

CITIZENS ADVISORY COMMITTEE MEETING AGENDA



November 12, 2024

6:00 PM

Central Point City Hall, Council Chambers

140 S 3rd St, Central Point, OR

www.centralpointoregon.gov

10. Meeting Called to Order

20. Roll Call

30. Approval of Minutes

A. April 9, 2024 Meeting Minutes

40. Public Appearances

50. Business

A. Land Development Code Amendments (File No. ZC-24001)
Stephanie Powers, Planning Director

60. Discussion Items

70. Miscellaneous

80. Committee Member Reports

90. Adjournment

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1015 (voice), or by e-mail to rachel.neuenschwander@centralpointoregon.gov. Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta pública de la ciudad por favor llame con 72 hora de anticipación al 541-664-3321 ext. 201.



CITIZEN'S ADVISORY COMMITTEE
MEETING MINUTES
April 9, 2024 – 6:00:PM

MEETING CALLED TO ORDER AT 6:03 P.M.

I. ROLL CALL

Present: Kristy Painter (chair), Royce Chambers, Pam Allister were present

Also in attendance: Planning Director Stephanie Powers, Community Planner Justin Gindlesperger and Planning Secretary Karin Skelton

City Council Liaison Mike Parsons was counted as a participant to make a quorum.

II. MINUTES

Royce Chambers made a motion to approve the January 16, 2024 minutes. Pam Allister seconded. Minutes were approved.

III. CORRESPONDENCE

None

IV. PUBLIC APPEARANCES

None

V. BUSINESS

VI. DISCUSSION

A. Mobile Food Business Code Amendments

Community Planner Justin Gindlesperger gave an overview of the creation of the code governing Mobile Food Vendors within the City. He reviewed the different types of vendor classifications and the basis for development of the code.

Planning Director Stephanie Powers reviewed the current code standards and the proposed changes. She reviewed situations that seemed to be working well and some that needed addressing. She went over the application and permitting process including location and operational standards.

The Committee discussed seating area shelters, flashing lights, electronic signage, flags and location of trucks within the Right-of-Way. They discussed expanding the zones where they would be allowed. They discussed the definitions section and their general impression of the various Mobile Food Vendors in the City. They were in favor of the amendments, and thought Food Trucks should be encouraged but agreed that monitoring and enforcement of the code were key to assuring smooth operation.

B. Land Development Code Update

Ms. Powers explained the Land Development Code updates. She explained the state's requirement for a Climate Friendly Area (CFA) to be identified. She reviewed the City's selected location for the CFA, the timeline and next steps for the designation. She said the State was also requiring changes for missing middle housing and pre-fabricated and modular housing.

Ms. Powers gave an overview of current development projects.

ADJOURNMENT

The foregoing minutes of the April 9, 2024 Citizens Advisory Committee were approved by the Citizens Advisory Committee at its meeting on _____.

Kristy Painter, Chair



DEPARTMENT: Planning **MEETING DATE:** November 12, 2024

STAFF CONTACT: Stephanie Powers, Planning Director

SUBJECT: Land Development Code Amendments (File No. ZC-24001)

SUMMARY AND BACKGROUND:

On April 2, 2024, staff presented a series of code updates needed to advance the community’s vision, goals and policies while also coming into compliance with state statutes and rules. At that time, the Citizen’s Advisory Committee reviewed draft changes to the following city-driven code chapters:

- CPMC 17.04 – General Provisions
- CPMC 17.05 – Applications and Development Review Procedures
- CPMC 17.11 – Code Interpretations and Similar Use Authorizations
- CPMC 17.12 – Zoning District Establishment
- CPMC 17.13 – Adjustments and Variances
- CPMC 17.56 – Nonconforming Situations
- CPMC 16.44 – Property Line Adjustments.

The CAC made recommendations on the preliminary code concepts at that time that have been incorporated into the revised draft. Since that time, additional changes have been made to update annexation procedures and requirements, establish procedures and requirements for replays and property line adjustments, clarify home occupation permit requirements, revise fence standards and establish approval criteria for conditional use permits, adjustments and variances and nonconforming situations (Attachment 1).

The objective of this round of code amendments is to establish a clearer, user-friendly regulatory framework for land development in the City. Future code amendments will establish regulations to accomplish the following:

- Designate the City’s first Climate Friendly Area (CFA);
- Update and revise public improvement standards, including walkability;
- Update procedures and requirements for land division tentative plans, final plats and middle housing land divisions; and,
- Consolidate and revise residential land use and development standards.

At the November 12, 2024 CAC meeting, staff will present the revised code concepts, seek input and a recommendation to the City Council to approve, approve with revisions or deny the proposed code amendments. Following this discussion, staff will

present the next steps and opportunities for public participation in the decision-making process

ATTACHMENTS/EXHIBITS:

1. Land Development Code Amendments (CAC Draft)

Attachment 1

Land Development Code Amendments (CAC Draft)

File No. ZC-24001

November 12, 2024

Title 1 – General Provisions

Summary: Repeal Chapter 1.20, Annexations which is out of date and not consistent with how the City has processed annexations for several years. Annexation procedures and requirements will be added to Title 17 in a new Chapter 17.94.

Chapter 1.20
ANNEXATION PROCEDURE

Sections:

- ~~1.20.010 Generally.~~
- ~~1.20.011 Application and review.~~
- ~~1.20.020 Preliminary plat requirements.~~
- ~~1.20.030 Legal description.~~
- ~~1.20.040 Annexation proposal fee.~~
- ~~1.20.050 Final plat.~~
- ~~1.20.060 Waiver of fees.~~

1.20.010 Generally.

All proposals for **annexation** of real property to the city under the provisions of Oregon Revised Statutes 222.111 to 222.180, now in effect or as hereafter amended, shall be accompanied by a preliminary plat, an exterior boundary legal description and the **annexation** fee as in this chapter provided. (Ord. 1166 §1, 1974).

1.20.011 Application and review.

Applications and review thereof shall conform to the provisions of Chapter 17.05 of the Central Point Municipal Code and all applicable laws of the state. Applications for **annexation** may be accompanied by other, concurrent applications, for amendment to the comprehensive plan, amendments to the zoning map and requests for withdrawal from special districts, provided that such concurrent applications meet all requirements therefor. (Ord. 1368 §2, 1979).

1.20.020 Preliminary plat requirements.

Plats submitted as part of proposals for **annexation** shall be made on paper that is eighteen inches by twenty-four inches in size. Plats shall be drawn to the following standards and provide information as follows:

A. All plats shall be drawn in any of the following scales:

one inch equals twenty feet;

one inch equals fifty feet;

one inch equals one hundred feet;

one inch equals two hundred feet.

~~B. A title block shall be shown in the lower right hand corner displaying the name of the engineer, surveyor or other person who prepared such plat, the date and the names of owners proposing such annexation.~~

~~C. Plats shall clearly and legibly show existing boundary lines of the city adjacent to such annexation together with names of streets and such other information as will clearly identify the relationship of the area proposed to be annexed to the existing boundaries of the city.~~

~~D. The exterior boundary of the area proposed to be annexed shall be clearly and legibly shown.~~

~~E. The code number, account number and tax lot number as shown on the official records of the Jackson County tax assessor for each parcel of real property or portion thereof within the area proposed to be annexed shall be clearly shown together with the name of the owner of record and the name of any contract purchasers under any contract or memorandum thereof filed in the official records of Jackson County.~~

~~F. If any public roads are included within the areas to be annexed, they shall be clearly shown. (Ord. 1166 §2, 1974).~~

1.20.030 Legal description.

~~A narrative legal description of the exterior boundary of the area to be annexed shall be submitted with each proposal for annexation. (Ord. 1166 §3, 1974).~~

1.20.040 Annexation proposal fee.

~~Each proposal for annexation shall be accompanied by a fee defined in the city's adopted planning application fee schedule. In the event the city is required to incur expenses in processing the proposed annexation, including the cost of payroll, materials and services incurred therein, which expenses shall exceed the adopted fee, payment to the city of such expenses in excess of the adopted fee shall be a condition of final acceptance of such annexation by the city. (Ord. 1786 §2, 1998; Ord. 1684 §1, 1993; Ord. 1391 §1, 1980; Ord. 1166 §4, 1974).~~

1.20.050 Final plat.

~~Annexations approved by the council will be conditioned upon filing a final plat with the city recorder. Final plats shall be drawn with black ink upon mylar film or other material approved by the city recorder that has similar characteristics of strength and permanency suitable for binding and copying purposes. Final plats shall be of the same size and contain the same information as required for preliminary plats in Section 1.20.020. (Ord. 1166 §5, 1974).~~

1.20.060 Waiver of fees.

The council may waive payment of fees at its discretion. (Ord. 1166 §6, 1974).

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).

CPMC 17.94, Annexation

Sections:

- 17.94.010 Purpose and Applicability**
- 17.94.020 Application Process and Submittal Requirements**
- 17.94.030 Approval Criteria**
- 17.94.040 Zoning of Annexed Areas**
- 17.94.050 Annexation of Territory Surrounded by the City**

17.94.010 Purpose and Applicability

Annexation is the action taken to incorporate land into the city. Under State law, land may be annexed to the city only if it is within the Urban Growth Boundary, and is contiguous to the city limits. Applications for annexation may be accompanied by other, concurrent applications, for amendment to the comprehensive plan, amendments to the zoning map and requests for withdrawal from special districts, provided that such concurrent applications meet all requirements therefor.

