

ARTICLE 2 – ZONING REGULATIONS

Chapters:

- 2.1 Establishment of Zoning Districts
- 2.2 Zoning District Regulations
- 2.3 Special Use Standards
- 2.4 Overlay Zones
- 2.5 Flood Damage Protection

Chapter 2.1 – Establishment of Zoning Districts

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- 2.1.020 Classification of Zoning Districts
- 2.1.030 Determination of Zoning District Boundaries

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- 2.2.020 Applicability
- 2.2.030 Allowed Uses
- 2.2.040 Lot and Development Standards
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- 2.4.020 Applicability
 - 2.4.030 ~~Historic Core Overlay~~
 - 2.4.040 Urban Wildland Interface
 - ~~2.4.050 Gateway Overlay~~
 - 2.4.050 Riparian Protection
 - 2.4.060 ~~Hillside Overlay~~ [Wetland Protection](#)
- Chapter 2.5 - Flood Damage Protection

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Chapter 2.1 – Establishment of Zoning Districts

Sections:

2.1.010	Purpose
2.1.020	Classification of Zoning Districts
2.1.030	Determination of Zoning District Boundaries

2.1.010 Purpose and Classification of Zoning Districts

Chapter 2.1 establishes zoning districts, consistent with the City of Jacksonville Comprehensive Plan. Every unit of land (parcel, lot, tract and right-of-way) within the City of Jacksonville is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones, which are areas with special standards or regulations based upon environmental constraints, special area plans, or existing development with special considerations. The use of land is limited to the uses allowed by the applicable zone(s).

2.1.020 Classification of Zoning Districts

Zoning designations are as depicted on the City of Jacksonville Zoning Map. The Planning Department maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern.

A. Residential Districts (SFR, MF). Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; promote the orderly development and improvement of neighborhoods; facilitate compatibility between dissimilar land uses; allow residences in proximity, and with direct connections, to schools, parks, and community services; and to ensure efficient use of land and public facilities. The following summarizes the purpose of each residential district. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

1. Single Family Residential (SFR) - Permitted residential uses consist primarily of traditional single family subdivisions consisting of detached single-family housing, and community service uses such as churches, schools, and parks. Maximum density per single family zoning district is as follows:
SFR - 6 - one (1) dwelling unit per lot, minimum lot size 6,000 square feet
SFR - 8 - one (1) dwelling unit per lot, minimum lot size 8,000 square feet
SFR - 10 - one (1) dwelling unit per lot, minimum lot size 10,000 square feet
SFR - 12 - one (1) dwelling unit per lot, minimum lot size 12,000 square feet
HR - 0.5, 1, 2, 5 - one (1) dwelling unit per lot, minimum lot size 0.5, 1, 2, and 5 acre(s), respectively
BR - 0.5, 1, 2, 5 - one (1) dwelling unit per lot, minimum lot size 0.5, 1, 2 and 5 acre(s), respectively
 2. Multiple Family Residential (MF) - Permitted residential uses consist of duplexes, attached single family dwellings on their own lots, such as townhouses or rowhouses, and apartments or condos. The MF district also allows, subject to special use standards, schools, places of worship, and certain recreational uses and facilities. Minimum
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lot size standards depend on the type of residence as indicated below:

- Duplex: 6,000 square feet minimum lot size.
- SFR (attached, townhouses or rowhouses): 2,400 square feet minimum lot size.
- Apartment building containing three dwellings: 7,000 square feet minimum lot size. For each additional dwelling unit on the same lot, the lot size shall be 1,800 square feet larger.

Additional regulations: Corner lots for all the above: increase minimum lot size by 1,000 square feet.

B. Commercial Districts (HC, GC). Commercial zoning districts accommodate a mix of commercial services, retail, and civic uses, with existing residences permitted to continue, and new residential uses permitted in conjunction with commercial buildings. Two commercial zoning districts, one for the historic commercial downtown area and one for general commercial areas, provide for the full range of commercial land uses within the city. The two commercial districts allow many of the same uses, except that different development and design standards apply to specific types of development based in each zone, primarily differentiated by each area's historic significance. See Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

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1. Historic Core (HC) - The area designated Historic Core is the historic commercial district. Regulations are intended to maintain the unique historical significance of Jacksonville's historic downtown core, encourage re-use through restoration and rehabilitation, provide employment opportunities and facilitate compatibility between dissimilar land uses. This zoning designation permits commercial and professional operations and activities.
2. The General Commercial (GC) - This area is outside of the historic commercial district, and is intended to provide for the city's future commercial needs. A wide variety of commercial uses are permitted within this zone.

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C. Artisan District (AR). This mixed use zone is intended allow small scale manufacturing and associated retail sales in conjunction with a residence.

D. Special Protection (SP). This zoning district provides for the use, protection, preservation, conservation, and enhancement of historic sites, parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses consistent with adopted park or open space master plans. See also, Chapter 2.2 Zoning District Regulations and Chapter 2.3 Special Use Standards.

2.1.030 Determination of Zoning District Boundaries

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 Planning Director or, upon referral, the Planning Commission, shall determine the boundary as follows:

A. Rights-of-way. Boundaries 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

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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 allocated proportionately 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; and

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.

Chapter 2.2 – Zoning District Regulations

Sections:

2.2.010	Purpose
2.2.020	Applicability
2.2.030	Allowed Uses
2.2.040	Lot and Development Standards
2.2.050	Setback Yards Exceptions
2.2.060	Residential Density Standards
2.2.070	Lot Coverage
2.2.080	Height Measurement, Exceptions and Transition

2.2.010 Purpose

Chapter 2.2 regulates allowed land uses (“uses”) and sets forth lot and development standards, including minimum dimensions, area, density, coverage, structure height, and other provisions that control the intensity, scale, and location of development. The regulations of this chapter are intended to implement the City of Jacksonville Comprehensive Plan and the purposes of this Code, per Section 1.2.020.

2.2.020 Applicability

All real property in the City of Jacksonville is subject to the zoning regulations of Chapter 2.2. Certain types of land uses are also subject to the Special Use regulations in Chapter 2.3. In addition, some properties are subject to both the general (“base zone”) regulations of Chapter 2.2 and the Overlay Zone regulations of Chapter 2.4. Property owners, realtors, project proponents, and others are advised to verify the regulations that apply to a particular property before beginning a new project, purchasing real estate, or marketing a property for sale.

2.2.030 Allowed Uses

A. Uses Allowed in Base Zones. Allowed uses include those that are permitted, those that are permitted subject to special use standards, and those that are allowed subject to approval of a conditional use permit, as identified by Table 2.2.030. Allowed uses fall into four general categories: Residential, Public and Institutional, Commercial, and Other. Where Table 2.2.030 does not list a specific use, and Chapter 5, Definitions does not identify the use or include it as an example of an allowed use, the City may find that use is allowed, or is not allowed, following the procedures of Section 1.5.010 Code Interpretations. Uses not listed in Table 2.2.030 and not found to be similar to an allowed use are prohibited.

B. Permitted Uses and Uses Permitted Subject to Special Use Standards. Uses listed as “Permitted (P)” are allowed provided they conform to Section 2.2.040 Lot and Development Standards. Uses listed as “Permitted

Subject to Special Use Standards (S)” are allowed, provided they conform to the Chapter 2.3 Special Use Standards and Section 2.2.040 Lot and Development Standards.

C. Conditional Uses. Uses listed as “Conditional Use Permit Required (C)” are allowed subject to the requirements of Chapter 4.4 Conditional Use Permits.

D. Prohibited Uses. Uses listed as “Not Allowed (X)” are prohibited. Uses not listed but similar to those allowed may be permitted pursuant to Section 1.5.010.

E. Uses Regulated by Overlay Zones. Notwithstanding the provisions of Chapter 2.2, additional standards may apply to uses within overlay zones. In addition, an overlay zone may allow exceptions to some standards of the underlying zone. See Chapter 2.4.

F. Accessory Uses. Uses identified as “Permitted (P)” are permitted as primary uses and as accessory uses. For information on other uses that are customarily allowed as accessory, please refer to the description of the Use Categories in Article 5 Definitions.

G. Temporary Uses. Temporary uses may be permitted on a temporary basis, subject to review and approval under Chapter 2.3.160.

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H. Disclaimer. Property owners are responsible for verifying whether a specific use is allowed on a particular site. Submittal of a Zoning Clearance Sheet for review and approval by the Planning Director, or his/her designee, may be required in order to determine whether use is allowed on a given site, and whether further land use review is required.

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Table 2.2.030 – Uses Allowed by Zoning District							
Uses	Residential Zones		Commercial Zones		Special Protection	Industrial	Special Use Standards
	SF	MF	HC	GC	SP	AR	
A. Residential Uses¹							
Single-Family Dwelling, Non-Attached	P	P	S	S	S	X	Sec 2.3.090
Single-Family Dwelling, Attached (Townhome)	P	P	S	S	X	X	Sec. 2.3.090;
Accessory Dwelling	S	S	X	X	S	X	[Sec 2.3.170]
Duplex Dwelling	S	S	SP	SP	X	X	Sec 2.3.060
Manufactured Home	S	S	X	X	X	X	Sec 2.3.090; Sec 2.3.130
Multi-Family	S	P					2.3.080
Family Daycare	S	S	S	S	X	X	Sec 2.3.100
Residential Care Home	S	S	X	X	X	X	Sec. 2.3.090; Sec 2.3.110
Residential Care Facility	S	S	S	S	X	X	Sec. 2.3.090; Sec 2.3.110
Home Occupation	S	S	S	S	X	X	Sec 2.3.120
Vacation Rental Dwellings Bed and Breakfasts	S	S	SX	SX	X	X	Sec 2.3.180
B. Public and Institutional Uses²							
Automobile Parking, Public Off-street Parking	CX	CX	C	C	C	C	
Cemetery, including Crematorium	C	C	X	X	P	X	
Child Daycare Center	S	S	C	C	X	C	
Club Lodge, Fraternal Organization	X	X	P	P	C	P	
Community Service; includes Governmental Offices	X	X	C	C	XC	C	
Community Garden	P	P	C	C	P	X	
Clinic, Outpatient Only	X	X	P	P	X	P	
Emergency Services; includes Police, Fire, Ambulance	C	C	C	C	CX	C	
Hospital, including Acute Care Center	X	X	C		X	C	
Mortuary	X	X	P		X	X	
Non-Profit Member Organization Offices	CX	CX	P		C	C	
Parks and Open Space, including Playgrounds, Trails, Nature Preserves,	S	C	S/C		S/C	S/C	Sec 2.3.210

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¹ KEY: P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; X = Prohibited.
² KEY: P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; X = Not Allowed.

