamily apartments, large multifamily apartments, and mixed use buildings.

J. Parking.

1. Parking Lot Location.

- a. Off-street surface parking lots shall be located to the side or rear of buildings. Parking at midblock or behind buildings is preferred.
- b. Off-street surface parking lots shall not be located between a front facade of a building and a public street.
- c. If a building adjoins streets or accessways on two or more sides, off-street parking shall be allowed between the building and the pedestrian route in the following order of priority:
 - 1st. Accessways;
 - 2nd. Streets that are nontransit streets;
 - 3rd. Streets that are transit streets.
- d. Parking lots and garages should not be located within twenty feet of a street corner.

2. Design.

- a. All perimeter and interior landscaped areas must have protective curbs along the edges. Trees must

have adequate protection from car doors and bumpers.

b. A portion of the standard parking space may be landscaped instead of paved. The landscaped area may be up to two feet in front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space. Landscaping must be groundcover plants. The landscaping does not apply towards any perimeter or interior parking lot landscaping requirements, but does count towards any overall site landscaping requirement.

c. In order to control dust and mud, all vehicle areas must be paved.

d. All parking areas must be striped in conformance with the city of Central Point parking dimension standards.

e. Thoughtful siting of parking and vehicle access should be used to minimize the impact of automobiles on the pedestrian environment, adjacent properties, and pedestrian safety.

f. Large parking lots should be divided into smaller areas, using, for example, landscaping or special parking patterns.

g. Parking should be located in lower or upper building levels or in less visible portions of site.

3. Additional Standards for LMR, MMR, and HMR Zones.

a. When parking must be located to the side of buildings, parking frontage should be limited to approximately fifty percent of total site frontage.

b. Where possible, alleys should be used to bring the vehicle access to the back of the site.

4. For parking structures, see Section [17.67.070\(H\)](#).

K. Landscaping.

1. Perimeter Screening and Planting.

a. Landscaped buffers should be used to achieve sufficient screening while still preserving views to allow areas to be watched and guarded by neighbors.

b. Landscaping should be used to screen and buffer unsightly uses and to separate such incompatible uses as parking areas and waste storage and pickup areas.

2. Parking Lot Landscaping and Screening.

a. Parking areas shall be screened with landscaping, fences, walls or a combination thereof.

i. Trees shall be planted on the parking area perimeter and shall be spaced at thirty feet on center.

ii. Live shrubs and ground cover plants shall be planted in the landscaped area.

iii. Each tree shall be located in a four foot by four foot minimum planting area.

iv. Shrub and groundcover beds shall be three-feet wide minimum.

v. Trees and shrubs must be fully protected from potential damage by vehicles.

b. Surface parking areas shall provide perimeter parking lot landscaping adjacent to a street that meets one of the following standards:

i. A five-foot-wide planting strip between the right-of-way and the parking area. The planting strip may be interrupted by pedestrian-accessible and vehicular accessways. Planting strips shall be planted with an evergreen hedge. Hedges shall be no less than thirty-six inches and no more than forty-eight inches in height at maturity. Hedges and other landscaping shall be planted and maintained to afford adequate sight distance for vehicles entering and exiting the parking lot;

ii. A solid decorative wall or fence a minimum of thirty-six inches and a maximum of forty-eight inches in height parallel to and not closer than two feet from the edge of right-of-way. The area between the wall or fence and the pedestrian accessway shall be landscaped. The required wall or screening shall be designed to allow for access to the site and sidewalk by pedestrians and shall be constructed and maintained to afford adequate sight distance as described above for vehicles entering and exiting the parking lot;

iii. A transparent screen or grille forty-eight inches in height parallel to the edge of right-of-way. A two-foot minimum planting strip shall be located either inside the screen, or between the screen and the edge of right-of-way. The planting strip shall be planted with a hedge or other landscaping. Hedges shall be a minimum thirty-six inches and a maximum of forty inches in height at maturity.

c. Gaps in a building's frontage on a pedestrian street that are adjacent to off-street parking areas and which exceed sixty-five feet in length shall be reduced to no more than sixty-five feet in length through

use of a minimum eight-foot-high screen wall. The screen wall shall be solid, grill, mesh or lattice that obscure at least thirty percent of the interior view (e.g., at least thirty percent solid material to seventy percent transparency).

d. Parking Area Interior Landscaping.

i. Amount of Landscaping. All surface parking areas with more than ten spaces must provide interior landscaping complying with one or both of the standards stated below.

(A) Standard 1. Interior landscaping must be provided at the rate of twenty square feet per stall. At least one tree must be planted for every two hundred square feet of landscaped area. Groundcover plants must completely cover the remainder of the landscaped area.

(B) Standard 2. One tree must be provided for every four parking spaces. If surrounded by cement, the tree planting area must have a minimum dimension of four feet. If surrounded by asphalt, the tree planting area must have a minimum dimension of three feet.

ii. Development standards for parking area interior landscaping.

(A) All landscaping must comply with applicable standards. Trees and shrubs must be fully protected from potential damage by vehicles.

(B) Interior parking area landscaping must be dispersed throughout the parking area. Some trees may be grouped, but the groups must be dispersed.

(C) Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends four feet or more into the parking area from the perimeter landscape line.

(D) Parking areas that are thirty feet or less in width may locate their interior landscaping around the edges of the parking area. Interior landscaping placed along an edge is in addition to any required perimeter landscaping.

3. Landscaping Near Buildings. Landscaping shall serve as a screen or buffer to soften the appearance of structures or uses such as parking lots or large blank walls, or to increase the attractiveness of common open spaces.

4. Service Areas. Service areas, loading zones, waste disposal or storage areas must be fully screened from public view.

Prohibited screening includes chainlink fencing with or without slats.

a. Acceptable screening includes:

i. A six-foot masonry enclosure, decorative metal fence enclosure, a wood enclosure; or other approved materials complementary to adjacent buildings; or

ii. A six-foot solid hedge or other plant material screening as approved.

5. Street Trees. Street trees shall be required along both sides of all public streets with a spacing of twenty feet to forty feet on center depending on the mature width of the tree crown, and planted a minimum of two feet from the back of curb. Trees in the right-of-way or sidewalk easements shall be approved according to size, quality, tree well design, if applicable, and irrigation shall be required. Tree species shall be chosen from the city of Central Point approved street tree list.

L. Lighting.

1. Minimum Lighting Levels. Minimum lighting levels shall be provided for public safety in all urban spaces open to public circulation.

a. A minimum average light level of one and two-tenths footcandles is required for urban spaces and sidewalks.

b. Metal-halide or lamps with similar color, temperature and efficiency ratings shall be used for general lighting at building exteriors, parking areas, and urban spaces. Sodium-based lamp elements are not allowed.

c. Maximum lighting levels should not exceed six footcandles at intersections or one and one-half footcandles in parking areas.

2. Fixture Design in Public Rights-of-Way.

a. Pedestrian scale street lighting shall be provided including all pedestrian streets along arterials, major collectors, minor collectors and local streets.

b. Pedestrian street lights shall be no taller than twenty feet along arterials and collectors, and sixteen feet along local streets.

3. On-Site Lighting. Lighting shall be incorporated into the design of a project so that it reinforces the pedestrian environment, provides continuity to an area, and enhances the drama and presence of architectural features. Street lighting should be provided along sidewalks and in medians. Selected street light standards should be appropriately scaled to the pedestrian environment. Adequate illumination should be provided for building entries, corners of buildings, courtyards, plazas and walkways.

a. Accessways through surface parking lots shall be well lighted with fixtures no taller than twenty feet.

b. Locate and design exterior lighting of buildings, signs, walkways, parking lots, and other areas to avoid casting light on nearby properties.

c. Fixture height and lighting levels shall be commensurate with their intended use and function and shall assure compatibility with neighboring land uses. Baffles shall be incorporated to minimize glare and to focus lighting on its intended area.

d. Additional pedestrian-oriented site lighting including step lights, well lights and bollards shall be provided along all courtyard lanes, alleys and off-street bike and pedestrian pathways.

e. In addition to lighting streets, sidewalks, and public spaces, additional project lighting is encouraged to highlight and illuminate building entrances, landscaping, parks, and special features.

M. Signs.

1. The provisions of this section are to be used in conjunction with the city sign regulations in the Central Point Sign Code, Chapter [15.24](#). The sign requirements in Chapter [15.24](#) shall govern in the TOD district and corridor with the exception of the following:

a. The types of signs permitted shall be limited only to those signs described in this chapter.

b. All signs in the TOD district and corridor shall comply with the design standards described in this chapter.

c. Decorative exterior murals are allowed and are subject to review and criteria by planning commission or architectural review committee appointed by city council.

d. Signs that use images and icons to identify store uses and products are encouraged.

e. Projecting signs located to address the pedestrian are encouraged.

2. Sign Requirements.

Sign Requirements		
Freestanding		
Maximum Number	1	1
Height	4 feet.	20 feet.
Sign area per building face	16 square feet.	50 square feet.
Total sign area--all building faces	32 square feet.	100 square feet.
Location	At entry point(s) to housing complex or subdivision.	Outside of the public right-of-way.
Wall and Projecting		
Maximum Number	1	No limit.
Height	Lowest part at least 8 feet above underlying grade for projecting signs.	Lowest part at least 8 feet above underlying grade for projecting signs.
Sign area per building face	8 square feet.	1-1/2 square feet with a maximum of 50 square feet per sign.
Total sign area--all building faces	16 square feet.	.25 square feet per lineal foot of building perimeter.