CPMC 17.94.020 Application Process and Submittal Requirements

- A. *Application for Annexation.* Except for the annexation of unincorporated territory surrounded by the city as provided in CPMC 17.94.050 below, applications for annexation shall include all of the requirements listed in Subsection (C) below, and be subject to the provisions of ORS 222.111 to 222.180 (Authority and Procedures for Annexation) or 222.840 to 222.915 (Health Hazard Abatement Law).**
- B. *Public Hearing for Annexation.* A public hearing shall be held prior to the Council's adoption of an ordinance for annexation. The City shall publish notice of the public hearing once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall post notices of the hearing in at least four public places in the city for a like period.
 - 1. Exception: A public hearing is not required when all of the owners of land in the unincorporated territory and not less than 50 percent of the electors, if any, residing in the territory consent in writing to the annexation of the land in the territory, and file a statement of their consent with the Council per ORS 222.125.****
- C. *Submittal Requirements.* An application for annexation shall contain the following information:**

1. Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of annexation and existing city limits.
2. *Assessor's Maps of the proposed annexation area.* The assessor's maps shall have identified those parcels for which consents to annex have been acquired and adjacent right-of-way to be annexed.
3. Consent to annex forms completed and signed by all consenting property owners within the proposed annexation area.
4. Legal metes and bounds or lot and block description of the annexation area. Prior to submittal of the Annexation application, the applicant shall consult with the Public Works Department on the extent of any adjacent right-of-way that is to be included in the legal description. All legal descriptions shall be reviewed and approved by the Public Works Department prior to submittal of the Annexation application.
5. Specific information on each parcel within the proposed annexation area:
 - a. Current assessed valuation shown on County Assessor's tax rolls.
 - b. Acreage of both public and private property, and public right-of-way to be annexed.
 - c. Map and tax lot number.
6. Addresses of all dwelling units and businesses located within the annexation area and names of all residents and whether they are registered voters.
7. The following additional information shall also be supplied by the applicant:
 - a. Existing land uses within annexation area.
 - b. Existing zoning within the annexation area.
 - c. Existing improvements such as:
 - i. water system
 - ii. streets

- iii. sanitary sewer
- iv. storm drainage

d. Special Districts within the area, such as:

- i. water district
- ii. irrigation district
- iii. fire district
- iv. school district
- v. Rogue Valley Sewer Services
- vi. other

e. Written findings indicating compliance with all of the applicable requirements of this chapter and the criteria contained in Section 17.94.030.

8. Property owners' names, addresses and map and tax lot numbers within 200 feet of the subject site, typed on mailing labels.

9. Payment of the application fee(s).

CPMC 17.94.030 Approval Criteria

The City Council must find that the following requirements are met in order to approve an annexation:

1. The land is within the City's Urban Growth Boundary;
2. The land is contiguous to the current city limits;
3. The land is zoned in accordance with CPMC 17.94.040; and,
4. Unless the land being considered for annexation is enclaved by the City or the City chooses to hold an election, a majority of the land owners and/or electors have consented in writing to the annexation per ORS 222.125 or ORS 222.170.

CPMC 17.94.040 Zoning of Annexed Property

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 control the district into which a newly annexed area is placed. The appropriate zoning district shall be applied to the area upon annexation if pre-designated pursuant to the zoning map. If no zoning district has been designated on the zoning map, the applicant shall submit a Zone Map Amendment application in accordance with the requirements in CPMC 17.10 concurrent with the annexation application.

CPMC 17.94.050 Annexation of Territory Surrounded by the City.

- A. As authorized in ORS 222.750, the City Council may, by ordinance, annex territory surrounded by the corporate boundaries of Central Point with or without the consent of any owner of property within the territory or resident of the territory.**
- B. Such annexation may be initiated at the request of the Planning Department or City Council and shall not be subject to the requirements of Chapters 17.05 and 17.94.020 through 17.94.030.**
- C. A public hearing shall be held prior to the Council's adoption of an ordinance for annexation.**
- D. No later than 20 days prior to the public hearing, notification shall be mailed to all owners of property within the area proposed for annexation.**
- E. For property that is zoned for, and in, residential use when annexation is initiated by the City, the City shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the City proclaims the annexation approved.**
- F. Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved.**
- G. The City shall notify the Jackson County Clerk of the territory subject to delayed annexation not sooner than 120 days and not later than 90 days before the annexation takes effect.**

Title 16 – ~~Subdivisions~~ Land Divisions

Summary: Revise and clarify the background, purpose and applicability of the provisions for land divisions. Recognizes the division land and arrangement of property as the first step in establishing the community's development pattern or urban form. States the application of a two-step process for partitions and subdivisions and notes that the Title provides standards and procedures for replats, property line adjustments and middle housing and expedited land divisions.

Update the definitions to align with the definitions in ORS 92. Add chapters addressing Middle Housing and Expedited Land Divisions, Replats and Property Line Adjustments.

CPMC 16.04, General Provisions

Sections:

16.04.005 Background

~~16.04.010 Scope of regulations.~~ **Purpose**

~~16.04.020 Design standards and principles of acceptability.~~ **Applicability**

16.04.005 Background

The division of land and arrangement of property boundaries is the first step toward establishing a community's development pattern. Before any unit of land can be created by recording a subdivision or partition plat, the City must approve a tentative plan and final plat. This Title sets forth the standards and procedures that apply to tentative and final plats for subdivisions, partitions and replats. It also provides standards and procedures for property line adjustments and missing middle and expedited land divisions.

16.04.010 Purpose

The purpose of this Title is to:

- A. Preserve, protect and promote the public health, safety, convenience and general welfare;
- B. Provide rules, regulations and standards governing the approval of land divisions and replats;
- C. Provide rules, regulations and standards governing the approval of property line adjustments;
- D. Ensure that new lots, parcels and blocks meet the requirements of the underlying zoning district;
- E. Ensure access to streets and utilities;
- F. Ensure safe, economical and efficient routes for pedestrians, bicycles and motor vehicles;
- G. Minimize the negative effects of development on the natural environment and incorporate natural features into proposed development where possible;
- H. Promote energy efficiency; and,
- I. Promote orderly growth and development by implementing the Central Point Comprehensive Plan.

~~16.04.020 Scope of regulations.~~ **Applicability.**

Units of land must only be created or reconfigured in accordance with the standards in this Title and ORS Chapter 92. Expedited and Middle Housing Land Divisions are subject to the requirements in CPMC 16.14.

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).~~

CPMC 16.08, 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, partition 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 manager, the planning commission or the city council.
5. "City utility easement" means an easement that is dedicated or granted for city water, sewer or storm drain.
6. "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turn-around.
7. "Development plan" means any plan as defined in Section 15.16.010.
8. "Easement" means a grant of the right to use a strip of land for specific purposes.
9. "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.
10. "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.
11. "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.
12. "Lot" means a parcel of land intended as a unit for transfer of ownership or for development.
13. ~~"Major partition" means a partition which includes the creation of a road or street.~~

14. ~~“Minor partition” means a partition which does not include the creation of a road or street.~~

15. ~~“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined by this chapter.~~

16. ~~“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.~~

17. ~~“Partitioned land” means to divide~~ **dividing** ~~area or tract of land to create not more than~~ ~~into two or three~~ **(3)** ~~parcels of land~~ within a calendar year, **but does not include:**

- a. **Dividing land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;**
- b. **Adjusting a property line as a property line adjustment is defined in this section;**
- c. **Dividing land as a result of recording a subdivision or condominium plat;**
- d. **Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right of way purposes if the road or right of way complies with the applicable comprehensive plan and ORS 215.213 (Uses permitted in exclusive farm use zones in counties that adopted marginal lands system prior to 1993) (2)(p) to (r) and 215.283 (Uses permitted in exclusive farm use zones in nonmarginal lands counties) (2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or,**
- e. **Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.**

~~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.~~

~~18. “Pedestrian way” means a right-of-way for pedestrian traffic.~~

~~19. “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.~~

~~20. “Planning commission” means the planning commission of the city.~~

“Plat” includes a final subdivision plat, replat or partition plat.

“Property line” means the division line between two units of land.

“Property line adjustment” means a relocation or elimination of all of a portion of the common property line between abutting properties that does not create an additional lot or parcel.

“Replat” means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

~~21. “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.~~

~~22. “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.~~

~~23. “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.~~

~~24. “Roadway” means the portion or portions of street rights-of-way developed for vehicular traffic.~~

~~25. “Sidewalk” means a pedestrian walkway with permanent surfacing.~~

~~26. “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” and other similar designations.~~

~~27. “Structure” means anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, carports, swimming pools, hot tubs,~~

permanent signs, aboveground gas or liquid storage tanks, fences, railings, sheds, manufactured homes, antennas, satellite dishes, well pump houses, mechanical equipment, and portable buildings. It also includes tents, awnings, stands, carts, and tables, except those used temporarily for an itinerant use. It does not include portable items solely for sale or temporary storage on the premises, including manufactured homes, portable buildings, and vehicles.

28. “Subdivide land” means to divide a parcel of land into four or more parcels within a **calendar** year.

29. “Subdivision” means either an act of subdividing land or a tract of land subdivided as defined in this chapter.

30. “Through lot” means a lot having frontage on two parallel or approximately parallel streets other than alleys.

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

“Utility easement” means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public. ~~32. “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. 1997 §1, 2014; Ord. 1969 §1(part), 2013; Ord. 1650(part), 1990).