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Athletic Fields, Courts, Swim Pools, Entertainment venues and similar uses							
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Uses	Residential Zones		Commercial Zones		Special Protection	Industrial	Special Use Standards
	<u>SF</u>	<u>MF</u>	<u>HC</u>	<u>GC</u>	<u>SP</u>	<u>AR</u>	
	B. Public and Institutional Uses³ (continued)						
Public Works Utilities Storage Yards; includes Vehicle and Equipment Storage, Maintenance, and Repair	X	X	X	C	X	P	
Religious Institutions and Houses of Worship	C	C	C	C	C	C	
School, Preschool-Kindergarten	C	C	C	C	C	X	
School, Secondary	C	C	C	C	C	X	
Solid Waste Disposal, <u>except</u> as accessory to permitted use	X	X	X	X	X	X	
Recycling (not including motor vehicles)	X	X	X	C	X	C	
Transportation Facilities; includes Construction, operation, and maintenance of facilities located within rights-of-ways controlled by a public agency consistent with Transportation System Plan / Comprehensive Plan.	P	P	P	P	P	P	
Utility Structures and Facilities, City Planned Projects; i.e., utilities identified by an adopted City master plan or development review approval	P	P	P	P	P	P	
Wireless Communication Facilities	X		C	C	X	C	2.3.230

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Table 2.2.030 – Uses Allowed by Zoning District							
Uses	Residential Zones		Commercial Zones		Special Protection	Industrial	Special Use Standards
	SF	MF	HC	GC	SP	AR	
C. Commercial Uses⁴							
Amusement, Entertainment, and Commercial Recreation; includes theaters, bowling alleys, miniature golf, concert venues, arcades, similar uses	X	X	X	X	C	X	
Artisanal/Light Manufacture Use in Commercial zones – includes craftsman studio; and uses providing instruction and/or retail sales related to painting, sculpting, photography, picture framing, knitting, sewing, literature, theater, music, specialty foods/catering, or similar uses	X	X	S	S	X	S	Sec 2.3.040
Automobile Parking, Commercial Parking	X	X	C	C	C	C	
Automotive Repair and Service, includes fueling station, car wash, tire sales and repair/replacement, painting, and other repair for automobiles, motorcycles, aircraft, boats, RVs, trucks, etc.	X	X	C	C	X	C	
Automotive Sales and Rental; includes motorcycles, boats, recreational vehicles, and trucks	X	X	XP		X	X	
Bed and Breakfast Inn	C	S	C/+S	S	X	X	Sec 2.3.180
Commercial Retail Sales and Services	X	X	P	P	C	X	
Commercial Retail Sales and Services, in Conjunction with a Permitted Industrial Use, and limited to 25% of the gross area used	X	X	X	X	X	S	Sec 2.3.040

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Table 2.2.030 – Uses Allowed by Zoning District							
Uses	Residential Zones		Commercial Zones		Special Protection	Industrial / Job Creation	Special Use Standards
	SF/	MF	HC	GC	SP	AR	
C. Commercial Uses (continued)⁵							
Livestock (chickens, bees, etc)	S	X	S	S	X	S	Sec 2.3.190

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Computer Server Hotel/Data Center	X	X	X	X	X	XP	
Customer Call Center	X	X	P	P	X	X	
Drive-Through Service	X	X	C+S	C+S	X	C+S	Sec 2.3.050
Hotels, Motels and Similar Overnight Accommodations	X	X	P	P	X	X	
Kennel (See also, "Veterinary Clinic")	X	X	C	C	X	X	
Lumber Yard and Similar Sales of Building or Contracting Supplies, or Heavy Equipment	X	X	C	C	X	P	
Medical Clinic, Outpatient	X	X	P	P	X	C	
Offices	X	X	P	P	X	C	
Recreational Vehicle Park	X	X	X	X	X	X	
Self-Service Storage, Commercial	X	X	X	X	X	X	
Veterinary Clinic	X	X	P	P	X	C	

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 CAC 7/9/14 - Where is home occupation / business standards. Chec

Uses	Residential Zones		Commercial Zones		Special Protection	Industrial	Special Use Standards
	SF	MF	HC	GC	SP	AR	
D. Industrial and Employment Uses⁶							
Airport / Heliport / Helipad	X	X	X	X	X	X	
Artisanal Use/Light Manufacture Uses	X	X	C	X	X	P	Sec 2.3.040
Beverage and Bottling Facility,	X	X		P	X	P	
Bulk Storage of Flammable Liquids or Gases; Petroleum Products Storage and Distribution; Wood or Biomass Fuel Dealers	X	X	X	C	X	X	
Products Manufactured from Cement, Glass, Clay, and Stone Products Manufacture	X	X	C	C	X	C	
Chemical, Fertilizer, Insecticide, Paint Product Manufacture, or Similar Uses	X	X	X	X	X	X	
Concrete or Asphalt Batch Plants	X	X	X	X	X	X	
Dairy Products Manufacture, e.g., Butter, Milk, Cheese, Ice Cream	X	X	C	C	X	C	
Dwelling for a caretaker or watchman	X	X	S	S	X	C	Sec. ???

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Uses	Residential Zones		Commercial Zones		Special Protection	Industrial	Special Use Standards
	SF	MF	HC	GC	SP	AR	
D. Indus. and Mixed Employment Uses⁷ (cont⁷)							
Finished Textile and Leather Products Manufacture	X	X	C	C	X	C	
Food Processing, including Canning, Freezing, Drying and Similar Food Processing and Preserving; Rendering Plants are prohibited.	X	X	C	C	X	C	
Freight Terminals, Warehousing, Wholesale Distribution, Cold Storage	X	X	X	C	X	C	
Machine Shop, and Sales, Service and Repair of Machinery	X	X	C	C	X	C	
Metal Plating	X	X	X	X	X	X	
Metal Manufacture, Welding	X	X	C	C	X	C	
Newspaper, Periodical, Publishing and Printing;	CX	C	C	C	X	C	
Special Trade Contracting Facilities, such as Floor Laying, Masonry, Stone, Plumbing, Electrical, Metal Work, Roofing, Heating/Air Conditioning, Cabinet making and Carpentry	X	X	C	C	X	C	
Wrecking, Demolition, Junk Yards	X	X	X	X	X	X	

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2.2.040 Lot and Development Standards

A. Development Standards. Section 2.2.040 provides the general lot and development standards for each of the City’s base zoning districts. The standards of Section 2.2.040 are organized into two tables: Table 2.2.040.D applies to Residential zones, and Table 2.2.040.E applies to non-residential zones.

B. Design Standards. City standards for Access, Circulation, Site and Building Design, Parking, Landscaping, Fences and Screening, and Public Improvements, among others, are located in Article 3. Notwithstanding the provisions of Table 2.2.040 and Article 3, different standards may apply in specific locations, such as at street intersections, within overlay zones, adjacent to natural features, and other areas as may be regulated by this Code or subject to State or Federal requirements. For requirements applicable to the City’s overlay zones, please refer to Chapter 2.4.

⁷ **KEY: P = Permitted Use; S = Permitted with Special Use Standards; C = Conditional Use Permit Required; X = Not Allowed.**

C. Disclaimer. Property owners are responsible for verifying whether a proposed development meets the applicable standards of this Code. Submittal of a Zoning Clearance Sheet for review and approval by the Planning Director may be required in order to determine whether use is allowed on a given site, and whether further land use review is required.

D. Lot and Development Standards for Residential Districts. The development standards in Table 2.2.040.D apply to all development in the city's Residential zones.

Standard	SF-6	SF-8	SF-10	SF-12	HR-0.5, 1, 2, 5	BR-0.5, 1, 2, 5	MFR
Table 2.2.040.D – Lot and Development Standards for Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Planned Unit Developments.)							
Residential Density , per Section 2.2.060 (Dwelling Units per gross / net acre)	1 dwelling per 6,000 sq. ft.	1 dwelling per 8,000 sq.ft.	1 dwelling per 10,000 sq. ft.	1 dwelling per 12,000 sq. ft.	1 dwelling per 0.5, 1, 2 and 5 acre(s) respectively	1 dwelling per 0.5, 1, 2 and 5 acre(s) respectively	minimum 10- maximum 15 dwelling units per acre
Accessory Dwelling Unit	1 ADU per lot, 6,000 sq. ft. min. lot size	1 ADU per lot, 6,000 sq. ft. min. lot size	1 ADU per lot, 6,000 sq. ft. min. lot size	1 ADU per lot, 6,000 sq. ft. min. lot size	1 ADU per lot, 6,000 sq. ft. min. lot size	1 ADU per lot, 6,000 sq. ft. min. lot size	
Minimum Lot Area* (square feet)							
Single Family, not attached	6,000	8,000	10,000	12,000	0.5, 1, 2, 5	0.5, 1, 2, 5	N/A
Non-Residential Uses	minimum necessary	minimum necessary	minimum necessary to	minimum necessary	minimum necessary to	minimum necessary to meet design	minimum necessary to

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	to meet design review standards	to meet design review standards	meet design review standards	to meet design review standards	meet design review standards	review standards	meet design review standards
Duplex	Not allowed in SFR zones						
Multiple-Family (townhouse, rowhouse, apartment, duplex)					N/A	N/A	7,000 sf for the first 2 dwelling units, plus [1,500,400] for each additional unit.
Minimum Lot Width					HR-5 80 HR-1 100 HR-2 200	BR-5 70 BR-1 70 BR-2 80	
Single Family, detached	60 ft	70 ft	80 ft	90 ft	HR-5 300	BR-5 100	70
Multiple-Family (excepting lots with SF detached dwelling and ADU)							
Street frontage width may be less than minimum lot width where Flag Lots are allowed, per Chapter 4.3.050.							
Minimum Lot Depth	80	80	80	80	100	100	80
Building/Structure Height. See also, Sections 2.2.040 Setback Yard Exceptions, [2.2.080 Building Height Transition], 3.3.020 Clear Vision, and 3.4.050 Fences and Walls. Level Site (slope less than 15%), maximum height Sloping Site (15% or greater), maximum height; above 30% slope	35'	35'	35'	35'	35' [30-35 ft] [level site +3-5 ft] 20' then 0'	35'	As calculated by section *

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CAC 7/9/14 - these are the uses that are at issue; distribution centers, not incidental to approved use. May include a sq. ft special use standard. Celeste - carry the zoning header through to eac

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CAC 7/9/14 - discussion on the old plats anticipate

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Commented [24]: one MF zone and this gives flex to it. Need to draft in ADU provisions. CAC 7/9/14 - big discussion of do