Location	Signs shall not project more than 4 feet from a building wall unless attached to a canopy.	Signs shall not project more than 4 feet from a building unless attached to a canopy.
Temporary		
Maximum Number	A maximum of 2 lawn signs are permitted. All other temporary signs are not permitted.	4
Height	3 feet maximum.	4 feet for freestanding signs and up to parapet or roof eaves for wall signs.
Sign area per face	6 square feet.	32 square feet.
Total sign area--all faces	24 square feet.	64 square feet.
Location	Outside of the street right-of-way.	Outside of the street right-of-way.
Time limit	120 days.	120 days.
Directional		
Maximum Number	1 sign per driveway.	2 signs per driveway.
Height	3 feet.	3 feet.
Sign area per building face	6 square feet.	6 square feet.
Total sign area--all building faces	24 square feet.	32 square feet.
Location	Adjacent to private driveway or sidewalk.	Adjacent to private driveway or sidewalk.
Total Sign Area Per Lot All sign faces	8 square feet in LMR 32 square feet in MMR, HMR, C, and OS.	.25 square feet per lineal foot of building perimeter.

Note:

* For ground floor commercial uses in HMR.

** For residential uses in HMR.

3. Sign materials.

a. The base materials for a freestanding sign shall be natural materials including stone, brick, or aggregate.

b. Signs and supporting structural elements shall be constructed of metal or stone with wood or metal informational lettering. No plastics or synthetic material shall be allowed, except for projecting awning signs, which may be canvas or similar fabric.

c. Sign lettering shall be limited to sixteen inches maximum in height.

d. Sign illumination shall be limited to external illumination to include conventional lighting and neon, if neon is applied to the sign plane area. Internally illuminated signs are prohibited.

4. Prohibited Signs.

a. Internally-illuminated signs;

b. Roof signs;

c. Reader boards;

d. Sidewalk A-board signs;

e. Flashing signs;

f. Electronic message/image signs;

g. Bench signs;

h. Balloons or streamers;

i. Temporary commercial banners. (Ord. 1815 §1(part), Exh. C(part), 2000).

17.67.060 Public parks and open space design standards.

- A. General. Parks and open spaces shall be provided in the TOD districts and TOD corridors and shall be designed to accommodate a variety of activities ranging from active play to passive contemplation for all ages and accessibility.
- B. Parks and Open Space Location.
1. Parks and open spaces shall be located within walking distance of all those living, working, and shopping in TOD districts.
 2. Parks and open spaces shall be easily and safely accessed by pedestrians and bicyclists.
 3. For security purposes, parks and open spaces shall be visible from nearby residences, stores or offices.
 4. Parks and open space shall be available for both passive and active use by people of all ages.
 5. Parks and open space in predominantly residential neighborhoods shall be located so that windows from the living areas (kitchens, family rooms, living rooms but not bedrooms or bathrooms) of a minimum of four residences face onto it.
- C. Parks and Open Space Amount and Size.
1. Common open spaces will vary in size depending on their function and location.
 2. The total amount of common open space provided in a TOD district or corridor shall be adequate to meet the needs of those projected (at the time of build out) to live, work, shop, and recreate there.
 3. All TOD projects requiring master plans shall be required to reserve, improve and/or establish parks and open space which, excluding schools and civic plazas, meet or exceed the following requirements:
 - a. For single-family detached and attached residences, including duplex units, townhouses and row houses: four hundred square feet for each dwelling.
 - b. For multifamily residences, including multistory apartments, garden apartments, and senior housing: six hundred square feet for each dwelling.
 - c. Non-residential development: at least ten percent of the development's site area.
- D. Parks and Open Space Design.
1. Parks and open spaces shall include a combination garbage/recycling bin and a drinking fountain at a frequency of one combination garbage/recycling bin and one drinking fountain per site or one combination garbage/recycling bin and one drinking fountain per two acres, whichever is less, and at least two of the following improvements:
 - a. Benches or a seating wall;
 - b. Public art such as a statue;
 - c. Water feature or decorative fountain;
 - d. Children's play structure including swing and slide;
 - e. Gazebo or picnic shelter;
 - f. Picnic tables with barbecue;
 - g. Open or covered outdoor sports court for one or more of the following: tennis, skateboard, basketball, volleyball, badminton, racquetball, handball/paddleball; or
 - h. Open or covered outdoor swimming and/or wading pool or play fountain suitable for children to use; or
 - i. Outdoor athletic fields for one or more of the following: baseball, softball, Little League, soccer.
 2. All multifamily buildings that exceed twenty-five units and may house children shall provide at least one children's play structure on site.
 3. For safety and security purposes, parks and open spaces shall be adequately illuminated. (Ord. 1815 §1(part), Exh. C(part), 2000).

17.67.070 Building design standards.

A. General Design Requirements.

1. In recognition of the need to use natural resources carefully and with maximum benefit, the use of "sustainable design" practices is strongly encouraged. In consideration of the climate and ecology of the Central Point area, a variety of strategies can be used to effectively conserve energy and resources:
 - a. Natural ventilation;

- b. Passive heating and cooling;
- c. Daylighting;
- d. Sun-shading devices for solar control;
- e. Water conservation;
- f. Appropriate use of building mass and materials; and
- g. Careful integration of landscape and buildings. It is recommended that an accepted industry standard such as the U.S., Green Building Council's LEED™ program be used to identify the most effective strategies. (Information on the LEED™ program can be obtained from the U.S. Green Building Council's website www.usgbc.org.)

2. All development along pedestrian routes shall be designed to encourage use by pedestrians by providing a safe, comfortable, and interesting walking environment.

3. Convenient, direct and identifiable building access shall be provided to guide pedestrians between pedestrian streets, accessways, transit facilities and adjacent buildings.

4. Adequate operable windows or roof-lights should be provided for ventilation and summer heat dissipation.

B. Architectural Character.

1. General.

a. The architectural characteristics of surrounding buildings, including historic buildings, should be considered, especially if a consistent pattern is already established by similar or complementary building articulation, building scale and proportions, setbacks, architectural style, roof forms, building details and fenestration patterns, or materials. In some cases, the existing context is not well defined, or may be undesirable. In such cases, a well-designed new project can establish a pattern or identity from which future development can take its cues.

b. Certain buildings, because of their size, purpose or location, should be given prominence and distinct architectural character, reflective of their special function or position. Examples of these special buildings include theaters, hotels, cultural centers, and civic buildings.

c. Attention should be paid to the following architectural elements:

- i. Building forms and massing;
- ii. Building height;
- iii. Rooflines and parapet features;
- iv. Special building features (e.g., towers, arcades, entries, canopies, signs, and artwork);
- v. Window size, orientation and detailing;
- vi. Materials and color; and
- vii. The building's relationship to the site, climate, topography and surrounding buildings.

2. Commercial and High Mix Residential.

a. Buildings shall be built to the sidewalk edge for a minimum of seventy-five percent of their site's primary street frontage along collector and arterial streets in C, EC, GC, and HMR zones unless the use is primarily residential or the activity that constitutes the request for increased setback is intended to increase pedestrian activity, i.e., pedestrian plaza or outdoor seating area.

b. Commercial structures and multi-dwellings should be sited and designed to provide a sensitive transition to adjacent lower density residential structures, with consideration for the scale, bulk, height, setback, and architectural character of adjacent single-family dwellings.

c. In multi-dwelling structures, the plan layout, orientation and window treatment of the building design should not infringe upon the privacy of other adjacent dwellings.

C. Building Entries.

1. General.

a. The orientation of building entries shall:

- i. Orient the primary entrance toward the street rather than the parking lot;
- ii. Connect the building's main entrance to the sidewalk with a well-defined pedestrian walkway.

b. Building facades over two hundred feet in length facing a street shall provide two or more public building entrances off the street.

c. All entries fronting a pedestrian accessway shall be sheltered with a minimum four-foot overhang or shelter.

d. An exception to any part of the requirements of this section shall be allowed upon finding that:

i. The slope of the land between the building and the pedestrian street is greater than 1:12 for more than twenty feet and that a more accessible pedestrian route to the building is available from a different side of the building; or

ii. The access is to a courtyard or clustered development and identified pedestrian accessways are provided through a parking lot to directly connect the building complex to the most appropriate major pedestrian route(s).

2. Commercial and High Mix Residential.

a. For nonresidential buildings, or nonresidential portions of mixed-use buildings, main building entrances fronting on pedestrian streets shall remain open during normal business hours for that building.

b. Nonresidential and mixed-use buildings fronting a pedestrian street shall have at least one main building entrance oriented to the pedestrian street.

i. Such an entrance shall not require a pedestrian to first pass through a garage, parking lot, or loading area to gain access to the entrance off or along the pedestrian street, but the entrance may be through a porch, breezeway, arcade, antechamber, portico, outdoor plaza, or similar architectural feature.

ii. If a building has frontage on more than one street, the building shall provide a main building entrance oriented to at least one of the streets, or a single entrance at the street intersection.

iii. A building may have more than one main building entrance oriented to a street, and may have other entrances facing off-street parking and loading areas.

3. Residential.

a. The main entrance of each primary structure should face the street the site fronts on, except on corner lots, where the main entrance may face either of the streets or be oriented to the corner. For attached dwellings, duplexes, and multi-dwellings that have more than one main entrance, only one main entrance needs to meet this guideline. Entrances that face a shared landscaped courtyard are exempt.

b. Residential buildings fronting on a street shall have an entrance to the building opening on to the street.

i. Single-family detached, attached and row house/townhouse residential units fronting on a pedestrian street shall have separate entries to each dwelling unit directly from the street.

ii. Ground floor and upper story dwelling units in a multifamily building fronting a street may share one or more building entries accessible directly from the street, and shall not be accessed through a side yard except for an accessory unit to a single-family detached dwelling.

c. The main entrances to houses and buildings should be prominent, interesting, and pedestrian-accessible. A porch should be provided to shelter the main entrance and create a transition from outdoor to indoor space.

d. Generally, single-dwelling porches should be at least eight feet wide and five feet deep and covered by a roof supported by columns or brackets. If the main entrance is to more than one dwelling unit, the covered area provided by the porch should be at least twelve feet wide and five feet deep.

e. If the front porch projects out from the building, it should have a roof pitch which matches the roof pitch of the house. If the porch roof is a deck or balcony, it may be flat.

f. Building elevation changes are encouraged to make a more prominent entrance. The maximum elevation for the entrance should not be more than half-a-story in height, or six feet from grade, whichever is less.

g. The front entrance of a multi-dwelling complex should get architectural emphasis, to create both interest and ease for visual identification.