CPMC 16.14, Middle Housing and Expedited Land Divisions

[Reserved]

CPMC 16.40, Replats (New)

- 16.40.010 Applicability**
- 16.40.020 Replat Process**

16.40.010 Applicability

- A. A replat is the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision.**
- B. The relocation of a common boundary line between two lots/parcels within a subdivision or partition shall not be considered a replat. A property line adjustment may occur in a platted subdivision or partition as provided for in CPMC 16.44.**

16.40.020 Replat Process

- A. A replat tentative plan and final plat shall comply with the land division process specified in CPMC 16.10 and CPMC 16.12 with the following exceptions:**
 - 1. The word “Replat” shall be shown in the title block;**
 - 2. The name or reference number of the previous plat and any additional recording information shall be retained in the title of the replat;**
 - 3. Blocks, lots/parcels and portions thereof, which are being replatted shall be identified where applicable; and,**
 - 4. Original plat information being deleted, abandoned or changed by the replat shall be shown lightly sketched or dotted on the drawing with a note of explanation.**

CPMC 16.44, Property Line Adjustments (New)

- 16.44.010 Purpose**
- 16.44.020 Submittal Requirements**
- 16.44.030 Review Process**
- 16.44.040 Approval Criteria**
- 16.44.050 Recording and Expiration**

16.44.010 Purpose

The purpose of a property line adjustment is to relocate or eliminate a common property line between abutting properties.

16.44.020 Submittal Requirements

Property Line Adjustments are subject to Type I procedures set forth in CPMC 17.05.200. Property Line Adjustment applications shall be on application forms provided by the Community Development Department, be accompanied by the application fee adopted in the City's current fee schedule and include the following information:

A. Map of Survey prepared by an Oregon registered land surveyor showing the following:

- 1. Existing and proposed property lines, including dimensions and square footage for all properties involved;**
- 2. Assessor's Map and Tax Lot Information for the subject properties;**
- 3. Location of existing utilities on the site, including but not limited to: wells, septic systems, storm drain lines, water, and irrigation facilities;**
- 4. Existing and proposed easements including the location, name and purpose of each easement on the site (if any);**
- 5. Existing streets, both public and private, within or adjacent to the subject properties, including the street names, location and dimensions;**
- 6. Location and dimensions of driveways within or abutting the subject properties**
- 7. Location, height, ground floor area and use of all structures on the subject properties including the distance from all existing and**

proposed property lines;

8. Location of existing walls and fences;
9. Property owner names as shown on the accompanying deeds;
10. Surveyor's signature attesting to the accuracy of the information provided; and,
11. If any items listed above are not shown on the Map of Survey, a signed statement certifying that specific items listed above do not exist.

- B. Legal Description prepared by an Oregon registered land surveyor for the proposed property line adjustment;
- C. Copy of proposed easements to be recorded, if any;
- D. Proposed deeds that include a statement that identifies the associated conveyance of property as a property line adjustment. If the property line is being adjusted, the deed shall be labeled, "Property Line Adjustment." If a property line is being eliminated, the deed shall be labeled "Property Line Adjustment – Lot Consolidation."
- E. Legal descriptions attached to the deeds for the proposed property line adjustment or lot consolidation shall include the names of the parties, the description of the adjusted property line, references to original recorded documents and signatures of all parties with proper acknowledgement.
- F. Title Report prepared no more than 15-days prior to the application submittal listing the vested owners, easements, encumbrances and other matters for each property; and
- G. Signatures from all property owners on the application form or letter authorizing the property line adjustment application.

16.44.030 Review Process

- A. **Preliminary City Review.** Once the application has been received, the Community Development Department shall send a copy to affected agencies and City departments for review. Within 30- days following submittal, the Planning Department shall send a written notification to the applicant indicating:
 1. The application is missing information required in Section 16.44.020. Once missing information is submitted, the City shall complete its

review within 30-days; or,

2. The application has been preliminarily approved in accordance with the CPMC 16.44.040(A-C); or,
 3. The application has been found to be inconsistent with Section 16.44.040(A-C) and has been denied.
- B. **Jackson County Surveyor Review.** Upon preliminary City approval, the applicant shall file the Map of Survey, Deeds and proposed easements with the Jackson County Surveyor as necessary to assure conformance with the Oregon Revised Statutes (ORS) 92.
- C. **Final City Review.** Following approval by the Jackson County Surveyor and within one (1) year of filing the property line adjustment, submit the final map of survey, deeds and easement for final review and signature by the Community Development Director or designee. The final review shall verify that the final Map of Survey is substantially the same as preliminarily approved. If the Director finds that they are not substantially the same, the applicant shall be notified in writing within 15-days.

16.44.040 Approval Criteria

The Community Development Director or designee shall approve or deny a request for a property line adjustment in writing based on demonstration that following criteria are met:

- A. The Property Line Adjustment does not result in the creation of any new lots or parcels;
- B. The Property Line Adjustment does not result in a unit of land that overlaps the city limit line, urban growth boundary or a zoning district boundary;
- C. All lots and parcels conform to the applicable lot standards of the zoning district including lot area, dimensions, setbacks and coverage unless a nonconforming lot or parcel is adjusted in a manner that reduces an existing nonconforming situation; and,
- D. Demonstration that the Map of Survey and legal descriptions are consistent with ORS 92 as certified by the Jackson County Surveyor.

16.44.050 Recording and Expiration

Expiration. Within one (1) year of the final decision date, the property line adjustment deeds and Map of Survey and any proposed easements must be filed with the Jackson County Clerk's office to be recorded. If the property line

adjustment documents are not recorded within one (1) year, the application approval will expire. Recorded documents shall be filed with the Community Development Department within 60-days of recording or prior to any additional land use approvals or building permit issuance for the reconfigured lots or parcels.

Title 17 – Zoning

Summary: Proposed amendments to Title 17, include the following:

- Amend Chapter 17.04 to consolidate all general provisions for administration of the Zoning Code, including updating the Title name to eliminate reference to the year; clarifying and expanding the purpose statement; addressing the scope and compliance of the Title; providing the rules of code construction; requiring consistency with the Comprehensive Plan; clarifying how the development code and zoning map are implemented; coordinating land use review and decisions with issuance of building permits; establishing authority for permit issuance and decision making as the official actions of the City, as well as enforcement procedures and fees.
- Update Table 17.05.01 in CPMC 17.05.100 to add land use actions not previously identified; remove sections that no longer apply and update procedural types.
- Update CPMC 17.08.010 definition for Home Occupation to clarify that it is conducted by a person lawfully residing in the dwelling.
- Update CPMC 17.12 regarding Zoning Districts to update the abbreviation for the Neighborhood Commercial zone from C-1 to C-N; add a column in the Zoning District Classification table to identify the Chapter reference for each zoning district; and, add a section clarifying how zoning district boundaries are determined.
- Revise CPMC 17.13 to provide standards, procedures and criteria for adjustments and variances. This revision eliminates the distinctions between Class A, B, and C Variances for clarity and ease of implementation.
- Revise CPMC 17.56, to provide standards and procedures for all nonconforming situations in the City, including uses, developments and lots. The revision eliminates distinctions between Class A and Class B nonconforming uses, which allowed varying levels of flexibility for expansion and remodeling. Instead the proposed amendments apply the same standards based on the type of nonconforming situation.
- Update CPMC 17.57, Fences to align language with Building Code requirements and language, update standards for fence regulations aligning corner lot

setbacks with required frontage buffers or a minimum of 5-ft in residential zones, increases height in the Civic and Industrial zones to 8-ft for security purposes. The update also includes new language for prohibited fence types and specifically addresses electrified fences, which are to be prohibited in residential zones but may be allowed in industrial zones subject to clear and objective standards.

- Update CPMC 17.60.190 requirements for Home Occupations to assure that home based businesses are not detrimental to the character and livability of the surrounding neighborhood and remain subordinate to the residential use and the viability of the residential dwelling is maintained. Prohibits heavy commercial/industrial operations. The standards address hazardous substances, noise, vehicle parking, deliveries and how to count daily trips to and from the site for review purposes. Finally, the proposed amendments clarify the basis for home occupation permit revocation/termination.
- Update CPMC 17.76 to revise the approvals process section, align submittal requirements with the Site Plan and Architectural Review submittal requirements, and establish clear conditions of approval. The objective is to consolidate a Conditional Use Permit and Site Plan and Architectural Review application into one approval.
- Repeal CPMC 17.92, Violations and Enforcement and move to CPMC 17.04, General Provisions.

CPMC 17.04, Title—Purpose **General Provisions**

Sections:

17.04.010 Title.

17.04.020 Purpose.

17.04.030 Application and review--Fees.

17.04.040 Authority to require professional reports.

17.04.030 Scope and Compliance

17.04.040 Rules of Code Construction

17.04.050 Consistency with Comprehensive Plan and Laws

17.04.060 Development Code and Zoning Map Implementation

17.04.070 Coordination of Building Permits

17.04.080 Official Action

17.04.090 Enforcement and Penalties

17.04.100 Fees

17.04.010 Title.

This title shall be known as the “City of Central Point “Zoning Ordinance” or “Zoning Code.” of 1984. (Ord. 1436 §2(part), 1981).