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Building Height Transition Required Abutting RL District (Sec 2.2.080)							
Fences and Non-Building Walls							
Max. Height. – Front Yard	6 ft	6 ft	4 ft	4 ft	4 ft	3 ft	3 ft
Max. Height. – Interior Side	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Max. Height – Rear Yard	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft	6 ft
Max. Height – Street-Side; or Reverse Frontage Lot (rear)	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft	3 ft
(See also, Section 3.4.040.)							
Lot Coverage: I) Max. Lot Coverage (See lot coverage definition)	40%	40%	40%	40%	35%	35%	50%
Single Family, Not Attached Single Family, Attached/Common Wall Duplex Multifamily or Cottage Cluster Mixed-Use/Live Work/Commercial Civic/Institutional/Open Space							
Impervious Area maximum allowed in addition to Lot Coverage	10%*	10%*	10%*	10%*	10%*	10%*	N/A
Min. Landscape Area (% lot area), Landscape area may include plant areas and some non-plant areas as allowed under Section 3.4.030.	10%	10%	10%	10%			15%
Minimum Setbacks (feet). See also, Sections 2.2.040 Setback Yard Exceptions, 3.3.020 Clear Vision, and 3.4.050 Fences and Walls.							
Front/Street-Side Setback Yards							

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Commented [30]: current code. But we need to have HR and BR fully spread out to show the current ramp

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<p>Standard Setback <u>Garage or Carport Opening</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio, wall) where structure is less than 50% enclosed</p> <p>Exception (0 ft for wheelchair ramp)</p>			<p>15 ft 20 ft 10 ft</p>	<p>15 ft 20 ft 10 ft</p>	<p>15 ft 20 ft 10 ft</p>	<p>15 ft 20 ft 10 ft</p>	
<p>Interior Side Setback Yards <u>Structure >24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u> <u>Structure 12'-24' height (total of 2 interior sides, with no setback yard less than 3 ft)</u> <u>Structure <=12' height (total of 2 interior sides, with no setback yard less than 3 ft)</u></p> <p><u>Garage/Carport Opening, except alley</u></p> <p>Exceptions: <u>Alley</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, wheelchair ramp, portico, patio, wall) where structure is less than 50% enclosed</p> <p><u>Common Walls/Zero Lot Line Developments</u></p>			<p>[10-15] ft 10 ft [6-10] ft 20 ft 5 ft 5 ft 0 ft one side; [5-10] ft other side</p>	<p>10 ft 10 ft 10 ft 20 ft 5 ft 5 ft 0 ft one side; [5-10] ft other side</p>	<p>10 ft 10 ft 10 ft 20 ft 5 ft 5 ft 0 ft one side; [5-10] ft other side</p>		
<p>Note: Always avoid utility easements when building near property lines.</p>							
<p>Rear Setback Yard <u>Structure >24' height</u> <u>Structure 12'-24' height</u> <u>Structure <=12' height</u></p>			<p>[10-15] ft 10 ft [5-10] ft</p>	<p>10 ft 10 ft 10 ft</p>	<p>10 ft 10 ft 10 ft</p>		

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Garage/Carport Opening, except alley Exceptions: <u>Alley</u> <u>Porch or Similar Open Structure</u> (e.g., balcony, portico, patio wall) where structure is <50% enclosed <u>Common Walls/Zero Lot Line</u>			20 ft	20 ft	20 ft		
			5 ft	5 ft	5 ft		
			5 ft	5 ft	5 ft		
			0 ft	0 ft	0 ft		

E. Lot and Development Standards for Non-Residential Districts. The development standards in Table 2.2.040.E apply to all development in the city’s Non-Residential zones, as follows.

Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040.F through 2.2.080, as modified under Chapter 4.7 Adjustments and Variances, or as approved under Chapter 4.8 Master Planned Developments.)				
Standard	HC Historic Core Commercial	GC General Commercial	AR Artisan Industrial	SP Special Protection
Minimum Lot Area* (square feet) *Development must conform to lot width, depth, yard setback and coverage standards.	None	[None, or # acres, per Economic Opportunities Analysis]	None	
Minimum Lot Width and Depth	None	[None, or # acres, per Economic Opportunities Analysis]	None	
Building/Structure Height*				
Standard maximum height	35-ft	35-ft	35-ft	35 ft

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Fences and Non-Building Walls Max. Height – Front Yard Max. Height – Interior Side Max. Height – Rear Yard Max. Height – Street-Side or Reverse Frontage Lot (rear) (See also, Section 3.4.040.)	4 ft 6 ft 6 ft 4 ft, or 6 ft with 5 ft landscape buffer	4 ft, except City-required screens 6 ft, except City-required screens 6 ft, except City-required screens 4 ft, or [6 ft] with 5 ft landscape buffer		
Lot Coverage [(two options)]: 1. Max. Building Coverage (Foundation plane as % of site area)	90%	80%		
[2. Coverage Bonus]	<i>[The Planning Official / Planning Commission, subject to review through a Type II / III procedure, may approve an increases to the lot coverage standards, above, pursuant to Section 2.2.070.]</i>			
Min. Landscape Area (% site area) , includes required parking lot landscaping and any required screening. This standard does not apply to individual, detached single-family dwellings. [Landscape area may include street trees and civic space improvements in some zone, per Section	[5-10%]	[10-15%]	[5-10%]	

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3.2.030.D and 3.2.060.]				
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Table 2.2.040.E – Lot and Development Standards for Non-Residential zones (Except as provided by 2.2.040-2.2.080, and Chapter 4.7 Adjustments and Variances)				
Standard	HC Zone	GC Zone	CI Zone	SP Zones
<p>Minimum Setback Yards (feet): (See also, Section 2.2.080, RL Height Step-Down.)</p> <p>Front, Street-Side, Interior Side, and Rear property lines, except garage or carport, or as required by other code provisions</p> <p>Garage/Carport Entry, setback from street</p> <p>Alley</p> <p>Adjacent to RL District</p>	<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>			<p>25 ft</p> <p>25 ft</p> <p>10 ft</p> <p>25 ft</p>
		<p>0 ft</p> <p>20 ft</p> <p>3 ft</p> <p>10 ft, and per Section 2.2.170</p>	<p>—</p> <p>—</p> <p>—</p> <p>—</p>	
Note: Always check for utility easements prior to construction.				

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Commented [36]: rds.
 Per CAC 7/16/14. Pull 2.3.060. Reserve for follow up at rezoning to potentially include Duplex in SFR.
 CAC 7/16/14 - may need to reduce to 50' to conform with lots of existing inventory of 50' front lots. Need to ad

2.2.050 Setback Yards Exceptions

A. Encroachments

1. Except as otherwise restricted by applicable building codes, building elements such as balconies, eaves, chimneys, bay windows, overhangs, heating, cooling and ventilation systems, and similar incidental structures, may extend into the required setback yards by no more than twenty-four (24) inches, provided that a setback of not less than thirty-six (36) inches is maintained, all applicable building codes are met, and the clear vision standards in Section 3.3.030 are met.
2. Porches, decks, patios, and similar features not exceeding 30 inches in height may encroach into setbacks, provided a minimum setback of not less than thirty-six (36) inches is maintained and all applicable building codes are met.
3. Fences may be placed within setback yards, subject to the standards of Section 2.2.040 and 3.4.040.

Commented [37]: dress at potentially rezo10-18-14 CAC ok to have a building height on big slopes but still

B. Through Lots

Buildings on through lots are required to meet the build-to line standard on only one street. Through lots are subject to the fence height and setback requirements of Section 2.2.040 and the design standards (e.g., materials and landscape buffer requirements) of Section 3.4.040.

Commented [38]: ok with building prohibition 35%. Make sure we get a definition on how to calculate average slope. ngJMC - cross 17.16.090(C) no building on 30% and no infrastructure or access above 35%. nto a 5000 sq ft lot.

Need to verify

Commented [39]: the calculations. Existing

2.2.060 Residential Density Standards

To ensure efficient use of buildable lands and to provide for a range of needed housing in conformance with the Comprehensive Plan, all new developments and subdivisions in the Residential Districts shall conform to the densities prescribed in Table 2.2.040, except as provided below:

User's Guide: The following section is used in conjunction with Table 2.2.040. Your city should include minimum and maximum density standards in the table based on your comprehensive plan. Minimum density standards should apply to ~~SFRM~~ zones, at a minimum, and preferably in all residential and residential-commercial zones. Each city will need to determine how it calculates density. The following example is based on "gross density."

If the gross (total) site area is five (5) acres, and the minimum allowable density is six (6) dwelling units per acre, then the maximum is 30 units. The equivalent average lot size for single family dwellings is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the 5-acre site, then dividing the remaining (net) area by the number of units. Assuming 25 percent of the total site area for streets, open space, and other non-buildable areas, "average lot size" is calculated as follows: (217,800 square feet x 0.75) / 30 units = 5,445 square feet. If the minimum density were four (4) dwelling units per acre, the same five (5) acre site would yield a minimum of 20 units with an average lot size of 8,168 square feet.

This is only an example. The minimum density standard also applies to attached housing, including multiple family developments. Actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.2.030. The number of planned dwellings also varies depending on whether the comprehensive plan is based on net or gross density. Where a plan specifies 4 units per gross acre, the equivalent net density might be greater than 5 units per net acre.

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A. Partitions and construction of single-family homes on lots exceeding 20,000 square feet shall be located and constructed so that future division of such lots can occur and planned public facilities can be extended based on the minimum lot size and other applicable City standards.

B. Areas reserved for flag lot access (flag poles) are not counted for the purpose of calculating density.

Commented [41]: 7/16/14 CAC table this until we do fence 3.4.04.

2.2.070 Lot Coverage

A. Lot Coverage Calculation. The maximum allowable lot coverage, as provided in Table 2.2.040.D, is calculated as the percentage of a lot or parcel covered by buildings and structures at 36 inches or greater above the finished grade. It does not include paved surface-level developments such as driveways, parking pads, and patios lower than the minimum elevation of 36 inches above grade.

Commented [42]: Mike has a diagram of what is here now to review. Should Core overlay have different standards? gauge is not bad, 17.20.070

7-23: CA

2.2.080 Height Measurement, Exceptions, and Transition

User's Guide: The following supplements the building height standards in Table 2.2.040.

A. Building Height Measurement. Building height is measured pursuant to the International Building Code.

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B. Exception from Maximum Building Height Standards. Chimneys, bell towers, steeples, roof equipment, flag poles, and similar features not for human occupancy are exempt from the maximum building heights, provided that all applicable fire and building codes are met.