D. Building Facades.

1. General.

a. All building frontages greater than forty feet in length shall break any flat, monolithic facade by

including discernible architectural elements such as, but not limited to: bay windows, recessed entrances and windows, display windows, cornices, bases, pilasters, columns or other architectural details or articulation combined with changes in materials, so as to provide visual interest and a sense of division, in addition to creating community character and pedestrian scale. The overall design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of itself, does not meet the requirements of this subsection.

b. Building designs that result in a street frontage with a uniform and monotonous design style, roofline or facade treatment should be avoided.

c. Architectural detailing, such as but not limited to: trellis, long overhangs, deep inset windows; should be incorporated to provide sun-shading from the summer sun.

d. To balance horizontal features on longer facades, vertical building elements shall be emphasized.

e. The dominant feature of any building frontage that is visible from a pedestrian street or public open space shall be the habitable area with its accompanying windows and doors. Parking lots, garages, and solid wall facades (e.g., warehouses) shall not dominate a pedestrian street frontage.

f. Developments shall be designed to encourage informal surveillance of streets and other public spaces by maximizing sight lines between the buildings and the street.

g. All buildings, of any type, constructed within any TOD district or corridor, shall be constructed with exterior building materials and finishes that are of high quality to convey permanence and durability.

h. The exterior walls of all building facades along pedestrian routes, including side or return facades, shall be of suitable durable building materials including the following: stucco, stone, brick, terracotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding, vertical board-and-batten siding, articulated architectural concrete or concrete masonry units (CMU), or similar materials which are low maintenance, weather-resistant, abrasion-resistant, and easy to clean. Prohibited building materials include the following: Plain concrete, plain concrete block, corrugated metal, unarticulated board siding (e.g., T1-11 siding, plain plywood, sheet pressboard), Exterior Insulated Finish Systems (EIFS), and similar quality, nondurable materials.

i. All visible building facades along or off a pedestrian route, including side or return facades, are to be treated as part of the main building elevation and articulated in the same manner. Continuity of use of the selected approved materials must be used on these facades.

j. Ground-floor openings in parking structures, except at points of access, must be covered with grills, mesh or lattice that obscure at least thirty percent of the interior view, (e.g., at least thirty percent solid material to seventy percent transparency).

k. Appropriately scaled architectural detailing, such as but not limited to moldings or cornices; is encouraged at the roofline of commercial building facades, and where such detailing is present, should be a minimum of at least eight inches wide.

l. Compatible building designs along a street should be provided through similar massing (building facade, height and width as well as the space between buildings) and frontage setbacks.

2. Commercial and High Mix Residential/Commercial.

a. In areas adjacent to the transit station, sidewalks in front of buildings shall be covered to at least eight feet from building face to provide protection from sun and rain by use of elements such as: canopies, arcades, or pergolas. Supports for these features shall not impede pedestrian traffic.

b. Canopies, overhangs or awnings shall be provided over entrances. Awnings at the ground level of buildings are encouraged.

c. Awnings within the window bays (either above the main glass or the transom light) should not obscure or distract from the appearance of significant architectural features. The color of the awning shall be compatible with its attached building.

d. Ground floor windows shall meet the following criteria:

i. Darkly-tinted windows and mirrored windows that block two-way visibility are prohibited as ground floor windows.

ii. On the ground floor, buildings shall incorporate large windows, with multi-pane windows and transom lights above encouraged.

- iii. Ground floor building facades must contain unobscured windows for at least fifty percent of the wall area and seventy-five percent of the wall length within the first ten to twelve feet of wall height.
- iv. Lower windowsills shall not be more than three feet above grade except where interior floor levels prohibit such placement, in which case the lower windowsill shall not be more than a maximum of four feet above the finished exterior grade.
- v. Windows shall have vertical emphasis in proportion. Horizontal windows may be created when a combination of vertical windows is grouped together or when a horizontal window is divided by mullions.

3. Residential.

- a. The facades of single-family attached and detached residences (including duplexes, triplexes, fourplexes, townhouses, and row houses) shall comply with the following standards:
 - i. No more than forty percent of the horizontal length of the ground floor front elevation of a single-family detached or attached dwelling shall be an attached garage.
 - ii. When parking is provided in a garage attached to the primary structure and garage doors face the street the front of the garage should not take up more than 40 percent of the front facade in plan, and the garage should be set back at least ten feet from the front facade. If a porch is provided, the garage may be set back 10 feet from the front of the porch. In addition, garage doors that are part of the street-facing facade of a primary structure should not be more than square feet in area, and there should not be more than one garage door for 16 feet of building frontage.
 - iii. Residential building elevations facing a pedestrian route shall not consist of undifferentiated blank walls, but shall be articulated with architectural details such as windows, dormers, porch details, balconies or bays.
 - iv. For any exterior wall which is within twenty feet of and facing onto a street or public open space and which has an unobstructed view of that pedestrian street or public open space, at least twenty percent of the ground floor wall area shall be comprised of either display area, windows, or doorways.
 - v. Architectural detailing is encouraged to provide variation among attached units. Architectural detailing includes but is not limited to the following: the use of different exterior siding materials or trim, shutters, different window types or sizes, varying roof lines, balconies or porches, and dormers. The overall design shall recognize that color variation, in and of itself, does not meet the requirements of this subsection.
 - vi. Fences or hedges in a front yard shall not exceed three feet in height. Side yard fencing shall not exceed three feet in height between the front building facade and the street. Fences beyond the front facade of the building in a sideyard or back yard and along a street, alley, property line, or bike/pedestrian pathway shall not exceed four feet in height. Fences over four feet in height are not permitted and hedges or vegetative screens in no case shall exceed six feet in height.
- b. The facades of multi-family residences shall comply with the following standards:
 - i. Building elevations, including the upper stories, facing a pedestrian route shall not consist of undifferentiated blank walls, but shall be articulated with architectural detailing such as windows, balconies, and dormers.
 - ii. For any exterior wall which is within twenty feet of and facing onto a pedestrian street or public open space and which has an unobstructed view of that pedestrian street or public open space, at least twenty percent of the ground floor wall area shall be comprised of either display area, windows, or doorways.
 - iii. Arcades or awnings should be provided over sidewalks where ground floor retail or commercial exists, to shelter pedestrians from sun and rain.

E. Roofs.

1. Commercial and High Mix Residential/Commercial.

- a. Roof shapes, surface materials, colors, mechanical equipment and other penthouse functions should be integrated into the total building design. Roof terraces and gardens are encouraged.
- b. When the commercial structure has a flat parapet roof adjacent to pitched roof residential structures, stepped parapets are encouraged so the appearance is a gradual transition of rooflines.

2. Residential.

- a. Flat roofs with a parapet and cornice are allowed for multifamily residences in all TOD, LMR, MMR and HMR districts, in which the minimum for sloped roofs is 5:12.
 - b. Flat roofs with a parapet and cornice are allowed for single-family attached and detached residences (including duplexes, triplexes, fourplexes, townhouses, and row houses) in all TOD residential districts, except the LMR zone.
 - c. For all residences with sloped roofs, the roof slope shall be at least 5:12, and no more than 12:12. Eaves shall overhang building walls at a minimum twelve inches deep on all sides (front, back, sides) of a residential structure.
 - d. Roof shapes, surface materials, colors, mechanical equipment and other penthouse functions should be integrated into the total building design. Roof terraces and gardens are encouraged.
- F. Exterior Building Lighting.
- 1. Commercial and High Mix Residential/Commercial.
 - a. Lighting of a building facade shall be designed to complement the architectural design. Lighting shall not draw inordinate attention to the building.
 - i. Primary lights shall address public sidewalks and/or pedestrian plazas adjacent to the building.
 - b. No exterior lighting shall be permitted above the second floor of buildings for the purpose of highlighting the presence of the building if doing so would impact adjacent residential uses.
 - 2. Residential.
 - a. Lighting shall not draw inordinate attention to the building facade.
 - b. Porch and entry lights are encouraged on all dwellings to create a safe and inviting pedestrian environment at night.
 - c. No exterior lighting exceeding one hundred watts per fixture is permitted in any residential area.
- G. Service Zones.
- 1. Buildings and sites shall be organized to group the utilitarian functions away from the public view.
 - 2. Delivery and loading operations, mechanical equipment (HVAC), trash compacting/collection, and other utility and service functions shall be incorporated into the overall design of the building(s) and the landscaping.
 - 3. The visual and acoustic impacts of these functions, along with all wall- or ground-mounted mechanical, electrical and communications equipment shall be out of view from adjacent properties and public pedestrian streets.
 - 4. Screening materials and landscape screens shall be architecturally compatible with and not inferior to the principal materials of the building.
 - a. The visual impact of chimneys and equipment shall be minimized by the use of parapets, architectural screening, rooftop landscaping, or by using other aesthetically pleasing methods of screening and reducing the sound of such equipment.
- H. Parking Structures.
- 1. Parking garage exteriors should be designed to visually respect and integrate with adjacent buildings.
 - 2. Garage doors and entrances to parking areas should be located in a sensitive manner using single curb cuts when possible.
 - 3. Residential parking structures must comply with the facade requirements for residential developments. (Ord. 1815 §1(part), Exh. C(part), 2000).