17.04.020 Purpose.

The purpose of this title is to **promote the public health, safety and welfare of all Central Point residents by managing and regulating land use and development within the City consistent with the following objectives:**

- A. Implement the City of Central Point Comprehensive Plan;**
- B. Manage growth and physical development of the City consistent with its ability to provide adequate and cost-effective public facilities and services;**
- C. Provide a clear land use and development regulatory framework to facilitate the private and public sectors to respond to market demands and the community’s needs for housing, employment and other uses;**
- D. Establish clear and objective standards, where possible, to promote livability through human-scale design that promotes safety, comfort and character in alignment with the community’s preferred vision for its future as articulated in the Central Point Strategic Plan and Central Point Comprehensive Plan;**

- E. Promote development of an interconnected transportation system that supports multiple modes of transportation, including but not limited to automobiles, transit, bicycles and pedestrians to accomplish the following objectives:**
- 1. Connecting residential areas with schools, parks and community services;**
 - 2. Providing transportation options for those who are unable or choose not to drive a car; and**
 - 3. Providing the opportunity for Central Point residents to engage in a more active lifestyle that can contribute to better health outcomes and wellbeing.**
- F. Implement regulations that safeguard residents from identifiable hazards associated with dissimilar land uses, natural hazards and nuisances that may result from development to the to the maximum extent possible; and,**
- G. Comply with applicable Oregon Revised Statutes as pertains to the development and use of land. (Ord. 1436 §2(part), 1981).**

~~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, engineering or other professional studies or reports. (Ord. 1684 §14, 1993).~~

17.04.030 Scope and Compliance

- A. Applicability.** The requirements of this Title apply to the person(s) undertaking the development (i.e. applicant), owner(s) of record, and any successors of interest.
- B. Compliance.** No structure or lot shall hereinafter be used, developed, occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this Code. Furthermore, annexations and amendments to the Zoning Map and Text, Comprehensive Plan Map and Text shall conform to the applicable provisions of this Code.
- C. Transfer of Development Standards.** Except as otherwise specifically authorized in this title, no lot area, yard, landscaping or open space that is used to satisfy a requirement for one use shall be used to satisfy the requirements for another use.

17.04.040 Rules of Code Construction.

- A. Minimum Requirements.** The provisions of this Title, in their interpretation and application, are minimum requirements that have been adopted for the protection of the public health, safety and general welfare.
- B. Conflicts.** Unless otherwise specified, when there is a conflict between provisions in this Code or with other applicable regulations, the highest standard shall govern. The Planning Director shall decide which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Director or Planning Commission may issue a formal interpretation pursuant to CPMC 17.11.
- C. Tenses.** Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.
- D. Interpreting Illustrations.** This Code contains illustrations and photographs, code "graphics," which are intended to serve as examples of development design that either meet or do not meet particular code standards. Strict adherence to the graphic is not required except where a

graphic contains a specific numerical standard or uses the word “shall,” “must,” “required,” or “prohibited.”

- E. Requirements versus Guidelines.** The use of the word “shall,” “must,” “required,” or similar directive terms means the Code provision is a requirement. The word “should,” “encouraged,” “recommended,” or similar terms means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the Planning Commission to exercise such direction.
- F. Severability.** The provisions of this Development Code are severable. If any section, sentence, clause or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

17.04.050 Consistency with Comprehensive Plan and Laws.

- A. City of Central Point Comprehensive Plan.** This Code implements the City of Central Point Comprehensive Plan. Except as otherwise required by applicable state or federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan including any Comprehensive Plan elements or public facility master plans adopted pursuant to the Comprehensive Plan.
- B. Compliance with Other Laws Required.** In addition to the requirements set forth in this Code, all uses and development shall comply with all other applicable rules and regulations including but not limited to City, state and federal.
- C. References to Other Regulations.** All references to other city, state and federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City of Central Point for enforcement of state or federal regulations. Where a proposal, permit or approval is subject to both City of Central Point and state or federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

17.04.060 Development Code and Zoning Map Implementation

- A. Land Use Consistent with Development Code.** Land and structures in the City of Central Point may only be used or developed in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code or is allowed as a legal non-conforming use pursuant to Chapter 17.56, provided state or federal law does not prohibit the use.

- B. Development Code and Zoning Map.** The City’s Official Zoning Map (“Zoning Map”), which may be published, amended and filed separately from this Code, is part of this Code. The zoning districts depicted on the Zoning Map correspond to the zoning districts in this code in Section 17.12.030. In addition, this Code may contain zoning regulations for special areas (e.g. overlay zones), and for certain uses or structures that do not appear on the Zoning Map.

- C. Interpreting the Zoning Map.** Except as otherwise specified by this Code, the City’s zoning boundaries are designated on the Official Zoning Map, which is kept on file in the Planning Department at the Central Point City Hall. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map. Example of regulated features include, but are not limited to historical landmarks, floodplain boundaries, local wetland inventories, etc. In addition, the City may require field verification and mapping (e.g. survey) of a regulated feature as part of a development application where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

- D. Boundary Lines.** Zoning district boundaries are determined pursuant to CPMC 17.12.030

- E. Changes to the Official Zoning Map.** Proposed changes to the Zoning Map are subject to review and approval under CPMC 17.10.

17.04.070 Coordination of Building Permits

A building permit shall not be issued until the Planning Director or designee has confirmed that all applicable requirements of this Code are met, applicable conditions of approval imposed as part of the land use process have been satisfied, or additional conditions are in place to assure compliance.

17.04.080 Official Action

The City of Central Point Planning Director, Planning Commission and City Council are vested with authority to issue permits and grant approvals in conformance with the Land Development Code pursuant to the Application Review Procedures set forth in CPMC 17.05.

17.04.090 Enforcement and Penalties

A. Violation a Public 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 declared a public nuisance and may be abated as provided in Chapter 8.04 of the Central Point Municipal Code, and/or in such other manner as provided by law, and may take such other steps and apply to such courts as may have jurisdiction to grant such relief as will enjoin and remove such violation. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 1436 §2(part), 1981).

B. Penalties. Violation of a provision of Chapters 16 or 17 constitutes a violation and upon conviction thereof shall be punishable by the general penalty set forth in CPMC 1.16. Every day in which a violation is caused or permitted to exist constitutes a separate offense. (Ord. 1684 §75, 1993; Ord. 1436 §2(part), 1981).

17.04.100 Fees

A schedule of permit and service fees shall be established and may be periodically amended by resolution of the City Council.

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 development permit applications and participate in the local decision-making process in a timely and effective way consistent with the citizen's involvement element of the comprehensive plan. Table 17.05.1 provides a key to identify the review procedures, applicable regulations, and the approving authority for development permit applications.

B. Applicability of Review Procedures. All development permit applications identified in Table 17.05.1 shall be decided by using the appropriate procedures contained in this chapter. The procedural "type" assigned to each development permit application governs the decision-making process for that permit. There are four "types" of procedures: Type I, II, III, and IV, which are described as follows:

1. Type I. Type I procedures apply to administrative decisions made by the community development director or designee without public notice and without a public hearing. Type I procedures are used only when there are clear and objective approval standards and criteria, the application of which does not require the use of discretion.

A Type I decision is the city's final decision. There are no appeals to a Type I procedural decision.

2. Type II. Type II procedures apply to administrative decisions that involve clear and objective approval standards and criteria the application of which requires the use of limited discretion. Type II decisions 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 treated as a Type III procedure, except that the appeal is to the planning commission, which is the final decision of the city.

3. Type III. Type III procedures are quasi-judicial decisions that involve the application of existing policies. Type III decisions generally use discretionary approval criteria, and do not have a significant effect beyond the immediate area of the application. Type III decisions are based on special studies or other information which will serve as the factual basis to support the decision. Type III decisions, when made by the planning commission, may be appealed to the city council.

4. Type IV Procedure. Type IV decisions are legislative decisions that establish by law general policies and regulations for future land use decisions, such as the adoption or revision of the comprehensive plan, and revisions to the zoning and the land division ordinance that have widespread and significant impact beyond the immediate area, i.e., quantitative changes producing large volumes of traffic, or a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or many

different ownerships. Unless otherwise noted, all Type IV decisions are considered initially by the citizens advisory committee and the planning commission, with final decisions made by the city council. **For annexation, the City Council makes a decision without a recommendation from the citizens advisory committee or planning commission.**

Table 17.05.1 provides a key to identify the review procedure for each land development permit.

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Annexation				
Quasi-Judicial	Type III	Chapter 1.20 17.94	City Council	No
Legislative	Type IV**	Chapter 1.20 17.94	City Council	No
Code Interpretations	Type II	Chapter 17.11	Director	No
Comprehensive Plan & UGB Amendments				
Major	Type IV	Chapter <u>17.96</u>	City Council	No
Minor	Type III	Chapter <u>17.96</u>	City Council	No
Conditional Use Permit	Type III	Chapter <u>17.76</u>	Planning Commission	Yes
Conversion Plan	Type II	Chapter <u>16.32</u>	Director	Yes
Extensions				
Type I Procedures	Type I	Section <u>17.05.200(G)</u>	Director	Yes
Type II Procedures	Type II	Section <u>17.05.300(G)</u>	Director	Yes
Floodplain Development Permit	Type I	Chapter 8.24	Floodplain Manager	Yes
	Type II		Director	
	Type III		Planning Commission	
Home Occupation Permit	Type I	Section <u>17.60.190</u>	Director	Yes
Land Division/ Replat				

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Tentative Plan, Partition	Type II	Chapter <u>16.36</u>	Director	Yes
Tentative Plan, Subdivision	Type III	Chapter <u>16.10</u>	Planning Commission	Yes
Final Plat	Type I	Chapter <u>16.12</u>	Director	No
Mobile Food Business				
Mobile Food Vendor	Type I	Section <u>5.44.030</u> Chapter <u>17.72</u>	Director	Yes
Mobile Food Pod	Type II	Section <u>5.44.040</u> Chapter <u>17.72</u>	Director	Yes
Mobile Food Court	Type III	Section <u>5.44.050</u> Chapter <u>17.76</u> Chapter <u>17.72</u>	Planning Commission	Yes
Specialty Food Vendor	Type I	Section <u>5.44.060</u>	Director	No
Modification of Approval				
Major	Type III	Section <u>17.09.300</u>	Planning Commission	Yes
Minor	Type II	Section <u>17.09.400</u>	Director	Yes
Nonconforming Use Designation	Type III	Section <u>17.56.040</u>	Planning Commission	No
Planned Unit Development	Type III	Chapter <u>17.68</u>	Planning Commission	Yes
Property Line Adjustment/Consolidation	Type I	Chapter 16.10 16.44	Director	Yes
Right-of-Way Vacation	Type IV	Chapter <u>12.28</u>	City Council	No
Site Plan and Architectural Review				
Minor	Type I	Chapter <u>17.72</u>	Director	Yes
Major	Type II	Chapter <u>17.72</u>	Director	Yes
TOD Overlay Master Plan	Type III	Chapter <u>17.66</u>	Planning Commission	Yes