[C. Fence Height Increase. Where Table 2.3.040 provides for a height increase, the proposal shall be subject to City review and approval pursuant to Chapter 4.4.

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Chapter 2.3 – Special Use Standards

Sections:

2.3.010	Purpose
2.3.020	Applicability
2.3.030	Review Process
2.3.040	Artisanal Use/Light Manufacture
2.3.050	Drive-Through Service
2.3.060	Duplex Dwellings
2.3.070	Townhomes, Attached Single-Family Dwellings
2.3.080	Multifamily Development
2.3.090	Dwellings in Commercial and Special Protection Zones
2.3.100	Family Daycare
2.3.110	Residential Care Homes and Residential Care Facilities
2.3.120	Home Occupations
2.3.130	Manufactured Homes
2.3.140	Mobile Home and Manufactured Home Parks
2.3.150	Mobile Homes and Recreational Vehicles Used as Dwellings
2.3.160	Temporary Uses
2.3.170	Accessory Dwellings
2.3.180	Visitor Accommodations -Bed and Breakfast Inn, Vacation Rentals
2.3.190	Livestock
2.3.210	Parks and Open Spaces
2.3.220	Vacation Rental Dwelling
2.3.230	Wireless Communication Facilities
2.3.240	Hillside Residential Standards
2.3.250	Border Residential Standards
2.3.260	Forest and Agricultural Lands Special Setback Requirements

2.3.010 Purpose

Special uses included in Chapter 2.3 are uses, which, due to their effect on surrounding properties, must be developed in accordance with special conditions and standards. These special use standards may differ from the development standards established for other uses in the same zoning district.

2.3.020 Applicability

All uses designated as Special (“S”) Uses in Table 2.2.020, and uses the City determines to be similar to such uses, are subject to the standards of Chapter 2.3. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a special use differs from that of the underlying district, the standard

for the special use shall apply.

2.3.030 Review Process

The City uses the procedures for Site Design Review, under Chapter 4.2, in reviewing proposed uses for compliance with the requirements of Chapter 2.3.

2.3.040 Artisanal /Light Manufacture Uses

A. Purpose. The following provisions are intended to encourage mixed-use development, including cottage industries and business incubators, by integrating small-scale manufacturing with commercial uses. For the purposes of this Section, artisanal uses are those that blend manufacturing and retail uses such as brewpubs, winery tasting rooms, artist studios, cabinet makers, and similar uses, on the same site.

B. Applicability. The following standards apply where manufacturing uses are allowed in commercial zones and where retail uses are allowed in industrial zones. The standards are applied through Site Design Review or Conditional Use Permit review, as applicable.

C. Standards.

1. Where a manufacturing use is allowed in a commercial zone, it shall be permitted only in conjunction with a primary commercial use and shall not exceed the floor area of the primary commercial use; and
2. Where a manufacturing use is allowed in a commercial zone, it shall be wholly enclosed in a building, except the city may permit unenclosed operations of any use subject to this Section, subject to approval of a Conditional Use Permit; and
3. Where a manufacturing use is allowed in a commercial zone it shall also be subject to obtaining a Conditional Use Permit and where the City has identified concerns about noise, parking, or other impacts related to the use it shall impose conditions on the manufacturing use to address these impacts; and
4. Where a commercial use is allowed in an industrial zone, it shall be permitted only in conjunction with the primary industrial use and shall not exceed 25% of the floor area of the primary industrial use.

2.3.050 Drive-up and Drive-through Service

A. Purpose. Where drive-up or drive-through uses and facilities are allowed, they shall conform to all of the following standards, which are intended to calm traffic, provide for adequate vehicle queuing space, prevent automobile turning movement conflicts, and provide for pedestrian comfort and safety.

B. Standards. In addition to the standards for approving a Conditional Use, drive-up/drive-through facilities (i.e., driveway queuing area, customer service windows, teller machines, kiosks, drop-boxes, or similar facilities) shall meet all of the following standards:

1. The drive-up/drive-through facility shall not be oriented to street corner;
2. The drive-up/drive-through facility shall not be located within 120 feet of a street right-of-way. Walk-up only teller machines or kiosks, where permitted, shall not be oriented to a street corner;
3. Drive-up queuing or stacking areas shall be designed so that vehicles will not obstruct any street, fire lane, walkway, bike lane, or sidewalk.
4. Vision Clearance for any site shall meet the standards of 3.3.030(G)
5. Stacking - 100 feet (5 car lengths)
6. Screening - buffering of headlight glare, noise and odor shall be required along any boundary of the subject property and any adjacent residential lot.

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C. Prohibited Within Certain Areas. No drive-up or drive-through use shall be permitted within the Downtown Historic District (DHD) or on any property zoned Historic Core (HC).

2.3.060 Duplex Dwellings

User's Guide: Most small cities allow both single-family and duplex dwellings in low-density (single-family) zones, though duplex design can be concern when new duplexes are constructed next to single-family homes in established neighborhoods. This section responds to those concerns by providing clear and objective standards for duplexes.

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A. Purpose. The following provisions are intended to promote compatibility between duplex dwellings and single-family dwellings in the residential use zones (SF/MF/HR/BR).

B. Applicability. The following standards apply where a duplex is proposed adjacent to a single-family dwelling where the duplex lot and single-family lot share a common property line. The standards are applied through a Type I Zoning Clearance review procedure, prior to submittal of building plans to the Building Official.

C. Standards. Where a duplex is proposed on an interior (non-corner) lot sharing a property boundary with a single-family dwelling lot, the duplex shall meet all of the following standards:

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1. The duplex shall not exceed the height of the subject single-family dwelling by more than 20 percent for that portion of the duplex placed within twenty (20) feet of the single-family dwelling; and
2. The duplex shall have no blank wall oriented to a street. This standard is met where the elevation(s) facing a street are comprised of not less than [30 percent] windows and door surface area; and
3. The roof form on the duplex (e.g., gable, flat or hipped) is similar the roof form of adjacent single-family

dwellings on the same block face.

2.3.070 Townhomes, Attached Single-Family Dwellings

User’s Guide: This section is intended to promote a compatible building scale while minimizing the impact of townhome garages along street fronts. For example, some communities allow attached single-family housing (e.g., townhomes) in low-density zones but limit the number of consecutively townhomes or the overall length of townhome buildings.

A. Purpose. The following provisions are intended to promote a compatible building scale where attached single-family dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking.

B. Applicability. The following standards apply to new attached single-family dwellings. The standards are applied through [Site Design Review, pursuant to Section 4.2, / Zoning Checklist review, pursuant to Section 4.1.020,] prior to issuance of building permits.

C. Standards. Where attached single-family dwellings are proposed, the structure(s) shall meet all of the following standards:

1. Each building shall contain not more than [4-6] consecutively attached dwelling units and not exceed an overall length or width of [100-120] feet; and
 2. The primary entrance of each dwelling unit shall orient to a street or an interior courtyard that is not less than [24] feet in width; and
 3. Where the subject site is served by an existing or planned alley, vehicle access shall be from the alley and all garage entrances shall orient to the alley; and
 4. The development standards of Chapter 2.2 and the building and site design standards of Article 3 must be met;
- [5. The building shall meet the height transition requirements of Section 2.2.080.C, as applicable.]

2.3.080 Multi-family Development

Commented [49]: n in SFR zones

User’s Guide: The following provides clear and objective standards for multifamily housing, per state law. Local governments may apply discretionary standards/guidelines to what is defined as “needed housing” under ORS 197.303 only where their code also offers a clear and objective decision making option pursuant to ORS 197.307.

A. Purpose. The following standards are intended to ensure that multifamily developments are planned with adequate open space and are designed to prevent conflicts between residential uses, on-site recreation, and vehicle

circulation and parking areas. The standards supplement the design standards of Article 3.

B. Applicability. This applies to new multifamily developments.

C. Standards.

- 1. Common Open Space and Landscaping.** A minimum of 15 percent of the site area in the MFR districts shall be designated and permanently reserved as common area or open space, in accordance with all of the following criteria:
 - a. "Site area" for the purposes of this Section is defined as the subject lot or lots after subtracting any required dedication of street right-of-way;
 - b. The common area or open space shall contain one or more of the following: outdoor recreation area, tree grove (e.g., existing mature trees), turf play fields or playgrounds, sports courts, swim pool, walking fitness course, natural area with picnic benches, or similar open space amenities as appropriate for the intended residents.
 - c. In order to be counted as eligible toward the minimum open space area, such areas shall have dimensions of not less than twenty (20) feet;
 - d. Open space and common areas not otherwise developed with recreational facilities shall be landscaped consistent with the landscape provisions of the Code. The City Planning Commission may approve a tree preservation plan (retain mature tree groves) in lieu of landscaping of that portion of the parcel subject to the tree preservation plan.
- 2. Private Open Space.** Private open space areas shall be required for dwelling units based on the following criteria:
 - a. A minimum of 50 percent of all ground-floor dwelling units shall have front or rear patios or decks containing of at least 48 square feet of usable area. Ground floor housing means the housing unit entrance (front or rear) is within five (5) feet of the finished ground elevation (i.e., after grading and landscaping);
 - b. A minimum of 50 percent of all upper-floor housing units shall have balconies or porches containing at least 48 square feet of usable area. Upper-floor housing means housing units that are more than five (5) feet above the finished grade.
- 3. Access, Circulation, Landscaping, Parking, Public Facilities.** The standards of Chapters 3.2 through 3.6 shall be met.
- 4. Trash Storage.** Trash receptacles, recycling and storage facilities shall be oriented away from building entrances, setback at least ten (10) feet from any public right-of-way and adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than six (6) feet in height. Receptacles must be accessible to trash pick-up trucks.
- 5. Storm Water Detention.** Any development under this section ~~must have shall be designed with on-site detention a zero run off impact~~ as designed and implemented by a licensed engineer, ~~showing the post development flow not exceeding pre-flow conditions.~~

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Commented [51]: nsion of the current 10%, should identify in report.
JMC 18.18.010E current cod

2.3.090 Dwellings in Commercial and Special Protection Zones

User's Guide: This section provides standards for residential uses in commercial zones and addresses the need in some communities to grandfather single-family uses that would otherwise be nonconforming. An alternative to this approach, for example in an area with a large concentration of historic homes, is to establish a residential overlay zone allowing single-family dwellings in a defined area or sub-district of the downtown. The optional language under C, below, provides flexibility for allowing ground floor residential uses that do not front Main Street (or other defined street frontages), reserving storefronts on Main Street for commercial uses.