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).

17.68.020 Size of the planned unit development site.

A PUD shall be on a tract of land five acres or larger. (Ord. 1867 §6, 2006; Ord. 1615 §65, 1989).

17.68.030 Application and review.

A. Applications and review of PUDs shall conform to the provisions of Chapter [17.05](#) 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.

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 [17.10](#) 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 preapplication 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 Chapter [17.05](#) 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:

R-L	Residential low density	2.0 dwelling units per acre
R-1-6	Residential single-family	6.0 dwelling units per acre
R-1-8	Residential single-family	5.0 dwelling units per acre
R-1-10	Residential single-family	4.0 dwelling units per acre
R-2	Residential two-family	12.0 dwelling units per acre
R-3	Residential multiple-family under medium density plan designation	12.0 dwelling units per acre
R-3	Residential multiple-family under high density plan designation	25.0 dwelling units per acre

* 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 [17.05](#).
- B. The commission, on its own motion, at a public hearing advertised in conformance with the requirements of Chapter [17.05](#), 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).

Chapter 17.70 HISTORIC PRESERVATION OVERLAY ZONE

Sections:

- [17.70.010](#) Description and purpose.
- [17.70.020](#) Definitions.
- [17.70.030](#) Historic review board.
- [17.70.040](#) Designation of historic buildings or sites.
- [17.70.050](#) Exterior remodeling of a historic building.
- [17.70.060](#) Demolition and condemnation of historic buildings.
- [17.70.070](#) General provisions.

17.70.010 Description and purpose.

It is the public policy of the city that the protection, enhancement, perpetuation and continued use of sites and improvements of a special historical or aesthetic interest or value is in the best interests of the community. Also, the preservation of significant historic sites and buildings is a community responsibility and related implementing measures are required by the state of Oregon and by Statewide Planning Goal No. 5. The purposes of this section are to:

- A. Provide for the preservation and protection of sites and improvements within the community of Central Point that reflect or represent elements of the city's cultural, social, economic, political or architectural history;
- B. Safeguard the city's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and areas;
- C. Complement the efforts of the Southern Oregon Historical Society, state of Oregon and other organizations or individual efforts aimed at historical preservation;
- D. Foster civic pride in the beauty and accomplishments of Central Point's past;
- E. Carry out the provisions of L.C.D.C. Goal No. 5. (Ord. 1532 §1(part), 1984).

17.70.020 Definitions.

For the purposes of this chapter, the following terms are defined:

- A. "Alteration" means the addition to, removal of or from, or physical modification or repair of any exterior part or portion of a landmark or structures in an historical district including signs.
- B. Architectural Significance. To have "architectural significance," the site or structure must either:
 - 1. Portray the environment of a group of people in an era of history characterized by a distinctive architectural style;

2. Embody those distinguishing characteristics of an architectural-type specimen;
3. Be the work of an architect or master builder whose individual work has influenced the development of the city; or
4. Contain elements of architectural design, detail, materials, or craftsmanship which represent a significant innovation.

C. Board. The word "board" means the Historic Review Board.

D. "Demolish" means to raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a designated landmark or structure in a historic district or elsewhere in the community.

E. "Exterior" means any portion of the outside of a landmark or building or structure or any addition thereto. Any portion of the building that is visible from the outside.

F. "Historical Significance" means the structure or district:

1. Has character, interest or value as part of the development, heritage or cultural characteristics of the city, state or nation;
2. Is the site of a historic event with an effect upon society or of notable interest to the community or area;
3. Is identified with a person or group of persons who had some influence on society; or
4. Exemplifies the cultural, political, economic, social, or historic heritage of the community. (Ord. 1532 §1(part), 1984).

17.70.030 Historic review board.

The Central Point planning commission will act in the capacity of historic review board until such time as the city council determines that a separate body is needed for this purpose. At that time the council shall establish the necessary guidelines and criteria that may be needed to appoint members to the board that represent a cross-section of the community as well as unique backgrounds, interests, or other qualifications that will be helpful in dealing with historic issues and projects. Until a separate board is established, the planning commission will accept and schedule items of historical interest on its regular meeting agenda and act on them in accordance with this section and with the policies contained within the historical resources section of the city's comprehensive plan. (Ord. 1532 §1(part), 1984).

17.70.040 Designation of historic buildings or sites.

A. All sites listed on Central Point's historic inventory in the document entitled History of Central Point (Section VI of the comprehensive plan) are considered to be of historical interest or significance and are subject to the provisions of this section unless removed from that list as provided for in Section [17.70.070\(C\)](#).

B. The city council, after recommendation by the historic review board, may designate new historic buildings or sites and direct that they be included on the historic inventory map. New designations shall be made through the following procedure:

1. Upon receipt of a request to have a particular building or site designated a site of

historical significance, the board shall schedule a public hearing, shall advertise the hearing in a newspaper of local distribution, and shall notify the owners of all tax lots that fall within a radius of two hundred feet of the subject property by mail.

2. The historic review board shall conduct the public hearing and provide adequate opportunity for comments from all interested persons and affected agencies. Any written correspondence pertaining to the issue that is received prior to the time of the hearing shall also be entered into the record and considered by the board.

3. The board shall consider the proposal based on the five criteria listed as the "purposes" of this section under Section [17.70.010](#) and shall submit its recommendation to the city council along with minutes of the meeting and any additional documentation.

4. The city council may conduct a public hearing or choose to agree with the findings and recommendations of the board in lieu of a public hearing. If the city council determines that the building or site meets the review requirements set forth in Section [17.70.010](#), it may designate the building or site as "historic."

5. Following designation of a new building or site, city staff shall add that building or site to the city historic inventory map in accordance with the city's minor amendment procedures and schedule.

6. City designation of an historic site or structure shall not be interpreted as a recommendation for state, national or other formal recognition as a historic site or structure. (Ord. 1532 §1(part), 1984).

17.70.050 Exterior remodeling of a historic building.

A. Before a building permit is issued for the enlargement or any exterior alteration or remodeling of any designated historic building, the application shall be subject to a site plan review in accordance with Chapter [17.72](#) of the city's zoning ordinance and to be conducted by the historic review board. The review will include a public hearing and if the board determines that the proposed alterations constitute a significant change in the appearance of the building that may conflict with the original character or architectural style, the application may be denied.

B. At least fourteen days prior to the scheduled site review and public hearing, the applicant shall submit three copies of plans drawn to scale and showing at least the following

1. Architectural rendering showing the exterior appearance of the building following the remodeling or alterations;
2. Floor plans and list of materials and specifications of work to be done;
3. Plans and photos or renderings of all exterior landscaping, lighting (location, direction and type) and signing.

C. The board shall render a decision to grant, grant with conditions, or deny the remodeling proposal. The decision shall be based on findings that pertain to the criteria listed in Section [17.70.010](#). Failure of the board to act and make a decision on this request within forty-five days of submittal of a complete application shall constitute approval of the plans as submitted.

D. All modifications or enlargements or other exterior alterations to an historic building shall include designs, materials and finishes that are of a type that will be similar to the original design, materials or finishes, and that will enhance or preserve the historic character and value of the building.

E. Plans approved shall apply until work is completed. Any changes in approved plans shall be submitted to the city for consideration by the board.

F. The applicant may appeal a decision of the historic review board to the city council if the appeal is in writing and submitted within fifteen calendar days of the board's decision.

G. An appeal may also be made to the city council of a board decision by a person or persons other than the applicant if presented in the same manner as specified in subsection F above. Building permits shall not be issued during the fifteen day appeal period. (Ord. 1532 §1(part), 1984).

17.70.060 Demolition and condemnation of historic buildings.

A. No historic building or other structure shall be demolished unless so authorized by the city council. The applicant for the demolition of a historic structure shall submit the following items to the city as part of the application:

1. Names and addresses of the applicant, owners of the structure, owners of the property and other persons involved;
2. Tax lot description and map showing the location of the structure within the city;
3. A statement explaining the reason or reasons why the building is proposed for demolition;
4. Photographs of each elevation (side) of the building with the dates the photographs were taken. One copy is sufficient.

B. The historic review board shall schedule and conduct a public hearing to consider the request and to provide opportunities for public input.

C. The board, in arriving at its decision, shall take into consideration at least the following criteria:

1. The present state of repair of the building and the reasonableness of estimated restoration costs;
2. The character of the neighborhood in which the structure is located and its influence on or importance to other historical structures;
3. The city's comprehensive plan for the area and the importance to the community of other planned land uses;
4. Alternatives to demolition including preservation and relocation.

D. The board will submit its decision, recommendations, findings, and other supporting documentation to the city council which will either:

1. Permit the building to be demolished; or
2. Suspend issuance of permission to demolish for a fixed number of days not to exceed one hundred twenty days from the date of application when it is determined that:
 - a. It is in the best interests of preserving community historical values, and

- b. There is a reasonable chance that a program or project may be undertaken which could result in public or private acquisition of the building or which could cause the building to be restored or preserved.
- E. The city council, upon request, may extend the suspension period for an additional one hundred eighty days if there is reason to believe that a program or project may be undertaken to save the historic structure.
- F. If the suspension period has elapsed and the applicant has not withdrawn the application to demolish, then the applicant may demolish the historic building in accordance with city ordinances pertaining to demolition and public safety.
- G. If a historic structure for which permission has been granted for demolition has not been demolished within one year from the date permission was granted, then permission to demolish has become null and void and the applicant may request an extension of time for a period not to exceed six months from the date the permission becomes null and void. (Ord. 1532 §1(part), 1984).