TABLE 17.05.1

LAND DEVELOPMENT PERMIT*	PROCEDURAL TYPE	APPLICABLE REGULATIONS	APPROVING AUTHORITY	120-DAY RULE
Tree Removal	Type II	Chapter <u>12.36</u>	Director	Yes
Variance	Type III	Chapter 17.13	Planning Commission	Yes
Class A	Type II	Section <u>17.13.300</u>	Director	Yes
Class B	Type III	Section <u>17.13.400</u>	Planning Commission	Yes
Class C	Type III	Section <u>17.13.500</u>	Planning Commission	Yes
Zoning Map and Zoning and Land Division Code Text Amendments				
Minor	Type III	Chapter <u>17.10</u>	City Council	Yes
Major	Type IV	Chapter <u>17.10</u>	City Council	No

* 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 other agencies of applications that may affect their facilities or services.

** **Except as provided in CPMC 17.94.**

(Ord. 2100 § 1, 2023; Ord. 2089 §2, 2022; Ord. 2033 §2, 2017; Ord. 1989 §1(part), 2014; Ord. 1941 §§1, 2, 3, 2010; Ord. 1874 §1(part), 2006).

CPMC 17.08, Definitions

17.08.010 Definitions, specific

“Home occupation” means any occupation **or business** conducted within a residential dwelling unit by a **person lawfully residing in the dwelling** ~~member or members of the family residing in that unit~~, provided such occupation **or business** is clearly incidental and secondary to the primary residential use of that dwelling and is in accordance with Section 17.60.190.

CPMC 17.12, Zoning Districts

Sections:

17.12.010 Purpose ~~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 **Purpose** ~~Compliance with provisions.~~

The purpose of this chapter is to establish zoning district for every units of land (i.e. parcel, lot, tract, right-of-way) within the City of Central Point consistent with the Comprehensive Plan. Units of land may also be designated within one or more overlay zones. It is also the purpose of this chapter to specify how zoning district boundaries are determined. The use of land shall be limited to uses allowed by applicable zone(s).

~~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 **Zoning District Classification** ~~Zones--Classification.~~

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

Abbreviation	District	Chapter Reference
R-L	Residential low-density	17.16
R-1	Residential single-family	17.20
R-2	Residential two-family	17.24
R-3	Residential multiple-family	17.28
C-N4	Neighborhood convenience shopping	17.32
C-4	Tourist and office-professional	17.44
C-5	Thoroughfare commercial	17.46
M-1	Industrial	17.48
M-2	Industrial general	17.52

Abbreviation	District	Chapter Reference
B.C.G.	Bear Creek Greenway	17.54
OS	Parks and Open Space	17.30
TOD	Transit oriented development overlay	17.65, 17.66, 17.67
LMR	Low mix residential	17.65
MMR	Medium mix residential	17.65
HMR	High mix residential	17.65
EC	Employment commercial	17.65
GC	General commercial	17.65
C	Civic	17.65
OS	Open space	17.65

(Ord. 2100 § 5, 2023; Ord. 1888, 2006; Ord. 1643 §1, 1990; Ord. 1615 §2, 1989; Ord. 1436 §2(part), 1981).

17.12.030 Zoning District Boundary Determination ~~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).~~

This section sets forth criteria to be used in determining the location of any zoning district boundary as shown on the Zoning Map. Zoning district boundaries, as shown on the City of Central Point Zoning Map, shall be construed to follow:

- A. City limit lines.**
- B. Platted lot lines or other property lines as shown on the Jackson County Assessor’s Plat Maps.**
- C. The centerline of street, railroad or irrigation district rights-of-way.**
- D. The centerline of streams or other water courses as measured at mean low water, and, in the event of a natural change in location of the centerline of such water course, the zoning district boundary shall be construed as moving with the channel centerline.**

Where due to the scale, lack of scale, lack of detail, or illegibility of the Zoning Map, or due to any other reason, there is uncertainty, contradiction, or conflict as to the intended location of a zoning district boundary, the Community Development Director or, upon referral, the Planning Commission shall determine the boundary as follows:

- A. ~~Right-of-way. Boundaries that that approximately follow the centerlines of a street, highway, alley, bridge, railroad or other right-of-way shall be construed to follow such centerlines. Whenever any public right of way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated areas. In cases where the right-of-way formerly served as a zoning district boundary, the vacated lands within the former right-of-way shall be proportionally allocated to the abutting zoning districts.~~
- B. ~~Parcel, lot, tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.~~
- C. ~~Jurisdiction Boundary. Boundaries indicated as approximately following a City or County boundary, or the Urban Growth Boundary, shall be construed as following said boundary.~~
- D. ~~Natural Features. Boundaries indicated as approximately following a river, stream, topographic contour, or similar feature not corresponding to any feature listed in subsection A-C above shall be construed as following such feature.~~

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 manager as long as the ordinance codified in this title remains in effect. (Ord. 1969 §1(part), 2013; 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).

CPMC 17.13, ~~Exceptions to Code Standards~~ **Adjustments and Variances**

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).~~

Sections:

17.13.100 Purpose

17.13.200 Adjustments

17.13.300 Variances

17.13.400 Expiration

17.13.100 Purpose.

This chapter provides standards and procedures for adjustments and variances, which are deviations from development standards that are not otherwise permitted elsewhere in this Title. The purpose of adjustments and variances is to allow for reasonable use of land when varied geography and complexities of land development require flexibility, especially housing development. The provisions in this chapter do not aim to waive all land use regulations and do not allow uses to be established that are not permitted in the zoning district in which the adjustment or variance is located.

17.13.200 Adjustments.

Adjustments provide relief from specific code provisions when a code provision has the unintended effect of preventing reasonable development in conformance with all other code requirements. There are two categories of adjustments that 1) apply to general development and design standards, and 2) apply to certain housing developments established by SB 1537 and codified in ORS 197A. Adjustments across both categories do not apply to the situations provided in subsection (A). The standards and procedures for each adjustment type are set forth in subsections (B) and (C) below.

A. Exclusions. Adjustments set forth in subsection (B) and subsection (C) below do not include the following:

- 1. Allowing use of property that is not permitted in the zoning district in which the adjustment is located;**
- 2. Regulations or requirements related to accessibility, fire ingress or egress, safety, tree planting, hazardous or contaminated site**

remediation, wildlife protection, affordability, or statewide land use goals related to natural resources and natural hazards;

3. A complete waiver of regulations or any changes beyond the explicit requested and allowed adjustments in subsections (B) and (C) below; and
4. Deviations from requirements related to implementation of building or fire codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.

B. General Adjustments.

1. **Applicability.** General adjustments are minor modifications to Code standards that are intended to provide reasonable flexibility for planned development with the exception of housing developments that meet all of the standards and criteria in CPMC 17.13.400(B). The Community Development Director or designee may adjust the following standards using a Type II procedure set forth in CPMC 17.05.300:
 - i. **Setbacks.** Up to a ten percent change to a minimum/maximum setback.
 - ii. **Lot Coverage:** up to a 10 percent increase to the maximum lot coverage.
 - iii. **Lot Dimensions.** Up to a 10 percent decrease to minimum lot dimensions.
 - iv. **Lot Area.** Up to a 10 percent decrease to minimum lot area.
 - v. **Other standards.** Up to a 10 percent increase or decrease in a quantitative (numerical) standard not listed above. Adjustments do not apply to building code requirements, engineering design standards, public safety standards, or standards implementing state or federal requirements as determined by the Community Development Director or designee.
2. **Approval Criteria.** The Community Development Director or designee may grant an adjustment upon finding that all of the following criteria are met. The burden is on the Applicant to demonstrate compliance with all of the criteria below:
 - i. The Adjustment allows for a site and building plan that does not create a substantial conflict with adjacent uses when compared to development that would be permitted without the

adjustment.

- ii. The Adjustment is necessary to allow for normal interior building functions, such as mechanical equipment/utility closets, heating and ventilation systems, restrooms, stockrooms, shelving, and similar interior building functions;**
- iii. Approval of the Adjustment does not create (a) violation(s) of any other adopted ordinance or code standard, and does not create the need for a Variance;**
- iv. An application for an Adjustment is limited to one pre-existing lot per application;**
- v. Requests for more than one Adjustment on the same lot shall be consolidated on one application and reviewed concurrently by the City;**
- vi. Not more than two Adjustments may be approved for one lot or parcel; and,**
- vii. All applicable building code requirements and engineering design standards shall be met.**

17.13.300 Housing Adjustments

The standards and criteria below respond to mandatory requirement to adjust housing development standards pursuant to SB 1537.