- A. Purpose.** This section provides standards for residential uses in the HC/GC/SP zones.
- B. Applicability.** This section applies to dwellings in the HC/GC/SP zones.
- C. Standards.** Residential uses in the HC/GC/SP zones shall conform to all of the following standards:
 - 1. New residential uses shall not be located in a ground building floor space in HC/GC and are prohibited in SP; and
 - 2. New residential uses are permitted only above or below a ground floor space containing a permitted non-residential use in HC/GC zones and are prohibited in SP zones, and
 - 3. Single-family dwellings lawfully existing may continue as permitted uses; and in the event of involuntary damage or destruction due to fire or other event beyond the owner's control, such single-family use may be rebuilt and reestablished pursuant to Section 2.2.030 and applicable building codes.

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2.3.100 Family Daycare

Family daycare uses are limited to on-site care for not more than sixteen (16) children, and shall conform to the state licensing requirements and standards under ORS 657A.250 and ORS 657A.440(4).

2.3.110 Residential Care Homes and Residential Care Facilities

Residential Care Homes and Residential Care Facilities, where allowed, shall conform to all of the following standards and procedures. Note: Residential Care Facilities are not the same as an Acute Care Facilities, which are classified as Community Service uses; and they are not the same as Senior Housing facilities that provide limited or no medical care, which are classified as Multifamily Housing.

A. Licensing and State Requirements. Residential Care Homes and Residential Care Facilities shall be licensed by the State of Oregon and comply with State requirements, pursuant to ORS 197.660 through 197.670.

B. Residential Care Homes. Residential Care Homes may provide residential care alone, or in conjunction with treatment and/or training, for five (5) or fewer individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to single-family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.

C. Residential Care Facilities. Residential Care Facilities may provide residential care alone, or in conjunction with treatment and/or training, for between six (6) and fifteen (15) individuals who need not be related. Staff required to meet State-licensing requirements is not counted in the number of facility residents and need not be related to each other or the residents. The same Development Code standards that apply to multiple family dwellings also apply to Residential Care Homes, except where State law supersedes city standards.

D. Access. The access and circulation standards of Chapter 3.3 shall be met.

E. Parking. The parking standards of Chapter 3.5 shall be met.

F. Landscaping. Residential Care Facilities are required to comply with the landscaping and screening standards of Chapter 3.4. The City may require the installation of a landscape hedge or fence on the property line separating a Residential Care Facility from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. The landscaping standards do not apply to building permits for individual Residential Care Homes.

G. Building Design Standards. Residential Care Facilities are required to comply with the building orientation and design standards for multifamily housing, pursuant to Chapter 3.1; except where a State requirement conflicts with a city standard, the State requirement, not the city standard, shall apply. The building design standards do not apply to Residential Care Homes.

H. Review Procedure. Residential Care Homes are subject to review and approval through a Type I [*Zoning Checklist*] review procedure under Section 4.1.020 prior to issuance of building permits. Residential Care Facilities are subject to a Type III (public hearing) review and approval under Section 4.1.040.

2.3.120 Home Occupations

A. Purpose. The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which by the nature of the venture are appropriate in scale and impact to be operated within a residence.

B. Applicability. This Section applies to Home Occupation uses in Residential zones. A home-based business in a

commercial or residential-commercial zone is considered a commercial use and is not subject to the standards of this Section.

C. Home Occupation in Residential Zones. Home Occupations of less than 500 square feet of lot area are permitted, provided the owner completes a Zoning Clearance Sheet and obtains the necessary business license from the City of Jacksonville. Home Occupations greater than 500 square feet of lot area are allowed, subject to approval of a Conditional Use Permit. For the purpose of this Section, "lot area" includes building floor area, areas within accessory structures, and all other portions of a lot.

D. Home Occupation Standards. Home Occupations shall conform to all of the standards below, except the City may approve adjustments to the standards through the Conditional Use Permit approval, provided all uses and structures on the subject property conform to applicable City regulations, including but not limited to building codes and nuisance regulations.

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (e.g., prior land use development permit or approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage visible from the public right-of-way or adjacent properties that exceeds what is customary for a single-family residence in the vicinity is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable material) beyond those normally incidental to residential use is prohibited, **except**
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be enclosed in a structure or otherwise screened from view from adjacent properties and public right-of-way.

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* 7/23/14 CAC add impervious surface standard only applies to properties developed with SFR dwelling. Clarify this exception - for use

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be not more than 1 employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the legal lot on which the home occupation is conducted.
 - b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home occupation site.
 - c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch of employees to other locations.
4. **Advertising and Signs:** Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces.

5. **Vehicles, Parking and Traffic:**

- a. Not more than 1 commercially licensed vehicle associated with the home occupation is allowed at the home occupation site in the same 24-hour period. Vehicles shall be of a size that would not overhang into the public right-of-way when parked.
 - b. There shall be no commercial vehicle deliveries between 9:00 p.m. and 7:00 a.m.
 - c. There shall be no more than three parking spaces to serve the home occupation.
6. **Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation only from 7:00 a.m. to 6:00 p.m. only, Monday through Saturday, and as applied as part of a conditional use approval.

7. **Prohibited Home Occupation Uses:**

- a. Any activity that produces radio, TV, or other electronic interference; noise, glare, vibration, smoke, or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line.
- b. Any activity involving on-site retail sales, including garage sales exceeding the thresholds of a temporary use, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business is allowed.
- c. The following uses and uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration:
 - (1) Ambulance service;

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- (2) Animal hospital, veterinary services, kennels or animal boarding;
- (3) Auto and other vehicle repair, including auto painting; and
- (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

8. Enforcement: With cause, the City’s designated Code Enforcement Officer / other law enforcement official may visit a home occupation site to inspect the site and enforce the provisions of this Code.

2.3.130 Manufactured Home on a Single-Family Lot

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Manufactured homes are permitted on individual lots outside of the National Historic Landmark District Boundary, subject to all of the following design standards. Manufactured dwellings relocated into the City of Jacksonville shall conform to City standards. The following standards do not apply to dwellings lawfully established and existing within the City prior to effective date of Code.

A. Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet;

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B. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each twelve (12) feet in width (14 degrees);

C. Residential Building Materials. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar to the exterior siding and roof material used on nearby residences; horizontal wood or horizontal wood-appearance siding and composite roofing is also permitted.

D. Garages and Carports. If the manufactured home has a garage or carport, the garage or carport shall be constructed of materials like those used on the house;

E. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards, or equivalent standard, is deemed to satisfy the exterior thermal envelope certification requirement;

F. Placement. The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 16 inches above grade, and complies with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, OAR Chapter 918. Where the building site has a sloped grade, no more than 16 inches of the enclosing material shall be exposed on the uphill side of the home;

G. Floodplain. Manufactured homes shall comply with all overlay design standards, if any, and the following

standards.

1. The stand shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE) unless the foundation wall is opened on one side or end so that floodwater cannot be trapped. *[Manufactured Dwelling Specialty Code, 4-3.1(5)]*
2. The bottom of the longitudinal chassis frame beam shall be a minimum of twelve (12) inches above BFE. *[See definition of Lowest Floor in Manufactured Dwelling Specialty Code.]*
3. The manufactured dwelling shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for anchoring techniques). *[44 Code of Federal Regulations 60.3(c)(6)]*
4. Electrical crossover connections shall be a minimum of twelve (12) inches above BFE. *[Manufactured Dwelling Specialty Code 6-4.2(1)]*

H. Foundation Skirt. The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes.

I. Prohibited. The manufactured home shall not be located in a designated historic district, adjacent to any property on the local or national historic registry or within the Historic Core, except where the historic district regulations specifically provide for manufactured homes.

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2.3.140 Reserved

2.3.150 Reserved

2.3.160 Temporary Uses

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, seasonal sales such as Christmas tree sales and farmers markets, and similar uses. This Code contains permit procedures for three types of temporary uses, Seasonal and Special Events; Temporary Sales Offices and Model Homes; and Temporary Buildings, Trailers, Kiosks, and Other Structures, as follows:

A. Seasonal and Special Events. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Seasonal or Special Event based on the following criteria being met:

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1. The use is permitted in the underlying zone, and does not violate any conditions of approval for the property (i.e., prior development permit approval);
2. The use occurs only once in a calendar year and for not longer than [30-60] consecutive days;
- ~~3. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);~~
4. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
5. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant to Chapter 3.3 Vehicular Access and Circulation;
6. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Street Trees and Screening;
7. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Chapter 3.5 Parking and Loading;
8. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities;
9. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
- ~~10. The use is adequately served by sewer or septic system and water, as applicable; and~~

4.10. The applicant shall be responsible for maintaining all required licenses and permits.

B. Temporary Sales Office or Model Home. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions or deny a temporary use application for a Temporary Sales Office or Model Home, based on the following criteria being met:

1. **Temporary sales office:** The use of any real property within the City as a temporary sales office, office for the purpose of facilitating the sale of real property, shall meet all of the following criteria:
 - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold;
 - b. The property to be used for a temporary sales office shall not be permanently improved for that purpose; and
 - c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

~~2. **Model house:** The use of any real property within the City for a model home, including a model home in any subdivision or on any tract of land within the City, shall meet all of the following criteria:~~

- ~~a. Where the model house is located in a Residential zone, it shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated;~~
- ~~b. A model house located in a Residential zone shall be designed as a permanent structure that meets all relevant requirements of this Code and other applicable codes and permit requirements; and~~
- ~~c. A model house located in a non-Residential zone, as with a manufactured home sales display lot, shall be removed when the use of the subject site for home sales ends.~~

C. Temporary Buildings, Trailers, Kiosks, and Other Structures. Through a Type II procedure, pursuant to Section 4.1.030, the City shall approve, approve with conditions or deny an application for a placement and use of a temporary building, trailer, kiosk, or other structure, based on following criteria:

1. The use is permitted in the underlying zone and does not violate any conditions of approval for the property (i.e, prior development permit approval);
2. The applicant, if different than the property owner, has proof of the owner's permission to place the use on his/her property;
3. The lot development standards of Section 2.2.040 are met;
4. Ingress and egress are adequate and do not raise safety concerns when the proposed use combined with the other uses of the site, pursuant to Chapter 3.3 Vehicular Access and Circulation;

5. The use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.4 Landscaping, Street Trees and Screening;
6. There is sufficient parking to accommodate the temporary use and other uses existing on the site, pursuant with the Chapter 3.5 Parking and Loading;
7. The temporary use does not conflict (i.e., create a nonconformity) with the provisions of Chapter 3.6 Public Facilities;
8. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use;
9. The use is adequately served by sewer or septic system and water, as applicable;
10. The structure complies with applicable building codes;
11. Except where specifically authorized by the City Planning Director, the length of time that the temporary structure may remain on a site shall not exceed 2 consecutive months or a total of 4 months in any one calendar year;
12. The applicant shall be responsible for maintaining all required licenses and permits; and
13. The City Planning Director may require installation of a water meter and may require other improvements, pursuant to Chapter 3.6 Public Facilities, as necessary, to protect public health, safety, or welfare.