17.70.070 General provisions.

- A. **Condemnation.** Before the city takes any action to condemn a building or structure designated as an historic building, the historic review board shall review the report of the city council relating to the building's condition. The board shall then provide a recommendation to the city council prior to the council's final decision and action.
- B. **Records of Demolished Buildings.** If a designated historic building is to be demolished, the city shall first:
 - 1. Attempt to gather a pictorial or graphic history of the building or site with any additional data as may be available;
 - 2. Upon permission of the owner, obtain artifacts from the building or site which it deems worth of preservation. Such items may be submitted to the city museum, if one is established, or other appropriate location;
 - 3. Notify persons or agencies such as Jacksonville Museum or the Southern Oregon Historical Society who may be interested in the historical significance of the building.
- C. **Removal of Designation.** Removal of a historic site or building from the list of historic inventory of the comprehensive plan shall be subject to the provisions of Section [17.70.040](#) and shall include public hearings as required for site review.
- D. **Signs and Plaques.** The owner of a designated historical building or site may install or authorize the installation of an identification plaque or marker indicating the name, date, architect or other appropriate information about the property provided that the size, materials, design, location, and text of the plaque or marker is approved by the historic review board. (Ord. 1532 §1(part), 1984).

Chapter 17.72

SITE PLAN, LANDSCAPING AND CONSTRUCTION PLAN APPROVAL

Sections:

- [17.72.010](#) Purpose.
- [17.72.020](#) Site plan approval required.
- [17.72.021](#) Application and review.
- [17.72.030](#) Information required.
- [17.72.040](#) Standards.
- [17.72.050](#) Conditions on site plan approval.
- [17.72.060](#) Building permit issuance--Plan change.
- [17.72.070](#) Expiration.
- [17.72.080](#) Site plan compliance--Certificate of occupancy.

17.72.010 Purpose.

The purpose of site plan, landscaping and construction plan approval is to review the site and landscaping plans of the proposed use, structure or building to determine compliance with this title and the building code, and to promote the orderly and harmonious development of the city, the stability of land values and investments, and the general welfare, and to promote aesthetic considerations, and to help prevent impairment or depreciation of land values and development by the erection of structures or additions or alterations thereto without proper attention to site planning, landscaping and the aesthetic acceptability in relation to the development of neighboring properties. (Ord. 1436 §2(part), 1981).

17.72.020 Site plan approval required.

A. A site plan application conforming to the requirements of Section [17.72.030](#) shall be made:

1. For all construction requiring issuance of a building permit; or
2. Upon a change of use.

B. Except for the C-3 zoning district, the requirement for a site plan application upon a change of use may be waived by city staff if staff determines that no modifications are necessary to the existing access, parking, driveway, or any other facilities on the site.

C. In the C-3 zoning district, the requirement for a site plan application may be waived by city staff if:

1. The project involves either a change of use or only maintenance, rehabilitation or

modernization of an existing building; and

2. City staff determines that no modifications are necessary to the existing access, driveway, or any other facilities on the site, excluding parking.

D. Site plan applications for properties located in R-L or R-1 districts shall be reviewed and approved by staff unless referred to the planning commission when unusual features or circumstances of the site or building could result in an adverse impact on the neighborhood or adjacent properties. Staff may, in its discretion, waive the site plan application filing fee and any of the requirements of 17.72.030(D) for:

1. Single-family residential structures; and

2. Storage sheds, patio covers, garages and carports, decks, gazebos, and similar nonoccupied structures used in conjunction with residential uses.

E. When the siting of a structure has the potential to interfere with future streets extended from subdivided or partitioned lands, such site plans shall be subject to approval by the planning commission.

F. No building permit shall be issued until approval, as provided in this chapter, has been obtained for any building or structure requiring plan approval according to the provisions of this title.

G. Site plan applications for properties located in R-2 or R-3 districts shall be reviewed and approved by staff if such applications consist of entirely new construction of a single building on a single tax lot having direct access to a public street. Staff may refer such applications to the planning commission when unusual features or circumstances of the site, building or improvements could result in an adverse impact on the neighborhood or adjacent properties. (Ord. 1745 §1, 1996; Ord. 1730 §1, 1995; Ord. 1717, 1995; Ord. 1702 §3, 1994; Ord. 1684 §63, 1993; Ord. 1615 §§52, 54, 1989; Ord. 1436 §2(part), 1981).

17.72.021 Application and review.

Applications shall be accompanied by a fee defined in the city's adopted planning application fee schedule. Such applications and the review thereof shall conform to the provisions of Chapter [17.05](#) and all applicable laws of the state. (Ord. 1786 §9, 1998; Ord. 1684 §64, 1993; Ord. 1436 §2(part), 1981).

17.72.030 Information required.

An application shall be filed which shall include the following information:

A. Name and address of the applicant;

B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;

C. Address and legal description of the assessor's parcel number of the property;

D. The application shall include an accurate scale drawing of the site, containing, at a minimum, the following:

1. North arrow,

2. Scale used,

3. Address and legal description of the assessor's parcel number and tax lot of the

property,

4. Lot dimensions,
 5. Applicable city zoning designation,
 6. Setbacks,
 7. Proposed landscaping,
 8. Location of all buildings, parking areas, streets, accesses, sidewalks, and other improvements, including the dimensions of each,
 9. Ground and architectural elevations,
 10. Distances between buildings, parking areas, streets, sidewalks and other improvements,
 11. Surrounding land uses,
 12. Easements,
 13. Adjacent streets,
 14. Off-street parking calculations,
 15. Existing trees,
 16. Pedestrian routes and sidewalks,
 17. Fencing,
 18. Screening of outdoor trash bins, and
 19. The location of all public improvements and all utilities, including their relation to other utilities in the area;
- E. Construction plans and such other plans and information as are required to show the architecture of all buildings and other improvements;
- F. In the discretion of the city, a traffic study performed by a licensed professional engineer; and
- G. Such additional information as is necessary to carry out the purposes of this chapter. (Ord. 1685 §65, 1993; Ord. 1436 §2(part), 1981).

17.72.040 Standards.

In approving, conditionally approving, or denying the plans submitted, the city shall base their decision on the following standards:

- A. Landscaping and fencing and the construction of walls on the site in such a manner as to cause the same to not substantially interfere with the landscaping scheme of the neighborhood, and in such a manner as to use the same to screen such activities and sights as might be heterogeneous to existing neighborhood uses. The planning commission may require the maintaining of existing trees for screening purposes and for sound and sight insulation from existing neighborhood use;
- B. Design, number and location of ingress and egress points so as to improve and to avoid interference with the traffic flow on public streets;
- C. To provide off-street parking and loading facilities and pedestrian and vehicle flow facilities in such a manner as is compatible with the use for which the site is proposed to be used and capable of use, and in such a manner as to improve and avoid interference with the traffic flow on public streets;
- D. Signs and other outdoor advertising structures to ensure that they do not conflict

with or deter from traffic control signs or devices and that they are compatible with the design of their buildings or uses and will not interfere with or detract from the appearance or visibility of nearby signs;

E. Accessibility and sufficiency of fire fighting facilities to such a standard as to provide for the reasonable safety of life, limb and property, including, but not limited to, suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus;

F. Compliance with all city ordinances and regulations, including Section [16.20.080](#) pertaining to the maximum number of single-family dwellings or dwelling units allowable on cul-de-sac streets, and applicable state laws;

G. Compliance with such architecture and design standards as to provide aesthetic acceptability in relation to the neighborhood and the Central Point area and its environs. The architecture and design proposals may be rejected by the planning commission if found to be incompatible with the existing architectural or design characteristics of adjacent properties or uses. In addition, the planning commission reserves the right to establish additional height, setback, buffering, or other development requirements that may be necessary to ensure land use compatibility and ensure the health, safety, and privacy of Central Point residents. (Ord. 1702 §4, 1994; Ord. 1684 §67, 1993; Ord. 1436 §2(part), 1981).

17.72.050 Conditions on site plan approval.

The city may attach to any site plan approval given under this chapter specific conditions deemed necessary in the interests of the public health, safety or welfare including, but not limited to, the following:

A. Construction and installation of any on-site or off-site improvements, including but not limited to sidewalks, curbs, gutters, streets, bikeways, street signs and street lights, traffic control signs and signals, water, storm drainage, sanitary sewer, and park and recreation improvements. In requiring off-site improvements, the city shall find that the improvements are reasonably related to the development and would serve a public purpose such as mitigating the negative impact of the proposed development.

All improvements required under this subsection shall be made at the expense of the applicant, and shall conform to the provisions of the Standard Specifications and Uniform Standard Details for Public Works Construction in the City of Central Point, Oregon. However, the city, in its discretion, may modify such standards and determine site-specific design, engineering and construction specifications when appropriate in the particular development;

B. An agreement by the owner of the property to waive, on his or her behalf, and on behalf of all future owners of the land, any objection to the formation of a local improvement district which may be formed in the future to provide any of the improvements specified in subsection A of this section;

C. An agreement by the owner of the property to enter into a written deferred improvement agreement, providing that one or more of the improvements specified in

subsection A of this section shall be made by the owner at some future time to be determined by the city;

D. Any agreement entered into pursuant to subsections B or C of this section shall be recorded in the county recorder's office and shall be intended to thereafter run with the land, so as to bind future owners of the lands affected. Any and all recording costs shall be borne by the applicant; and

E. Any other conditions deemed by the city to be reasonable and necessary in the interests of the public health, safety or welfare. (Ord. 1684 §68, 1993).

17.72.060 Building permit issuance--Plan change.

A. No building permit will be issued for the construction without the prior approval by the planning commission which will be noted on the first page of the plans. One copy of the plans shall be retained by the city and one set so approved shall be given to the developer or owner.

B. Any change or deviation from the plans approved by the planning commission without the approval of the building inspector for structures, the planning department for site plans, or the public works director for public improvements shall be considered a violation. (Ord. 1684 §69, 1993; Ord. 1436 §2(part), 1981).