A. Applicability. Housing Adjustments are distinct deviations from development and design standards provided in this section. The Community Development Director housing development adjustment requests using Type II procedures set forth in CPMC 17.05.300, except that notice of decision is mailed only to the applicant when an application is denied and only the applicant may appeal the decision. An application qualifies for a housing adjustment under this section only when all of the following conditions are met:

- 1. The application is for a building permit or Type III (quasi-judicial), Type II (limited) or Type I (ministerial) land use decision;**
- 2. The housing development site is zoned for residential uses, including mixed-use;**
- 3. The residential density is at least 6 units per net acre;**

- 4. The development is within the urban growth boundary on lands that have been annexed into the city;**
- 5. The development provides new housing units within a new housing development including:**
 - a. Single-family or multifamily dwellings;**
 - b. Mixed-use residential projects where at least 75 percent of the developed floor area will be used for residential uses;**
 - c. Manufactured dwelling parks;**
 - d. Accessory dwelling units; or**
 - e. Middle housing as defined in ORS 197A.420;**
- 6. The application requests no more than 10 adjustments to the development and design standards in 17.13.200(C)(2) and meet at least one of the approval criteria listed in 17.13.200(C)(3). Where a development standard includes multiple design or development components, each component standard shall be counted as an individual adjustment.**
- 7. The application provides facts and evidence that demonstrates how at least one of the following criteria apply to the requested adjustments:**
 - a. Are necessary to enable housing development that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;**
 - b. Are necessary to reduce sale or rental prices per residential unit;**
 - c. Result in increased number of housing units within the housing development above what would occur without the requested adjustments;**
 - d. All of the units in the housing development are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making them affordable to moderate income households as defined in ORS 456.270 for a minimum of 30-years;**

- e. Enable provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or,
- f. All of the units in the housing development are subject to a zero equity, limited equity or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90-years.

B. Development and Design Standard Adjustments. Adjustments to qualified housing developments pursuant to item (A) above shall be granted to the following development and design standards:

- 1. **Setbacks.** Up to a ten percent change to a minimum/maximum setback.
- 2. **Common area, open space or other landscape area.** Up to a 25 percent reduction in the common area, open space or other area required to be landscaped.
- 3. **Minimum Lot Size and Dimensions.** Up to a 10 percent decrease to minimum lot size and up to a 10 percent decrease to minimum lot width or depth requirements.
- 4. **Maximum Lot Size.** Up to a 10 percent increase to maximum lot size and up to a 10 percent increase to maximum lot width or depth only if the adjustment results in:
 - a. More dwelling units than would be allowed without the adjustment; and,
 - b. No reduction in density below the applicable minimum density.
- 5. **Lot Coverage.** Up to a 10 percent increase in building lot coverage.
- 6. **Manufactured Dwelling Parks, Middle Housing as defined in ORS 197A.420, multifamily and mixed use residential housing.**
 - a. **Bicycle Parking.** Minimum bicycle parking may be reduced to 0.5 space per unit provided that bicycle parking is lockable, covered and located within or adjacent to the housing development site;

- b. Middle Housing. Other than cottage clusters, middle housing types defined in ORS 197.420A, may increase maximum building height beyond applicable height bonuses, if any, up to one (1) story or 20 percent of the base zone height.**
- 7. Maximum Density. The maximum density may be exceeded no more than an amount necessary to account for other adjustments granted under this section;**
- 8. Residential Use in Mixed Use Buildings. An adjustment shall be granted to allow:**
 - a. Residential use on the ground floor of a commercial mixed use buildings except that one building within mixed-use development that fronts and is within 20-ft of the street; and**
 - b. Nonresidential uses that support residential uses including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live work spaces shall be allowed unless specifically and clearly defined mixed-use areas or commercial corridors designated by local governments prohibit them;**
- 9. Design Standards.**
 - a. Facade materials, color or pattern;**
 - b. Facade articulation;**
 - c. Roof form and material requirements;**
 - d. Garage door orientation unless the building is adjacent to or across from a school or public park;**
 - e. Window materials, except for bird-safe glazing requirements;**
 - f. Up to a 30 percent decrease in total window area provided at least 12 percent of the primary facade consists of window area;**
 - g. Manufactured Dwelling Parks, Middle Housing as defined in ORS 197A.420, multifamily housing and mixed-use residential may adjust the following design standards:**
 - i. Building orientation requirements, not including transit street orientation requirements;**

- ii. **Building height transition requirements that are not more than a 50 percent adjustment from the base zone;**
- iii. **Requirements for balconies and porches; and,**
- iv. **Requirements for recesses and offsets.**

17.13.300 Variances.

A. Applicability. A variance is an exception to a code standard that does not otherwise conform to the provisions of Section 17.13.300 and that meets all of the criteria in Section 17.13.400(B).

B. Approval Criteria. Variance requests are reviewed using a Type III procedure in accordance with CPMC 17.05.400. Approval of a variance must be based upon finding that all of the following criteria are met:

- 1. A hardship to development exists which is unique 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);**
- 2. The variance is the minimum necessary to address the special or unique physical circumstances that creates the hardship;**
- 3. The hardship is not self-imposed;**
- 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 variance will not be materially detrimental to adjacent property owners or the public; and,**
- 6. The variance does not conflict with other applicable city policies or other applicable regulations.**

17.13.400 Expiration.

Variance approvals shall expire after two (2) years from the effective date of decision if the project has not been started, as evidenced by building permit approved, and pursued to substantial completion such that the project is nearing

certificate of occupancy. The Applicant may request a one (1) year extension in accordance with the applicable land use procedures set forth in CPMC 17.05.

CPMC 17.56, Nonconforming Uses Situations

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 Section 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 nonconforming 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).~~

Sections:

17.56.010 Purpose.

17.56.020 Nonconforming Use.

17.56.030 Nonconforming Development.

17.56.040 Nonconforming Lot.

17.56.010 Purpose.

The purpose of this chapter is to establish standards and procedures for the continuation of uses and developments that are lawfully established but do not comply with the current Code standards (“nonconforming situations”). It is the intent of this Chapter to protect the public health, safety and welfare while allowing reasonable use of private property. There are three nonconforming situations addressed in this chapter as follows:

- A. Nonconforming uses (e.g. industrial use in residential zone) are subject to subsection 17.56.020.**
- B. Nonconforming developments (e.g. a structure does not meet setback, height or other development standards) are subject to subsection 17.56.030.**
- C. Nonconforming lots (e.g. a lot is smaller than the minimum area standards) are subject to subsection 17.56.040.**

17.56.020 Nonconforming Use.

Nonconforming uses that were lawfully established, but that would not be permitted under the current Code, may continue subject to conformance with the following requirements:

- A. Location. The nonconforming use shall not be moved in whole or in part from one lot to another lot, except to bring the use into conformance with this Code.**
- B. Expansion. A nonconforming use may be expanded up to 20% of the subject site or building area provided that the expansion does not create any new, or expand any existing, physical nonconformity of the site or**

building. Expansions authorized herein shall be processed using Type I land use procedures set forth in CPMC 17.05.200.

C. **Discontinuation or Abandonment.** A nonconforming use that is discontinued for any reason for more than 12 months shall be deemed abandoned and no longer be an allowed use. For purposes of calculating the 12 month period, a use is discontinued when:

1. The use of land is physically vacated;
2. The use ceases to be actively involved in the sale of merchandise or the provision of services; for example, as evidenced by the removal of signs, goods, stock or office equipment, or the disconnection of telephone or utility service;
3. Any lease or contract under which the nonconforming use has occupied the land is terminated; or,
4. A request for final reading of water and power meters is made to applicable utility districts.

17.56.030 Nonconforming Development

Nonconforming developments include structures, buildings, and site improvements that were lawfully established but that include conditions that could not be built under the terms of the current Code, due to changes in development standards, such as, lot coverage, setbacks, building height, access, landscaping, parking or other standards. Nonconforming development may remain on the site so long as it remains otherwise lawful and complies with the following regulations:

- A. **Alterations.** A nonconforming development can be enlarged or altered in a way that does not increase its nonconformity, through a Type I review. For example, an addition to an existing building that does not meet a required setback could be approved provided the building line does not further encroach on the nonconforming setback.
- B. **Destruction.** In the event a nonconforming development or nonconforming portion of a development is destroyed by fire, flood or other catastrophe beyond the owner's control, the nonconforming development may be reconstructed within 24 months in a manner that does not increase the nonconformity as it existed before the event. If the development is not reconstructed and received certificate of occupancy or is substantially complete within 24 months, the nonconformity shall no longer be allowed and reconstruction shall only be in full conformity with this Code.

- C. Roadway Access.** Notwithstanding the foregoing provisions, the owner of a nonconforming driveway approach or access to a public street or highway, upon receiving land use or development approval, may be required as a condition of approval to bring the nonconforming access into conformance with the standards of the applicable roadway authority.
- D. Relocation or Removal.** Once a nonconforming structure or a portion of a nonconforming structure or development is moved, it shall thereafter conform to current standards.

CPMC 17.56.040 Nonconforming Lot

- A.** A lot of record, or a parcel of land for which a deed or other instrument dividing the land was recorded with Jackson County prior to May 5, 1980, which has an area or dimension less than required by this code, shall be considered legally nonconforming and may be developed and occupied by a permitted use subject to compliance with the minimum standards of this code.
- B.** The taking by eminent domain action of a portion of an existing legal nonconforming lot shall not affect the legal right of the owner to use the remainder of such lot in any manner that would have been legal prior to the taking.
- C.** If, by the taking by eminent domain action of a portion of a lot, which includes a legal non-conforming sign(s), said sign(s) may be moved to another location on the remaining portion of the lot, as permitted by the Planning Director (or designee), with the signs retaining their legal nonconforming status. Such relocated sign shall otherwise be in conformance with all standards of the Zoning Code.