2.3.170 Accessory Dwellings

Accessory dwellings, where allowed, are subject to review and approval through a Type II procedure, pursuant with Section 4.1.030, and shall conform to **all** of the following standards:

- A. One Unit.** A maximum of one (1) Accessory Dwelling unit is allowed per legal lot;
- B. Relationship to Principal Use.** An Accessory Dwelling Unit is permitted only when it is clearly incidental, subordinate and accessory to the principal use.
- C. Floor Area.** An Accessory Dwelling unit shall not exceed 1000 square feet of floor area, or 60 percent of the primary dwelling unit's floor area, whichever is smaller. The unit may be a detached cottage, or a unit attached to a

dwelling. The floor area of any garage associated with the primary dwelling is not included in the calculation of maximum floor area;

D. Lot Size. The minimum lot size required for an Accessory Dwelling is 6,000 square feet;

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E. Building Design. The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling shall comply with applicable Oregon Structural Specialty Code requirements;

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F. Building Height. The height of an accessory dwelling shall not exceed the height of the primary dwelling;

G. Parking. A minimum of 1 off-street parking space is required for an Accessory Dwelling unit;

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H. Occupancy. An accessory dwelling unit may be occupied by family members or leased on a monthly basis; and

I. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting lot containing a single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.

2.3.180 Visitor Accommodations - Bed and Breakfast Inns, Vacation Rental Dwelling

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A. Bed and Breakfast Inns, where allowed, are subject to review and approval through a Type II procedure, pursuant to Section 4.1.030, and shall conform to all of the following standards:

1. Accessory Use. The use must be accessory to a permitted residential use.

2. Maximum Size. A maximum of [6] bedrooms for guests, and a maximum of twelve [12] guests are permitted per night.

3. Length of Stay. The maximum length of stay is [28] days per guest; any stay longer is classified as a hotel or commercial lodging use.

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4. Employees. The inn shall have not more than [2] non-resident employees on-site at any one time. There is no limit on residential employees.

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5. Food Service. Food service shall be provided only to overnight guests of the business, except where a restaurant use is also an allowed use;

6. Signs. Signs shall not exceed a total of four (4) square feet of surface area on each side of one or two faces. See also sign regulations in Municipal Code Chapter 3.7.

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6. Parking?

7. Screening and Buffering. The City may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling for the purposes of visual screening and privacy between uses. Screening and buffering shall conform to the standards of Chapter 3.4.†

B. Vacation Rental Accommodations shall meet all of the following requirements.

1. A VRA must meet all applicable building, fire, and related safety codes prior to occupancy as a VRA and at all times it is offered as a VRA.
2. Prior to making a VRA available for use, the business owner or property owner shall obtain a license from the City for such use demonstrating compliance with this Code and comply with the requirements of the Transient Room Tax ordinance, if any.
3. All advertising of the VRA must include the license number issued by the City and date the license was issued.
4. During the operation of the VRA, the property on which the VRA is located must be the primary residence of the business owner. The “business owner” is the person or persons who own the property and accommodations or lease the site from the property owner and is at least 21 years old. The business owner shall identify on the license a party who be responsible for VRA and compliance with these standards when the business owner is not on site.
5. If located in a residential or historic core zone or within the Downtown Historic District, the number of nights per year the VRA is rented shall be accessory (incidental and subordinate) to the primary use of use of the property as a single-family residence.
6. A lot shall have no more than one VRA.

B. The business owner shall obtain a license for a VRA, which shall be processed as a Type II level review under JMC 4.1.030 and shall meet the following standards.

1. A VRA shall have one dedicated off-street parking space. Off-street parking spaces must be on the subject property and shall meet the standards for off-street parking spaces established by this Code. No more vehicles shall be parked on the property than there are designated off-street parking spaces. Triple-stacking of vehicles outside of the garage is prohibited. No variance from the parking standards shall be allowed. **A parking plan shall be submitted as part of the Site Plan review application which includes the location of required parking for the primary use.**

2. Each VRA shall be provide securable receptacles of sufficient size for the deposit of trash generated by the vacation rental use, and subscribe to a solid waste collection service. No dumpsters are allowed. The Site Plan review application shall include proof of solid waste collection service.
3. One ground or wall sign on the property shall not exceed a total of two (2) square feet and shall comply with all other sign requirements for residential, not business use of the property. The Site Plan review application shall identify the location of proposed signage, if any.

User's Guide: Many of Oregon's small cities are attractive to retirees and second homeowners. As a result, much of the housing stock in those communities is actually a hybrid form of housing and commercial lodging. Land use concerns often arise around vacation rental dwellings (VRDs), including the number of occupants in a rental, the duration of each stay, parking, noise, trash storage, and landscaping and property maintenance, among others. This section is reserved for vacation rental dwelling standards, which should be tailored to meet the needs of each community. For an example of a local VRD code, cities might want to refer to Lincoln City's Vacation Rental Dwelling codes, which require both licensing of rentals and compliance with land use standards.

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2.3.190 Livestock

- A.** Where allowed within a zoning designation, the following are permitted and violation of these guidelines may be enforced pursuant to the City's ordinances for nuisance and as a violation of this land use ordinance:
1. **Structures.** Livestock enclosures and structures, including barns, stables, chicken coops and runs, rabbit hutches, goat barns, and other structures shall be in compliance with this ordinance and applicable building codes. Livestock enclosures and structures shall be setback from all property lines a minimum of 25 feet and shall not be located within a front yard.
 2. **Number of Livestock.** Not more than two head of livestock over the age of six months may be maintained per acre, except as provided for micro-livestock set forth in this section below.
 3. **Swine.** The keeping of swine is prohibited.
 4. **Micro-livestock.** Micro-livestock, including chickens, domestic fowl, turkeys, rabbits and miniature goats may be kept or maintained provided each of the following requirements are met.
 - a. **Total Number.** The total number of all micro-livestock, including both adult and juvenile animals that may be kept or maintained on any single property shall be limited to no more than ten animals on properties of 5,000 square feet or less, and no more than two additional animals for each 1,000 square feet of lot area in excess of 5,000 square feet, up to a maximum of 20 animals.
 - b. **Age of Livestock.** For purposes of this section, "adult" means over six months of age, and "juvenile" means six months of age or less.
 - c. **Chickens and Domestic Fowl.** For the purposes of this section "domestic fowl" means quails, pheasants, pigeons, doves or Muscovy ducks.
 - i. No more than five adult chickens or domestic fowl and five juvenile

- chickens or domestic fowl shall be kept or maintained on properties of 5,000 square feet or less.
- ii. No more than one adult chicken or domestic fowl and one juvenile chicken or domestic fowl for each 1,000 square feet of lot area shall be kept or maintained on properties greater than 5,000 square feet.
 - iii. No more than two adult turkeys and two juvenile turkeys shall be kept or maintained on properties less than one acre.
 - iv. Rooster, geese and peacocks are prohibited.
- d. Rabbits. No more than six adult rabbits shall be kept or maintained on properties of less than one acre.
- i. Nursing offspring born to permitted adult rabbits may be kept until such animals are weaned.
 - ii. Rabbits shall be kept in a hutch or fenced enclosure.
- e. Miniature Goats. For purposes of this chapter “miniature goats” are those goats commonly known as pygmy, dwarf, and miniature goats weighing less than 95 pounds at full size and shall be limited as follows.
- i. No more than two adults miniature goats shall be kept or maintained on properties of less than one acre.
 - ii. Nursing offspring born to permitted adult miniature adult miniature goats may be kept until such animals are weaned.
 - iii. Solitary miniature goats are prohibited.
 - iv. Male miniature goats shall be neutered.
- f. Secure Enclosure. Micro-livestock must be secured at all times. A secure enclosure shall be provided to protect micro-livestock from predators and to provide shelter from the weather.
- g. Maintenance. The areas in which micro-livestock are kept must be maintained to protect public health and specifically the following requirements.
- i. Animal feed must be kept in rodent and raccoon proof containers.
 - ii. Animal manure must be collected, stored and removed from the property on a regular basis. Up to one 20-gallon container of manure may be stored on any one property for the purpose of composting or fertilizing.
- h. Noise. Noise resulting from the keeping or maintaining of micro-livestock must not exceed the limits the Municipal Code for the allowed zoning of the property.
- i. Sale of Goods. In residential zones, micro-livestock shall be kept primarily for personal use. Sale of surplus eggs, honey, or similar animal products produced by on-premises micro-livestock is permitted in compliance with applicable licensing and inspections by the Oregon Department of Agriculture.

5. **Bees.** The keeping or maintaining of bees, bee colonies, bee hives, combs or containers of any kind is subject to the following requirements.

- a. No more than three bee colonies shall be kept or maintained on properties of less than one acre.
- b. No more than five bee colonies shall be kept or maintained on properties of one acre or greater.
- c. Bee colonies shall be kept in hives with removable frames, which shall be kept in sound and usable condition.
- d. A constant supply of fresh water shall be provided for the colonies on site within 15 feet of each hive.
- e. Africanized bees are prohibited.

6. **Minimum Care Requirements.** The applicable adequate care requirements of ORS 167.310 shall apply to all animals identified in this section.

2.3.210 Parks and Open Spaces

User's Guide: This section is a placeholder for cities that want to adopt special use standards as an alternative to requiring a conditional use permit for certain types of park facilities.

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2.3.220 Wireless Communication Facilities

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User's Guide: This section is reserved for codes regulating wireless communication facilities. Many cities adopted codes regulating the location and design of cell towers/antennae during the late 1990s, when cellular phone service was expanding rapidly. Local concerns arose regarding the visual impact of new towers, some over 150 feet tall and located in residential areas, and health concerns. In response, the Federal Telecommunications Act was adopted to, among other things, respond to those concerns and facilitate the siting of cell towers. For examples of codes regulating wireless communication facilities, cities might want to refer to: ???