17.72.070 Expiration.

A. A site plan approval shall lapse and become void one year following the date on which it became effective unless, by conditions of the site plan approval, a greater or lesser time is prescribed as a condition of approval, or unless prior to the expiration of one year, a building permit is issued by the building inspector and construction is commenced and diligently pursued toward completion. The planning commission may extend the site plan approval for an additional period of one year, subject to the requirements of [Section 17.76.040](#).

B. If an established time limit for development expired and no extension has been granted, the site plan approval shall be void. (Ord. 1684 §70, 1993).

17.72.080 Site plan compliance--Certificate of occupancy.

The city may refuse issuance of a certificate of occupancy for a change of use until the applicant for a site plan approval has completed all requirements and conditions in accordance with the site plan approved by the planning commission. No person shall use or occupy a building or property unless such person has complied with the applicable zoning ordinances, any conditions placed on the person's land use application, and has obtained a certificate of occupancy. (Ord. 1684 §71, 1993).

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Chapter 17.76 CONDITIONAL USE PERMITS

Sections:

- [17.76.010](#) Purpose.
- [17.76.011](#) Application and review.
- [17.76.020](#) Information required.
- [17.76.040](#) Findings and conditions.
- [17.76.060](#) Expiration.
- [17.76.070](#) Revocation.
- [17.76.080](#) Appeal.
- [17.76.090](#) Effect.
- [17.76.110](#) Mapping.
- [17.76.120](#) Change of ownership.

17.76.010 Purpose.

In certain districts, conditional uses are permitted subject to the granting of a conditional use permit. Because of their unusual characteristics or the special attributes of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of the zoning title and their effect on surrounding properties. (Ord. 1436 §2(part), 1981).

17.76.011 Application and review.

An application and review thereof shall conform to the provisions of Chapter [17.05](#) and all applicable laws of the state. The application shall be accompanied by a fee defined in the city's adopted planning application fee schedule. (Ord. 1786 §10, 1998; Ord. 1436 §2(part), 1981).

17.76.020 Information required.

An application for a conditional use permit shall include the following information:

- A. Name and address of the applicant;
- B. Statement that the applicant is the owner of the property or is the authorized agent of the owner;
- C. Address and legal description or the assessor's parcel number of the property;
- D. An accurate scale drawing of the site and improvements proposed. The drawing must be adequate to enable the planning commission to determine the compliance of the proposal with the requirements of this title;

E. A statement indicating the precise manner of compliance with each of the applicable provisions of this title together with any other data pertinent to the findings prerequisite to the granting of a use permit.

The application shall be accompanied by a fee of one hundred dollars. (Ord. 1436 §2 (part), 1981).

17.76.040 Findings and conditions.

The planning commission in granting a conditional use permit shall find as follows:

- A. That the site for the proposed use is adequate in size and shape to accommodate the use and to meet all other development and lot requirements of the subject zoning district and all other provisions of this code;
- B. That the site has adequate access to a public street or highway and that the street or highway is adequate in size and condition to effectively accommodate the traffic that is expected to be generated by the proposed use;
- C. That the proposed use will have no significant adverse effect on abutting property or the permitted use thereof. In making this determination, the commission shall consider the proposed location of improvements on the site; vehicular ingress, egress and internal circulation; setbacks; height of buildings and structures; walls and fences; landscaping; outdoor lighting; and signs;
- D. That the establishment, maintenance or operation of the use applied for will comply with local, state and federal health and safety regulations and therefore will not be detrimental to the health, safety or general welfare of persons residing or working in the surrounding neighborhoods and will not be detrimental or injurious to the property and improvements in the neighborhood or to the general welfare of the community based on the review of those factors listed in subsection C of this section;
- E. That any conditions required for approval of the permit are deemed necessary to protect the public health, safety and general welfare and may include:
 - 1. Adjustments to lot size or yard areas as needed to best accommodate the proposed use; provided the lots or yard areas conform to the stated minimum dimensions for the subject zoning district, unless a variance is also granted as provided for in Chapter [17.13](#),
 - 2. Increasing street widths, modifications in street designs or addition of street signs or traffic signals to accommodate the traffic generated by the proposed use,
 - 3. Adjustments to off-street parking requirements in accordance with any unique characteristics of the proposed use,
 - 4. Regulation of points of vehicular ingress and egress,
 - 5. Requiring landscaping, irrigation systems, lighting and a property maintenance program,
 - 6. Regulation of signs and their locations,
 - 7. Requiring fences, berms, walls, landscaping or other devices of organic or artificial composition to eliminate or reduce the effects of noise, vibrations, odors, visual incompatibility or other undesirable effects on surrounding properties,
 - 8. Regulation of time of operations for certain types of uses if their operations may

adversely affect privacy of sleep of persons residing nearby or otherwise conflict with other community or neighborhood functions,

9. Establish a time period within which the subject land use must be developed,
10. Requirement of a bond or other adequate assurance within a specified period of time,
11. Such other conditions that are found to be necessary to protect the public health, safety and general welfare,
12. In considering an appeal of an application for a conditional use permit for a home occupation, the planning commission shall review the criteria listed in Section [17.60.190](#). (Ord. 1823 §5, 2001; Ord. 1684 §72, 1993; Ord. 1615 §55, 1989; Ord. 1533 §1, 1984; Ord. 1436 §2(part), 1981).

17.76.060 Expiration.

A. A conditional use permit shall lapse and become void one year following the date on which it became effective, unless:

1. By conditions of the conditional use permit, a greater or lesser time is prescribed as a condition of approval;
2. Prior to the expiration of one year, a building permit is issued by the city and construction is commenced and diligently pursued toward completion; or
3. If no building permit is required in the particular case, the conditionally-approved use has been commenced.

B. The planning commission may extend the conditional use permit for an additional period of one year, subject to the requirements of Section [17.76.040](#).

C. If an established time limit for development expired and no extension has been granted, the conditional use permit shall be void. (Ord. 1684 §73, 1993; Ord. 1436 §2 (part), 1981).

17.76.070 Revocation.

A. The commission, on its own motion, at a public hearing, may revoke any conditional use permit for noncompliance with the conditions set forth in granting said permit. Notice of public hearing shall be given as in Chapter [17.05](#).

B. If an established time limit for development expires and no extension has been granted, the conditional use permit shall be considered void. (Ord. 1615 §56, 1989; Ord. 1436 §2(part), 1981).

17.76.080 Appeal.

The decision of the planning commission may be appealed to the city council in the manner prescribed by Chapter [17.05](#). (Ord. 1615 §57, 1989; Ord. 1436 §2(part), 1981).

17.76.090 Effect.

No building permit shall be issued in any case where a conditional use permit is

required until ten days after the granting of a conditional use permit, and then only in accordance with the terms and conditions of said permit. An appeal from the action of the commission shall automatically stay the issuance of the building or other permit until such appeal has been completed and the council has acted thereon. In the event the council grants said conditional use permit, the building permit may issue immediately in accordance with such terms and conditions as may have been imposed in said permit. (Ord. 1615 §53, 1989; Ord. 1436 §2(part), 1981).

17.76.110 Mapping.

Within thirty days after the granting of a conditional use permit, the permit application file number shall be indicated on the zone map on the lot or lots affected by such permit. (Ord. 1436 §2(part), 1981).

17.76.120 Change of ownership.

A conditional use permit granted pursuant to the provisions of this chapter shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the use permit application, except as otherwise provided in this chapter and in Section [17.60.190](#). (Ord. 1436 §2(part), 1981).



Chapter 17.77
ACCESSORY DWELLING UNITS (ADU)

Sections:

- [17.77.005](#) Purpose.
- [17.77.010](#) Permitted in residential districts, R-L and R-1.
- [17.77.020](#) Provisions for water and sewer.
- [17.77.030](#) Only one accessory dwelling unit per single-family dwelling.
- [17.77.040](#) General provisions.
- [17.77.050](#) Special provisions.
- [17.77.060](#) Permit--Fee--Application--Inspection.
- [17.77.070](#) Detached from single-family dwelling--Special.

17.77.005 Purpose.

The purpose of this section is to allow for establishment of an accessory dwelling unit in conjunction with a single-family dwelling within a single-family residential zoning district. An accessory dwelling may be permitted as a means of providing more affordable housing opportunities for young families, empty nesters and others; encouraging additional density with minimal cost and disruption to surrounding neighborhoods; allowing individuals and smaller households to retain large houses as residences; providing convenient care for the elderly and infirm on a long-term basis; and allowing more energy-efficient use of large, older homes. (Ord. 1884 (part), 2006).

17.77.010 Permitted in residential districts, R-L and R-1.

Accessory dwelling units (ADUs) shall be a permitted use in the R-L and R-1 residential districts as accessory to single-family dwellings subject to the provisions of this chapter. (Ord. 1884 (part), 2006).

17.77.020 Provisions for water and sewer.

No ADU shall be permitted to be added to, created within, or constructed on the same lot as the single-family dwelling to which it is accessory without a prior certification from the public works department of the city that the water supply and sanitary sewer facilities serving the site of the proposed ADU are adequate. (Ord. 1884 (part), 2006).

17.77.030 Only one accessory dwelling unit per single-family

dwelling.

Only one ADU shall be permitted as accessory to a single-family dwelling. (Ord. 1884 (part), 2006).