CPMC 17.57, Fences

Sections:

- 17.57.010 **Applicability.** ~~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 Chapters 12.20 and 17.67 relating to the location, placement, and height of fences are also applicable to fences affected by this chapter. (Ord. 1981 §2 (Exh. B) (part), 2014; Ord. 1846 §2(part), 2003).

17.57.020 General regulations.

- A. Fence Permits. A fence permit is required for all fences constructed within a public right-of-way, per Section 12.20.020. Fences in the floodplain are regulated in accordance with the provisions established in Section 8.24.260(A).
- 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 **2023 Oregon Residential Specialty Code** ~~2003 State of Oregon Dwelling Specialty Code, Chapter 41 and Appendix G;~~ and the **2022 Oregon Structural Specialty Code**. ~~1998 Oregon Structural Specialty Code, Appendix Chapter 4;~~
 - 2. ~~Retaining walls over four feet in height measured from the bottom of the footing to the top of the wall; and~~
 - 2. Retaining walls, ~~any height,~~ supporting a surcharge **regulated building or restraining material that, if not restrained could impact a regulated building.**
 - 3. **Electrified fences, any height, except where the code provides otherwise.**
- C. Setbacks and Design Criteria.

Table 17.57.01 – Fence Regulations

	R-L	R-1	R-2	R-3	C-N	C-2(M)	C-4	C-5	M-1	M-2	Civic
Maximum Fence Height	6'	6'	6'	6'	6'	6'	6'	6'	6' 8'	6' 8'	8'
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	a, a-1
Front Yard Setback For 6' Fences 6' and Greater	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20' b	20'
Side Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Rear Yard Setback	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'	0'
Corner Lot	10' c	10' c	10' c	10' c	10' c g	10' c g	10' c g	10' c g	10' c g	10' c g	10' c g
Masonry Walls, Retaining Walls, Fences Over 6' in Height	e	e	e	e	e	e	e	e	e	e	e
Fences in Floodplain or Drainage Easements	e	e	e	e	e	e	e	e	e	e	e
Setbacks for Gates	20'	20'	20'	20'	20'	20'	20'	20'	20'	20'	e
Variances	f	f	f	f	f	f	f	f	f	f	e

a: An encroachment permit is required for fences constructed in the public right-of-way.

a-1: A building permit is required for fencing around swimming pools, ~~masonry walls and retaining walls.~~

b: Forty-two-inch-high maximum fence height allowed within front yard setback area.

c: No fencing will conflict with the sight distance requirements set by Section 17.60.110 and Chapter 17.60.

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

e: See Section 8.24.260(A) for specific fence construction standards for fences located in or adjacent to a recognized floodplain. No fence shall impede or divert the flow of water through any drainage easement unless it can be determined that the fence will not adversely impact any property owner and will not adversely impact the overall drainage system.

f: Requests for exceptions to the standards in Table 17.57.01 shall be made by application in accordance with Chapter 17.13.

g. Corner setback adjacent to a street for all zones shall be the street frontage minimum planting area width based on street classification pursuant to CPMC 17.75.039(G), Table 17.75.03.

(Ord. 2014 §8, 2015; Ord. 1981 §2 (Exh. B) (part), 2014; Ord. 1969 §1(part), 2013; Ord. 1948 §1, 2011; Ord. 1846 §2(part), 2003).

17.57.030 Fences in the stream setback area.

Fences are prohibited inside floodways 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 subject to the criteria set forth in Section 8.24.260(A). (Ord. 1948 §2, 2011; Ord. 1846 §2(part), 2003).

17.57.040 Prohibited fence types.

1. Barbed wire fencing or other like material, which creates an unreasonable or unnecessary risk of injury.
2. Block or retaining walls, which create impervious water barriers within a stream setback area as provided in Section 8.24.260. (Ord. 1948 §3, 2011; Ord. 1846 §2(part), 2003).
3. **It shall be unlawful to install, maintain or operate an electrified fence in violation of this section. The construction and use of electrified fences shall be allowed in the city only as provided in this section, and sections 17.57.010 to 17.57.030 subject to the following standards. For purposes of this section an electrified fence is any fence, barrier or enclosure partially or totally enclosing a building, field or yard, carrying any electrical pulse or charge through any part, section or element thereof. Electrified fence does not include underground wireless fencing (invisible fencing) which consists of an electronic system that uses a buried wire and radio signal to keep dogs or other animals from leaving the yard, which is permitted in any zone. Electrified fence does not include a battery charged fence, as defined in section 17.57.045 below.**

- a. **Electrified Fences shall be permitted in the M-1 and M-2 zone subject to compliance with the standards below. Electrified fences are prohibited in all other zones.**
- b. **Permitted Electrified fences shall comply with the following:**
 - A. **Permits Required. Electrified fences shall only be installed under a permit issued by the Building Department. Prior to initially energizing an electrified fence, the property owner or owner's agent shall contact the Fire Department to ensure fire officials inspect the premise for compliance and the location is added to the Fire Department's electrified fence registration list.**
 - B. **Electrification. The electric charge produced by the fence upon contact shall be non-lethal, and shall not exceed the energizer characteristics set forth in the International Electrotechnical Commission (IEC) Standard No. 60335-2-76, 2018 edition. All electrical components shall bear the label of a testing agency recognized by the State of Oregon Department of Consumer and Business Services, Building Codes Division. The electrified fence shall be installed and used in accordance with the Oregon Electrical Specialty Code and Oregon Structural Specialty Code, the listing, and the manufacturer's installation instructions.**
 - i. **The energizer for electrified fences shall be driven by a commercial storage battery or batteries, not to exceed 12 volts DC. The storage battery or batteries may be charged either by a solar panel, or a commercial trickle charger, or a combination of both. AC current shall not be used to energize any electrified fence.**
 - C. **Fence Details. Electrified fences shall be constructed in the following manner:**
 - i. **Maximum Height. Electrified fences shall not exceed 8 feet in height.**

- ii. **Perimeter Fence.** No electrified fence shall be installed or used unless it is completely surrounded by a non-electrified perimeter fence in order to separate the electrified fence from the abutting property line and right-of-way. The non-electrified perimeter fence shall be installed under the regulations and height limitations in CPMC Chapter 17.57. The minimum height for the non-electrified perimeter fence shall be six feet. The electrified and non-electrified perimeter fence shall be separated by no more than 12 inches.
 - iii. **Setbacks.** Electrified fences shall not be located in the front yard setback, required landscaping areas, or required bufferyard areas. No electrified fence shall be installed within **12 inches/feet** of a property line.
 - iv. **Fence Standards in conjunction with a Bufferyard.** When a bufferyard exists, the applicant shall provide photographs of the existing fence or wall and vegetation. When a bufferyard does not exist and is required under current code, the non-electrified fence or wall shall be of solid construction (e.g. wood, concrete, masonry block) and the minimum height shall be eight feet and can be located at the property line.
- D. ***Warning Signs.*** Electrified fences shall be clearly identified with warning signs in English and in Spanish that read: "Warning-Electric Fence" and include the international symbol for an electrical hazard at intervals not to exceed thirty feet. The warning signs shall be mounted on both sides of the electrified fence. The signs shall be reflective with a minimum two-inch letter height, minimum stroke of one-half inch and with a contrasting background.
- E. ***Emergency Access.*** Fire Department access shall be provided in accordance with the Fire Code and the Oregon Structural Specialty Code. When a vehicle gate opens automatically, it shall open using a sensing device approved by the Fire Department. The vehicle gate shall provide a means for the Fire Department to

egress through the gate. Power to the electrified fence, excluding gate opening controls, shall be deactivated upon automatic Fire Department access through the gate. In addition, an approved Knox key box or approved equivalent shall be provided at an exterior location for any keyed locks or keyed gates for immediate emergency access necessary for life-saving or fire-fighting purposes. An approved method to manually disconnect electrical power to all portions of the fence and gates, such as a “Knox Remote Shunt Control Station”, shall be provided at an exterior location. The method and location of both the key box and the electrical disconnect shall be approved by the Medford Fire Code Official.

F. **Hours of Operation.** An electrified fence shall only be energized during the hours when the general public does not have legal access to the protected property.

G. **Surveillance.** Electrified fences shall be part of a functioning security system and monitored 24 hours a day.

H. **Compliance.** In addition to the remedies set forth in CPMC 17.57.050, failure to maintain an electrified fence in conformance with the standards set forth in this section may result in the fence being declared a public nuisance subject to abatement under Central Point Municipal Code 8.04.

17.57.045 Battery-charged Fence.

A. Definitions.

1. A “battery charged fence” means a fence that interfaces with an alarm system in a manner that enables the fence to cause the connected alarm system to transmit a signal intended to summon law enforcement in response to an intrusion and has an energizer that is driven by battery.
2. An “alarm system” means any electrical, mechanical or electronic device or sensor used to prevent, detect or alert law enforcement or occupants of burglary, theft, or intrusion of a structure or a vehicle used as a commercial structure.

B. Standards.

1. A battery-charged fence:

- a. Must use a battery that is not more than 12 volts of direct current;**
- b. Must produce an electric charge on contact that does not exceed energizer characteristics set for electric fence energizers by International Electrotechnical Commission (IEC) standards;**
- c. Must be surrounded by a nonelectric perimeter fence or wall that is not less than five feet in height;**
- d. May not be higher than the greater of 8 feet in height or two feet higher than the height of the nonelectric perimeter fence or wall, whichever is less;**
- e. Must be marked with conspicuous warning signs that are located on the fence at not more than 30-foot intervals and that read: "WARNING: ELECTRIC FENCE."**
- f. Shall not be installed in any property zoned for, or in use as, residential property; and**
- g. Must obtain an alarm permit from the city if such permit requirements exist.**

17.57.050 Violation--Penalty.

Upon discovering any violation of the restrictions imposed by this chapter, except a violation of Section 12.20.020, enforcement will be governed by the provisions of Chapter 17.04.090. (Ord. 1969 §1(part), 2013; Ord. 1846 §2(part), 2003).