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The purpose of this Chapter is to provide a means whereby wireless communication and Base Transceiver Stations and facilities are located, designed, installed, maintained, and removed in a manner that provides for the effective provision of wireless communications within the City, while protecting and promoting the health, safety, and welfare of the City and its residents by requiring:

- A. The collocation to the greatest extent possible, of new wireless communications facilities on existing facilities in order to minimize the number of support towers and related equipment;
- B. The careful consideration of the topography, natural features, and historical significance in potential wireless communications facility sites;
- C. The encouragement of the use of existing structures, including, but not limited to freestanding structures such as light or utility poles and water towers, instead of construction new support towers;
- D. The encouragement of the location of new support towers and related equipment in non-residential zones;
- E. The limiting of new structures and the regulation of enlargement or expansion of existing
- F. structures in rights-of-way for the purpose of providing wireless communications facilities;
- G. The provision of wireless communication services through facilities with minimal visual
- H. impact.

Chapter 2.4 – Overlay Zones

Sections:

2.4.010	Purpose	
2.4.020	Applicability	
2.4.030		Historic District Overlay
2.4.040	Urban Wildland Interface	
2.4.050	Riparian Corridor	
2.4.060	Wetland Protection	

2.4.010 Purpose

Overlay Districts are intended to identify areas in the City Limits with special standards or regulations based upon environmental constraints, special area plans, and existing development with special considerations.

2.4.020 Applicability

Where a property is identified as having an overlay, the standards of the underlying zoning designation shall remain in effect. The Overlay subjects the property to additional standards.

2.4.030 Historic District Overlay

See Article 5 - Historic Overlay District

2.4.040 Urban Wildland Interface Overlay
Insert Reference Map in Final Version)

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A. This overlay district is intended to be applied to properties in the Urban/Wildland Interface map adopted by the City and thereby referenced herein.

B. PERMITTED USES.
Permitted uses in the Urban/Wildland Interface include all uses permitted in the parent zone district subject to the provisions of this chapter.

C. GENERAL REGULATIONS.
A) All new public roads must have at least two (2) access points; no dead-end streets or cul-de-sacs unless no other option is available or possibly made available through the necessary alignments and dedications to provide for a second access point in the future.

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CITY OF JACKSONVILLE LAND DEVELOPMENT CODE
TITLE 16
ARTICLE 2

~~2.(B)~~ All driveway standards contained in Section ~~18.16.030-3.3.030~~ shall be complied with, unless ~~(2)~~ Bridges, Culverts and other structures for vehicles shall be of the same width as the road or driveway, and must be constructed and maintained to support gross vehicle weights of 50,000 pounds.

~~3.(C)~~ Driveways shall be built and maintained to provide a minimum fifteen (15') foot width with a twelve (12') foot all-weather surface capable of supporting a fire apparatus weight of twenty four thousand (24,000) pounds per rear axle and a vertical clearance of thirteen (13') feet and six (6") inches.

~~4.(D)~~ Driveways in excess of two hundred (200') feet shall provide twenty (20') foot wide by forty (40') foot long passage space (turnouts) at a maximum spacing of one-half (.5) the driveway length or four hundred (400') feet, whichever is less. Wherever visibility is limited, these distances should be reduced appropriately.

~~5.(E)~~ Dead-end driveways are defined as dead-end roads over one hundred fifty (150') feet in length serving a single residence. There shall be no parking for ten (10') feet on either side of the driveway entrance. Dead-end driveways shall have a fire apparatus maneuvering area located no greater than four hundred fifty (450') feet from a through street access which shall be a minimum of twelve (12') feet in width and thirty (30') feet in length in the form of a hammerhead or a turn-a-round of not less than forty-eight (48') feet radius.

~~6.(F)~~ Driveway grades shall comply with the State of Oregon Fire Code standard for a Fire Apparatus Access Road (Section 503) with a maximum of eighteen percent (18%) on short pitches of no more than thirty (30') feet.

~~7.(G)~~ Driveways shall be marked with the residence's address. Letters or numbers should be a minimum of three (3") inches in height and constructed of reflective material.

~~8.(H)~~ Roofs must have an Underwriters Laboratory Class A or B fire resistance rating.

~~9.(I)~~ Chimneys shall have a spark arrestor with a maximum of one-half (.5") inch holes and shall be a minimum of two (2') feet higher than any obstruction within eight (8') feet with vegetation kept clear for a minimum of ten (10') feet in every direction.

~~10.(J)~~ At least one (1) frost-free, no flow restriction hose bib shall be required around each new residence.

~~11.(K)~~ Before a building permit may be issued in the Interface, site plan review must determine that the development proposal satisfies the Fuel Break requirements of OAR 660-06-035, Fire Siting Standards for Dwellings and Structures and that fuel breaks are also provided between all primary and accessory buildings within the project. A balance must be struck between fuel reduction and tree preservation /planting. Uniform spacing of trees is discouraged. Extra care must be exercised in 'clearing' endeavors to ensure that young trees and replanting areas are not damaged. All fuel poles generated during clearing shall be chipped within eighteen (18) months.

~~12.(L)~~ A fire break may be created at property lines. Firebreaks shall not exceed four (4') feet in width. Their depth shall not exceed one (1") inch of soil (not including forest duff). The goal is to scrape to bare soil so that an effective fire break is created without disturbing underlying tree roots.

~~13.(M)~~ The filing of a fire safety plan indicating critical elements such as measures to be taken to minimize the starting and spread of fire, avenues of escape, or landscaping and building details related to retardation may be required by the Fire Chief.
(ORD. 547, passed 5-17-2005; Am. ORD 579, 3-4-08)

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2.4.050 Riparian Corridor and Wetlands Protection Overlay

~~§ 2.4.070 RIPARIAN CORRIDORS~~ A. ~~PURPOSE~~ Purpose

A. The purpose of this section is to implement the goals and policies of the Environmental Element of the Jacksonville Comprehensive Plan and OAR 660-23-090 "Safe Harbor" approach, which include:

1. To implement the goals and policies of the "Environmental Element" of the Jacksonville Comprehensive Plan and achieve their purposes.
2. To protect and restore Jacksonville's riparian corridors, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
3. To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.
4. To protect and restore the natural beauty and distinctive character of Jacksonville's riparian areas as community assets.
5. To enhance the value of properties near riparian areas by utilizing the riparian area as a visual amenity.
6. To enhance coordination among local, state, and federal agencies regarding development activities in and proximate to riparian corridors.

B Applicability

1. The provisions of Chapter 2.4.070, "Riparian Corridors", shall be applied to Jackson Creek and Daisy Creek as identified in the Comprehensive Plan. The provisions shall apply regardless of whether or not a Certificate of Appropriateness, building permit, or land development permit is required, and do not provide any exemption from any state or federal regulations. For locally significant wetlands located within riparian corridors, the provisions of Chapter 2.4.080, "Wetlands", shall take precedence.
2. Applications for Certificates of Appropriateness, land development permits, building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or portion thereof, shall contain a to-scale drawing that clearly delineates the top-of-bank and riparian corridor boundary on the entire parcel or parcels.
3. When reviewing applications for Certificates of Appropriateness, land development permits, building permits, and plans for proposed public facilities on parcels containing a riparian corridor, or portion thereof, the approving authority shall consider how well the proposal satisfies the purpose statement contained in 2.4.070(A) in addition to any other approval criteria.

4. Any use, sign, or structure, and the maintenance thereof, lawfully existing on the date of adoption of the provisions herein, is permitted within the riparian corridor and may continue at a similar level and manner as existed on the date of adoption of the provisions herein.

5. The provisions of this chapter shall not apply to properties or parcels that have received approval for land use permits, building envelopes, Certificates of Appropriateness, building permits or variances prior to the enactment of this Chapter.

6. The Planning Commission shall be the approving authority for applications for exceptions (including setback adjustments and exceptions) to the provisions herein pertaining to Riparian Corridors. In addition to the provisions of 2.4.070 (G), any such request for an exception shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation pursuant to OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy".

(C) Location.

Jackson Creek: The riparian corridor boundary shall extend fifty (50') feet measured horizontally from the top-of-bank, as defined herein, on both sides of the stream.

Daisy Creek: The riparian corridor boundary shall extend twenty-five (25') feet measured horizontally from the top-of-bank, as defined herein, on both sides of the stream.

(Ord. 584, passed, 12-2-2008)

(D) Prohibited Activities within Riparian Corridors.

The following activities are prohibited within a riparian corridor, except as may be allowed in 2.4.070(F):

1. Placement of structures or impervious surfaces, including fences, decks, etc.
2. Excavation, grading, fill, stream alteration or diversion, or removal of vegetation, except for perimeter mowing for fire protection purposes.
3. Expansion of pre-existing non-native ornamental vegetation such as lawn.
4. Dumping, piling, or disposal of refuse, yard debris, or other material.
5. Application of chemicals such as herbicides, pesticides, fertilizers, etc.

(E) Permitted Activities within Riparian Corridors.

The following activities, and maintenance thereof, shall be permitted within a riparian corridor, provided they are designed to minimize impact on and intrusion into the riparian corridor. All applicable permits from the Oregon Division of State Lands and the US Army Corps of Engineers shall be obtained. All development and improvement plans within the riparian corridor shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation. The following activities are permitted provided they are designed to minimize intrusion into the riparian area, and no other options or locations

are feasible:

1. Waterway restoration and rehabilitation activities such as channel widening, realignment to add meanders, bank grading, terracing, reconstruction of road crossings, or water flow improvements.
2. Restoration and enhancement of native vegetation, including; the addition of canopy trees, cutting of trees which pose a hazard, removal of non-native vegetation if replaced with native plant species at the same level of coverage or density.
3. Streets, roads, and paths.
4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
5. Drainage facilities, utilities, and irrigation pumps.
6. Water-related and water-dependent uses.

(F) Conservation and Maintenance of Riparian Corridors.

When approving applications for properties containing a riparian corridor, or portion thereof, the approving authority shall assure long-term conservation and maintenance of the riparian corridor through one of the following methods:

1. The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in 2.4.070 and any imposed by state or federal permits.
2. The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&R's), prescribing the conditions and restrictions set forth in 2.4.070 and any imposed by state or federal permits.
3. The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in 2.4.070 and any imposed by state or federal permits.
4. The area shall be protected through other appropriate mechanisms acceptable to the City of Jacksonville which ensure long-term protection and maintenance.

(G) Exceptions, Setback Adjustment, and Exceptions.

A request for a setback adjustment or exception to reduce or deviate from the riparian corridor boundary provisions of this Chapter may be submitted for consideration to the Planning Commission. The Planning Commission may approve the request if equal or better protection of the riparian area will be ensured through a plan for restoration, enhancement, or similar means. Such a plan shall be submitted to the Oregon Department of Fish and Wildlife for a mitigation recommendation.

1. In no case shall activities in Section 2.4.070(E) occupy more than fifty (50%) percent of the width of the riparian corridor between the original setback (before and independent of any exception that may be granted) and the top of bank.