17.77.040 General provisions.

- A. ADUs shall be permitted as second dwelling units that are added to or created within or on the same lot as a single-family dwelling.
- B. All housing and building codes and standards shall be applicable to all ADUs including, but not limited to, the building code, the plumbing code, the electrical code, the mechanical code, the fire code, and all requirements of the city of Central Point.
- C. ADUs that are added to or created within single-family dwellings shall not be required to have separate independent utility connections; however, ADUs that are detached from the single-family dwelling to which they are accessory shall have separate independent utility connections and solid waste collection.
- D. The gross floor area of an accessory dwelling unit shall contain no more than thirty-five percent of the gross floor area of the main dwelling in existence prior to the construction of the accessory dwelling unit or eight hundred square feet, whichever is less.
- E. No subdivision of land, air rights or condominium is allowed so as to enable the sale or transfer of the accessory dwelling unit independently of the main dwelling unit or other portions of the property.
- F. All ADUs shall be designed to maintain the appearance of the single-family dwelling to which they are accessory. If an ADU extends beyond the current footprint of the single-family dwelling it must be consistent with the existing roof pitch, siding and windows of the single-family dwelling. If a separate entrance door is provided, it must be located either off the rear or side of the single-family dwelling. Any additions to an existing structure or building shall not exceed the allowable lot coverage or encroach into the required setbacks.
- G. All ADUs which are attached to a single-family dwelling shall have a separate entrance for the accessory dwelling unit, but it shall not be located on the front of the existing building.
- H. At least one off-street parking space shall be provided for each ADU in addition to the off-street parking spaces required for the single-family dwelling.
- I. All ADUs shall have separate street addresses that are visible from the street and that clearly identify the location of the ADU. (Ord. 1884 (part), 2006).

17.77.050 Special provisions.

- A. The owner or contract purchaser of record of the single-family dwelling to which an ADU is accessory shall reside either in the single-family dwelling or the ADU as a permanent place of residence and shall not be permitted to rent or lease the same. The ownership of ADUs may not be separated from ownership of the single-family dwelling to which they are accessory.
- B. No home occupations, day care centers or adult foster homes shall be permitted in

ADUs or in single-family dwellings to which they are accessory. (Ord. 1884 (part), 2006).

17.77.060 Permit--Fee--Application--Inspection.

- A. No ADU may be added to, created within, or constructed upon the same lot as a single-family dwelling without a permit therefor, issued by the planning department.
- B. All applications for ADU permits shall be on forms provided by the planning department, and the fee for such permit shall be as provided in the building code.
- C. Before any permit for the creation or construction of an ADU is granted, the proposed site thereof and the plans and specifications therefor shall be inspected by the building official to assure that the provisions of this chapter are not violated. (Ord. 1884 (part), 2006).

17.77.070 Detached from single-family dwelling--Special.

The following provisions shall be applicable to detached ADUs:

- A. Water, sewer and solid waste collection shall be by way of connections and service that is completely separate, apart and independently metered from the single-family dwelling to which such ADU is accessory.
- B. All detached ADUs shall comply with all setback and separation requirements for detached accessory buildings except that the minimum rear yard setback shall be ten feet.
- C. Detached ADUs shall be designed in such a manner as to blend with or complement the architectural design of the single-family dwelling to which such ADU is accessory; approval of such design shall be made by the appeal board of adjustment.
- D. Detached ADUs shall share the same hard-surfaced driveway as the single-family dwelling to which such ADU is accessory, and shall have direct access to the street upon which the single-family dwelling fronts, or take access from an alley. No new or additional curb cuts shall be permitted for the ADU, except on corner lots where a new curb cut will be allowed on the street frontage having no existing curb cut.
- E. Detached ADUs shall have a minimum of twenty-five feet of unobstructed street frontage with no intervening structures to ensure adequate visibility and access for emergency vehicles. (Ord. 1884 (part), 2006).

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Chapter 17.92 ENFORCEMENT

Sections:

[17.92.010](#) Violations a nuisance.

[17.92.020](#) Penalties.

17.92.010 Violations a nuisance.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title, and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title is unlawful and a public nuisance, and the city attorney of the city may, or upon order of the council shall, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 1436 §2(part), 1981).

17.92.020 Penalties.

Any person, firm or corporation, whether as principal, agent, employee, or otherwise, violating or causing the violation of any of the provisions of this title is guilty of a misdemeanor and upon conviction thereof shall be punishable by the general penalty. Such person, firm or corporation is guilty of a separate offense for each and every day during any portion of which any violation of this title is committed or continued by such person, firm or corporation, and shall be punishable as herein provided for each such offense. (Ord. 1684 §75, 1993; Ord. 1436 §2(part), 1981).

Chapter 17.96
AMENDMENT TO COMPREHENSIVE LAND-USE PLAN

Sections:

- [17.96.010](#) Procedure.
- [17.96.020](#) Initiation of amendments.
- [17.96.030](#) Major revisions and minor changes--Time for hearing.
- [17.96.040](#) Schedule of public hearings.
- [17.96.050](#) Substantive standards.
- [17.96.060](#) Action by city council.

17.96.010 Procedure.

The comprehensive land-use plan of the city may be amended by changing the text, the boundaries of districts therein, or by changing the urban growth boundary, subject to approval by the Land Conservation and Development Commission of the state, whenever the public necessity and convenience and general welfare requires such amendment, by following the procedure of this chapter. (Ord. 1436 §2(part), 1981).

17.96.020 Initiation of amendments.

Amendment may be initiated by:

- A. Resolution of intention of the planning commission;
- B. Resolution of intention by the city council;
- C. Application by one or more property owners, or their agents, of property affected by the proposed amendment. The amendment shall be accompanied by a legal description of the property or properties affected and all properties within a radius of three hundred feet of the exterior boundaries thereof; proposed findings of facts supporting the proposed amendment, justifying the same and addressing the substantive standards for such an amendment as required by this chapter and by the Land Conservation and Development Commission of the state. (Ord. 1436 §2(part), 1981).

17.96.030 Major revisions and minor changes--Time for hearing.

In accordance with state-wide planning goal two, proposed amendments to the comprehensive plan shall be categorized as either major revisions or minor changes under the goal two definitions of said terms. Proposals for major revisions shall be processed, as provided for in this chapter, not more than every January of even-numbered years, and proposals for minor changes shall likewise be processed not more frequently than each January. Notwithstanding the schedule set forth in this

section, applications for plan amendments may be processed concurrently with applications for annexation under Chapter [1.20](#). (Ord. 1615 §60, 1989; Ord. 1436 §2 (part), 1981).

17.96.040 Schedule of public hearings.

All proposals for amendment to the comprehensive plan, including major revisions and minor changes, shall be scheduled for public hearing before the citizens advisory committee, the city's planning commission and the city council, on dates to be scheduled by the city council by resolution, which dates may be set by the resolution of intent. The applications and review thereof shall conform to the provisions of Chapter [17.05](#) of this code and all applicable laws of the state. (Ord. 1533A(part), 1984; Ord. 1436 §2(part), 1981).

17.96.050 Substantive standards.

A. The citizens' advisory committee, the planning commission and the city council, in reviewing a proposed amendment to the comprehensive plan, shall address the public need and justification for the proposed change, and shall make specific findings, reciting the evidence in support thereof, for each of the state-wide planning goals as the same apply to the proposed change.

B. The findings adopted by the citizens' advisory committee, following a public hearing on the proposal, shall be forwarded to the city planning commission prior to the public hearing at the planning commission level. The findings adopted by the planning commission following public hearing shall be forwarded to the city council prior to the public hearing at the council level. (Ord. 1436 §2(part), 1981).

17.96.060 Action by city council.

A. Following receipt of the findings of the citizens' advisory committee and planning commission on the proposed amendment, receipt of any staff reports, and all evidence received at the public hearing held at the city council level, the city council shall render its decision within sixty days after said hearing, and said decision shall include findings as required in Section [17.96.050](#). If the council proposes to adopt an amendment that is substantially altered from that recommended by the citizens' advisory committee or the planning commission, the council may refer said proposed amendment back to the citizens' advisory committee or the planning commission for report and recommendation prior to adoption.

B. When adopted, any changes shall be suitably noted in a prominent place in the city's comprehensive plan, filed with the city recorder, and copies thereof shall be made available to the public.

C. In the event a petition for an amendment to the comprehensive plan is denied by the council, said petition shall not be eligible for resubmission until the next date scheduled for review of proposed amendments to the comprehensive plan. (Ord. 1436 §2(part), 1981).



Chapter 17.98 REAL PROPERTY COMPENSATION

Sections:

- [17.98.010](#) Purpose.
- [17.98.020](#) Definitions.
- [17.98.030](#) Claim filing procedures.
- [17.98.040](#) City administrator investigation and recommendation.
- [17.98.050](#) City council public hearing.
- [17.98.060](#) City council action on claim.
- [17.98.070](#) Processing fee.
- [17.98.080](#) Effective date.

17.98.010 Purpose.

This chapter is intended to implement the provisions added to Chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city, preserves and protects limited public funds, and establishes a record of the city's decision capable of circuit court review. (Ord. 1854, 2004).

17.98.020 Definitions.

As used in this chapter, the following words and phrases mean:

- A. City Administrator. The city administrator of the city of Central Point or his/her designee.
- B. Claim. A claim filed under Ballot Measure 37.
- C. Exempt Land Use Regulation. A land use regulation that:
 1. Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
 2. Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
 3. Is required in order to comply with federal law;
 4. Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
 5. Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or

inheritance by the owner, whichever occurred first.

D. "Family member" includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

E. "Land use regulation" includes:

1. Any statute regulating the use of land or any interest therein;
2. Administrative rules and goals of the Land Conservation and Development Commission;
3. Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
4. Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
5. Statutes and administrative rules regulating farming and forest practices.

F. Owner. The present owner of the property, or any interest therein.

G. Valid Claim. A claim submitted by the owner of real property that is subject to a land use regulation adopted or enforced by the city that restricts the use of the private real property in a manner that reduces the fair market value of the real property. (Ord. 1854, 2004).

17.98.030 Claim filing procedures.

A. A person seeking to file a claim under Sections [17.98.010](#) through [17.98.070](#) must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city administrator's office, or another city office if so designated by the city administrator.