CPMC 17.60.190, Home Occupations

- A. Purpose and Scope. **Home occupations are activities accessory to residential uses.** 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. **Home occupations have special regulations that apply to ensure that they will not be a detriment to the character and livability of the surrounding neighborhood and remain subordinate to the residential use, and that the residential viability of the dwelling is maintained.**
- B. Permit Transfers. No permit for a home occupation shall be transferred or assigned, nor shall the permit authorize any person other than **the person** named therein to commence or carry on the occupation for which the permit was issued.
- C. **Prohibited Uses. The following uses are prohibited as a home occupation:**
1. **Any type of business or occupation involving repair, assembly, body work or painting of vehicles, recreational vehicles, boats, or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other small engines) or of large appliances (such as washing machines, dryers, and refrigerators) or any other work related to automobiles and their parts;**
 2. **Motor vehicle sales;**
 3. **Junk and salvage operations;**
 4. **Headquarters or dispatch centers where employees come to the site and are dispatched to other locations.**
 5. **Any home occupation in which one or more employees or more than 3 customers come to the site. Examples are counseling, tutoring, hair cutting/styling, and/or nail salon.**

~~C. D. Permit Required. The city manager, or his designate, The Planning Director or their designee (the "director") shall issue a home occupation permit as a Type I Review if, and only if, he the Director finds that all of the following the criteria stated in CPMC 17.60.190.E 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. **Home occupation permits are a renewable and revocable permit for a one-year period. Permits may be renewed for one-year periods upon payment of a renewal fee, and continued compliance with this chapter, and further provided that the permit has not been revoked pursuant to the provisions of 17.60.190.G below.**

E. Home Occupation Standards. A home occupation permit must satisfy the following criteria:

1. ~~Subject to the limitations of subsection E.2 below, the~~ The home occupation must be conducted ~~solely within the confines of an~~ **completely within enclosed structures on the site** (accessory structure, **garage**, 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~~ **persons lawfully residing in the dwelling** 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;~~ **Reserved.**
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 ten vehicle trips per day **(deliveries and/or customers)**, not counting the vehicle trips not associated with the home occupation use. **Each departure from and each arrival to the property shall be counted as a separate trip;**
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.

11. Outdoor storage, including but not limited to trailers, inventory, supplies, equipment or goods, visible from the public right-of-way or adjacent properties or common areas is prohibited.

F. Impact-Related Standards

1. Hazardous substances. Hazardous substances are prohibited, except that consumer quantities are allowed. Consumer quantities of hazardous substances are packaged and distributed in a form intended or suitable for sale through retail sales outlets for consumption by individuals for purposes of personal care and household use.

2. Noise. The maximum noise level for a home occupation is 50 dBA. Noise level measurements are taken at the property line. Home occupations that propose to use power tools must document in advance that the home occupation will meet the 50 dBA standard. (Alternative is existing language: *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*)

3. Vehicles. No more than one vehicle may be used in association with the home occupation. The maximum size of the vehicle used in association with the home occupation is a pickup truck in the medium truck category.

4. Deliveries. Truck deliveries or pick-ups of supplies or products, associated with the home occupation, are allowed at the home only between 8 am and 5 pm. Vehicles used for delivery and pick-up may not include heavy trucks.

F.D. Fee Required. At the time of application to the city manager, 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.

G.E. Revocation/Termination.

1. The permit may be revoked by the ~~city manager~~ director, if the director determines that a violation of the permit requirements or conditions exists. Determinations that a home occupation is in violation include but are not limited to:

a. Generation of excessive traffic;

- b. Monopoly of on-street parking spaces;**
- c. Frequent deliveries and pickups by motor freight trucks;**
- d. Excessive noise;**
- e. Smoke, fumes or odors in excess of those created by normal residential use;**
- f. Failure to meet or maintain compliance with this chapter.**
- g. Other offensive activities not in harmony with a residential neighborhood.**

~~. 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 manager, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.~~

- h. Failure to pay the renewal fee by the anniversary date of the permit.**

2. Notice of Violation. Upon a determination by the director that a violation exists, the permit holder will be notified of the violation by certified letter at the address listed on the permit, and the time period in which the violation must be corrected. If the alleged violation has not been corrected within 15-days of the date of the letter, or appealed the notice of violation within 10-days as provided in subsection (3) below, the director may revoke said permit.

3. Upon Notice of Violation of the permit, an appeal of the decision may be made to the planning commission, as provided in CPMC 17.60.170. The revocation of the home occupation permit does not take effect until the expiration of the appeal period, or in the event of a timely appeal, final determination of the appeal. The planning commission, upon hearing the evidence may:

- a. Approve the use as it exists;**
- b. Require the use be terminated; or**
- c. Impose appropriate restrictions such as limiting hours of operation, establishing a phase-out period, or other measure ensuring compatibility with the residential character of the neighborhood.**

H.. 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 **neighboring** property owners, after due notice and hearing, if the ~~city manager~~ **director** finds that the interference with the use and enjoyment of the neighboring premises is such as to defeat the purpose of the zoning ordinance; **or (3) upon expiration of a permit term issued prior to adoption of this ordinance.**

I.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. 1969 §1(part), 2013; Ord. 1786 §8, 1998; Ord. 1735 §1, 1996; Ord. 1711 §2, 1994; Ord. 1471 §1, 1982; Ord. 1436 §2(part), 1981).

CPMC 17.76, Conditional Use Permits

Sections:

- 17.76.010 Purpose.
- 17.76.011 **Approvals Process** ~~Application and review.~~
- 17.76.020 **Submittal Requirements** ~~Information required.~~
- 17.76.040 **Criteria, Standards and Conditions of Approval** ~~Findings and conditions.~~
- 17.76.060**050** Expiration.
- 17.76.070**060** 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~~ **There are certain uses, which due to the nature of their impacts on surrounding land uses and public facilities require a case-by-case review and analysis. Conditional uses are identified in each zoning district chapter within this title. The purpose of this chapter is to provide procedures and standards for permitting conditional uses.** (Ord. 1436 §2(part), 1981).

17.76.011 **Approvals Process.** ~~Application and review.~~

In accordance with CPMC 17.05.100, Table 17.05.01, Conditional Use Permits are subject to Type III review procedures in CPMC 17.05.400. The Planning Commission in rendering a decision on the Conditional use Permit may require an annual or less frequent renewal of conditional use permits. Modifications to an approved conditional use permit are subject to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval. (Ord. 1786 §10, 1998; Ord. 1436 §2(part), 1981).

17.76.020 **Submittal Requirements.** ~~Information required.~~

In addition to the submittal requirements for Type III review under CPMC 17.05.400, applications for conditional use permits shall include a description of existing conditions, a site plan and information on any recorded and proposed restrictions or covenants and applicable information for Site plan and Architectural Review submittal requirements in CPMC 17.72.030(B) and (C). An application for a Conditional Use Permit shall also contain a narrative report or letter responding to the approval criteria in Section 17.76.040 below.

~~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. (Ord. 2014 §12, 2015; 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).~~

17.76.040 Criteria, Standards and Conditions of Approval

The Planning Commission shall approve, approve with conditions, or deny an application for a conditional use, including requests to enlarge or alter a conditional use, when all of the criteria and standards in item (A) can be met outright or as conditioned in accordance with item (B), below.

A. Use Criteria

- 1. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;**
- 2. The negative impacts of the proposed use, if any, on adjacent properties and on the public can be mitigated through application of other Code**

standards, or other reasonable conditions of approval;

- 3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the use, consistent with City standards; and,**
- 4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed in the base zoning district; nor shall a conditional use permit grant a variance without a variance application being submitted and reviewed along with the conditional use application.**

B. Conditions of Approval. The City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, one or more of the following:

- 1. Limiting the hours, days, place, and/or manner of operation;**
- 2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor, and/or dust;**
- 3. Requiring larger setback areas, lot area, and/or lot depth or width;**
- 4. Limiting the building or structure height, size, lot coverage, and/or location on the site;**
- 5. Designating the size, number, location, and/or design of vehicle access points or parking and loading areas;**
- 6. Requiring street right-of-way to be dedicated and street improvements made, or the installation of pathways or sidewalks, as applicable;**
- 7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;**
- 8. Limiting the number, size, location, height, and/or lighting of signs;**
- 9. Limiting or setting standards for the location, type, design, and/or intensity of outdoor lighting;**

- 10. Requiring berms, screening, or landscaping and the establishment of standards for their installation and maintenance;**
- 11. Requiring and designating the size, height, location, and/or materials for fences;**
- 12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands;**
- 13. Requiring improvements to water, sanitary sewer, or storm drainage systems, in conformance with City standards; and,**
- 14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type III review process, except where the Planning Commission delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as applicable (see Chapter 17.05 for review procedures).**

17.76.050 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 community development director may extend the conditional use permit for an additional period of one year, subject to the requirements of Chapter 17.05.

C. If the time limit for development expired and no extension has been granted, the conditional use permit shall be void. (Ord. 1941 §10, 2010; Ord. 1684 §73, 1993; Ord. 1436 §2(part), 1981).

~~17.76.070~~**060** 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 17.92 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).~~