B. A claim shall include:

1. The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;
2. The address, tax lot, and legal description of the real property that is the subject of the claim, together with the title report issued not more than thirty days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant, and the date the property was acquired;
3. The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;
4. The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon; and
5. Copies of any leases or covenants, conditions and restrictions (CCRs) applicable

to the real property, if any, that impose restrictions on the use of the property.

C. Notwithstanding a claimant's failure to provide all of the information required by subsection B of this section, the city may review and act on a claim. (Ord. 1854, 2004).

17.98.040 City administrator investigation and recommendation.

A. Following an investigation of a claim, the city administrator shall forward a recommendation to the city council that the claim be:

1. Denied;
2. Investigated further;
3. Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or
4. Evaluated with the expectation of the city acquiring the property by condemnation.

B. If the city administrator's recommendation is that a claim be denied, and no elected city official informs the city administrator in writing within fourteen days that the official disagrees, then the city administrator may deny the claim. If an elected city official objects, then the city administrator shall wait an additional seven days to see whether two more elected officials object to the proposed denial. If they do, then the city administrator shall schedule a work session with the city council. If not, the city administrator may deny the claim. (Ord. 1854, 2004).

17.98.050 City council public hearing.

The city council shall conduct a public hearing before taking final action on a recommendation from the city administrator. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within three hundred feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the city council whose boundaries include the subject property. (Ord. 1854, 2004).

17.98.060 City council action on claim.

A. Upon conclusion of the public hearing, and prior to the expiration of one hundred eighty days from the date the claim was filed, the city council shall:

1. Determine that the claim does not meet the requirements of Measure 37 and this chapter, and deny the claim; or
2. Adopt a resolution with findings therein that supports a determination that the claim is valid and either direct that the claimant be compensated in an amount set forth in the resolution for the reduction in value of the property, or remove, modify or direct that the challenged land use regulation not be applied to the property.

B. The city council's decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property.

C. If the city council removes or modifies the challenged land use regulation, it may,

at its discretion, put back into effect, with respect to the subject property, all of the land use regulations in effect at the time the claimant acquired the property.

D. A decision by the city council to remove or modify a land use regulation shall be personal to the claimant(s) and shall automatically become invalid and void upon the transfer or any ownership interest in the subject property by the claimant to anyone. (Ord. 1854, 2004).

17.98.070 Processing fee.

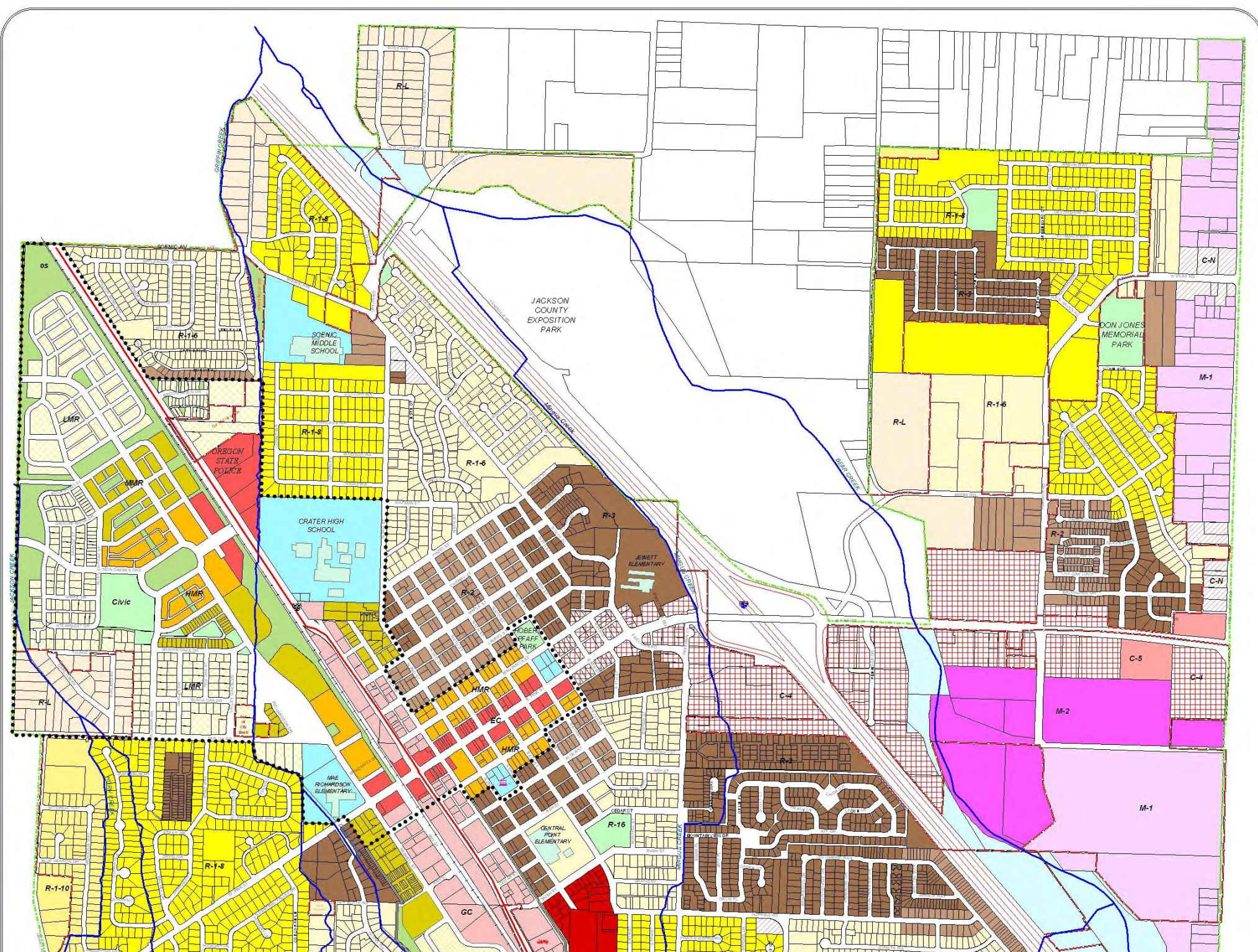
A. The city administrator shall charge a flat fee and shall also maintain a record of the city's costs in processing a claim, including the costs of obtaining information required by Section [17.98.030](#) which a property owner does not provide to the city.

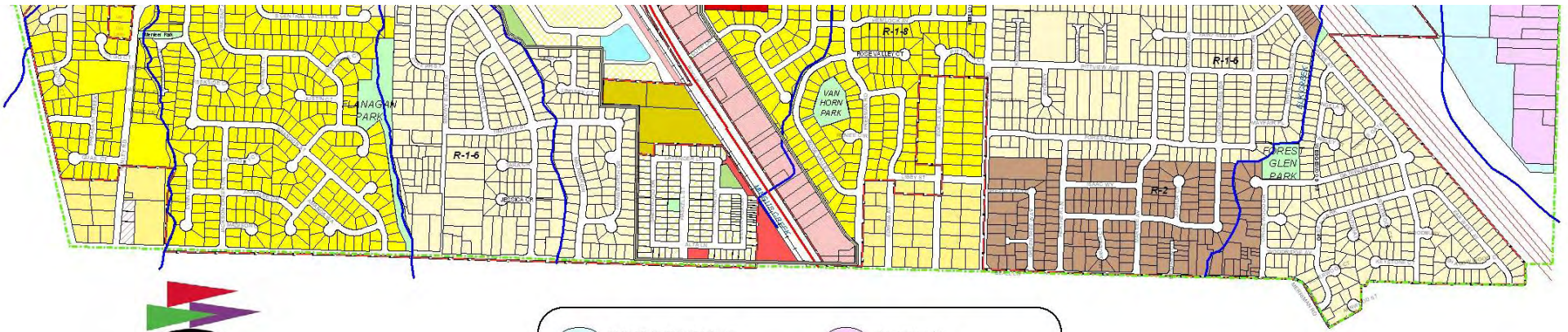
Following final action by the city on the claim at the local level, the city administrator shall send to the property owner a bill for the actual costs, including staff and legal costs, that the city incurred in reviewing and acting on the claim.

B. If the property owner does not pay the amount due within thirty days, then the city shall pursue collection, including filing a lien on the property. (Ord. 1854, 2004).

17.98.080 Effective date.

Due to the passage of Measure 37 at the general election on November 2, 2004, with an effective date thirty days thereafter, the city council declares it is necessary for the preservation of the public health, welfare and safety for the ordinance codified in this chapter to have immediate effect. Therefore, the ordinance codified in this chapter shall become effective immediately upon its passage by the city council and approval by the mayor. (Ord. 1854, 2004).





CENTRAL POINT

City Zoning

Population 14,950



	BCG = Bear Creek Greenway		M-1 = Industrial
	C-2 (M) = Commercial - Medical District		M-2 = Industrial General
	C-4 = Tourist and Office		MMR = Medium Mix Residential (TOD)
	C-5 = Thoroughfare Commercial		OS = Open Space (TOD)
	CN = Neighborhood Commercial		R-1-10 = SF Residential - 10,000
	Civic (TOD)		R-1-6 = SF Residential - 6,000
	EC = Employment Commercial (TOD)		R-1-8 = SF Residential - 8,000
	GC = General Commercial (TOD)		R-2 = Two-Family Residential
	HMR = High Mix Residential/Commercial (TOD)		R-3 = Multiple Family Residential
	LMR = Low Mix Residential (TOD)		R-L = Low Density Residential

	UGB		Highway 99
	City Limits		TOD Corridor
	Streams		TOD District
	Fire Department		School Buildings
	City Hall/Police		Parks
	Railroad		

This map is intended for graphic display and reference purposes only. Some parcels are not represented in this map.
 DMA 07 April 2005
 cityzoning.mxd