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2. In all cases, the applicant shall supply sufficient information regarding the proposed development and potential impacts to riparian resources to allow the Commission and ODFW to determine whether the proposal will provide equal or better protection for riparian resources. This information includes, but is not necessarily limited to: a plot plan showing the top of bank, the riparian corridor boundary, the extent to which the proposed development will extend into the riparian corridor, uses that will occur within the riparian corridor and potential impacts, the existing vegetation and the extent of vegetation removal, characteristics of existing vegetation (type, density), proposed re-vegetation (type, density), any proposed alterations to topography or drainage patterns, and existing uses or structures on the property and any potential impacts they could have on the riparian resources.

3. The removal of vegetation shall be limited to the amount necessary to accommodate the proposed use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.

4. In all cases, the Commission shall determine whether the proposal is seeking the minimum intrusion into the riparian corridor necessary for the proposal. If the Commission finds that the intrusion into the riparian corridor is unnecessary, the proposal may be modified.

5. Setback Adjustment :

Qualifying Lots: Lots on which the riparian boundary required by this Chapter exceeds any other setbacks in a particular yard, and which, when combined with other building to lot line setbacks, results in an average building depth area of twenty-five (25') feet or less (perpendicular to the front lot line) or a building envelope of one thousand-three hundred (1,300') square feet or less.

Building to lot line Setback reduction procedure: Building to lot line Setback reductions shall be the minimum necessary to create a building envelope twenty-five (25') feet deep or a building envelope of one thousand-three hundred (1300') square, (whichever requires a lesser reduction of the setback). The building to lot line setback opposite the riparian area may be reduced by up to half (.5) the standard building to lot line setback through a Planning Commission review.

6. Exception:

In cases where the provision for a building to lot line setback adjustment is not sufficient to provide the necessary building area contained in 2.4.070(H) (5), a property owner may request an Exception to the riparian boundary. The riparian boundary may be reduced twenty-five (25') feet via an exception granted by the Planning Commission. Granting of an Exception requires that the property owner submit findings that:

- (a) The proposed development requires deviation from the riparian standards.
- (b) Strict adherence to the riparian boundary and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of the property owners in the vicinity.
- (c) The provisions of 2.4.070(H) (5) are insufficient to remedy the hardship.

(H) Riparian Restoration – Developers of commercial or residential use on properties with any amount of riparian corridor shall submit a riparian restoration plan for approval by the city planner prior to first permit being issued.

- (a) The restoration plan shall include comments from a professional specialist in native landscaping, ODF&W, the city engineer, city staff comments and any other information deemed relevant by the city planner.
- (b) The applicant shall complete the plan within six (6) months of the first permit being issued.
(Am. Ord. 584, passed, 12-2-2008)

§ 2.4.060 WETLAND PROTECTION.

(A) The purpose of establishing wetland protection areas is:

- 1. To implement the goals and policies of the “Environmental Element” of the Jacksonville Comprehensive Plan and achieve their purposes.
- 2. To protect and restore Jacksonville’s wetland areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide for the community.
- 3. To protect fish and wildlife habitat, enhance water quality, control erosion and sedimentation, and reduce the effects of flooding.
- 4. To protect and restore the natural beauty and distinctive character of Jacksonville’s wetlands as community assets.
- 5. To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity.
- 6. Wetland protection and erosion control.
- 7. To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.

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(B) Determination of Local Significance for Wetlands

Prior to alteration or development of any property or parcel containing, or located within fifty (50') feet of, a wetland area identified on the Local Wetlands Inventory, a determination of local significance shall have been made. Locally significant wetlands are as determined by OAR 141-86-350, including any optional wetlands adopted by the City Council as locally significant. If an assessment according to the Oregon Freshwater Assessment Method is necessary to determine local significance pursuant to OAR 141-86-350, it shall be the responsibility of the property owner and/or developer, if such an assessment has not been previously performed by the City of Jacksonville or others.

(C) Applicability

- 1. The provisions of Section 2.4.080, “Wetland Protection”, shall be applied to any property or parcel containing, or located within fifty (50') feet of those wetlands identified as being locally significant. The provisions shall apply regardless of whether or not a building permit, development permit, or plan authorization is required, and do not provide any exemption from state or federal regulations.
- 2. Applications for plan authorizations, development permits, or building permits, and plans for proposed public facilities on parcels containing a wetland protection area, or a portion thereof, shall contain the following:
 - (a) A jurisdictional delineation of the wetland boundary approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers, if required.
 - (b) A to-scale drawing that clearly delineates the wetland boundary, the wetland buffer area, the surface water source, and existing trees and vegetation

3. When reviewing development permit or plan authorization applications for properties containing a wetland protection area, or portion thereof, the approving authority shall consider how well the proposal satisfies the purpose statements in Section 2.4.080(A), "Purpose", in addition to any other required approval criteria.
4. The Planning Commission shall be the approving authority for applications for exceptions to the provisions herein pertaining to wetland protection areas, pursuant to Section 2.4.080.

(D) Location

Wetland protection areas consist of locally significant wetlands plus a wetland buffer area measured horizontally fifty (50') feet from the wetland boundary. Not applicable to Daisy and Jackson Creek Riparian Corridors having their own restrictions as delineated in Section 2.4.080(D). A request to deviate from the fifty (50') foot wetland buffer area, including buffer averaging, may be submitted for consideration by the Planning Commission. A deviation request may be approved as long as equal or better protection of the wetland will be ensured through a plan for restoration, enhancement, or similar means, and if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained. In no case shall activities prohibited in Section 2.4.080(G) "Prohibited Activities" occupy the wetland or more than fifty (50%) percent of the wetland buffer area. (Am. ORD 579, passed 3-4-2008)

(E) Delineation of Resource.

1. Preparation/Criteria. An applicant for a development subject to environmental review shall first delineate the resource. A delineation is a more precise, site specific determination of the location of the resource prepared by a qualified professional. The delineation shall include a map showing the delineated boundary to plus or minus two (2') feet. The delineation map shall also show the buffer area, if required for the particular resource. Resource boundaries shall be measured or delineated in accordance with the 1987 Federal Manual for Identifying and Delineating Jurisdictional Wetlands or equivalent methodology approved by the City, and must include soils testing.
2. Review of Delineation. The Planning Commission shall compare the applicant's delineation maps with the 1999 Local Wetlands Inventory, and shall inspect staked, delineated resource boundaries. The Planning Commission shall approve the delineation if it finds that the delineated boundary more accurately reflects the location of the resource than the boundary as shown in the LWI. If the Planning Commission finds that the evidence is contradictory or does not support the proposed delineation, it shall deny the application. In the alternative, the Planning Commission may continue the application for additional information if:
 - (a) The applicant agrees to conduct a new delineation by an expert selected by the Planning Director at the applicant's expense.
 - (b) The applicant waives the applicable statutory deadline for completing a local decision on the application for the period of time necessary to conduct the new delineation.
3. Adjustment of Overlay District Boundaries to Reflect Approved Delineation. An approved delineated boundary shall replace the boundary in the LWI for the purposes of reviewing the development proposal for compliance with wetlands criteria. If and when the proposed development receives final approval, including resolution of any appeals, the wetlands boundary of shall be modified to be consistent with the delineated boundary.

4. Re-delineation not Required; Exceptions. An applicant for a development of land that includes a jurisdictional wetland shall not be required to delineate the resource pursuant to this section if the resource has been previously delineated pursuant to an earlier development application.

Exception: The Planning Commission may require a new delineation if:

1. The applicant desires to demonstrate that the previously delineated boundary is no longer accurate.
2. There is evidence of a substantial change in circumstances on the property that has affected the location of the resource as previously delineated.
3. The City Council has adopted new delineation standards or requirements since the previous delineation.

(F) Prohibited Activities Within Wetland Protection Areas. The following activities are prohibited within a wetland protection area, including the wetland buffer area, except as permitted in Section 2.4.080 "Permitted Activities Within Wetland Buffer Areas."

1. Placement of structures or impervious surfaces, including septic drain fields, fences, decks, etc.
2. Excavation, grading, fill, or removal of vegetation, except for perimeter mowing for fire protection purposes. Non-native vegetation may be replaced with native plants.
3. Expansion of pre-existing non-native landscaping such as lawn.
4. Dumping, piling, or disposal of refuse, yard debris, or other material.
5. Application of chemicals such as herbicides, pesticides, and fertilizers.

(G) Permitted Activities Within Wetland Buffer Areas.

1. The following activities, and maintenance thereof, are permitted within the fifty (50') foot wetland buffer area if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained.

- (a) Wetland restoration and rehabilitation activities, such as.
- (b) Restoration and enhancement of native vegetation, including the addition of canopy trees; cutting of trees which pose a hazard due to a threat of falling; or removal of non-native vegetation if replaced with native plant species at the same amount of coverage or density.

2. The following activities, and maintenance thereof, are permitted within the fifty (50') foot wetland buffer area if compatible with Section 2.4.080(A) "Purposes" and meets the requirements of 2.4.080(G) "Mitigation Requirements", if no other options or locations are feasible, if designed to minimize intrusion, and if applicable permits from the Oregon Division of State Lands and the U.S. Army Corps of Engineers are obtained.

- (a) Utilities or other public improvements.
- (b) Streets, roads, or bridges where necessary for access or crossings.

- (c) Multi-use paths, access ways, trails, picnic areas, or interpretive and educational displays and overlooks, including benches and outdoor furniture.
- (d) Replacement of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein with a structure in the same location, if it does not disturb additional area, and in accordance with the provisions of this chapter.
- (e) Expansion of a permanent legal nonconforming structure in existence at the date of adoption of the provisions herein, if the expansion area is not within the wetland protection area, and in accordance with the provisions of this chapter.

(F) Conservation and Maintenance of Wetland Protection Areas.

When approving applications for plan authorizations, development permits, Certificates of Appropriateness, or building permits for properties containing a wetland protection area, or portion thereof, the approving authority shall assure long term conservation and maintenance of the wetland protection area through one of the following methods:

1. The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in Section 2.4.080(F) and any imposed by state or federal permits.
2. The area shall be protected in perpetuity through ownership and maintenance by a private non-profit association by conditions, covenants, and restrictions (CC&R's) prescribing the conditions and restrictions set forth in Section 2.4.080(F) and any imposed by state or federal permits.
3. The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in Section 2.4.080(F) and any imposed by state or federal permits.
4. The area shall be protected through other appropriate mechanisms acceptable to the City of Jacksonville, which ensure long-term protection and maintenance.

(G) Mitigation.

Mitigation is a way of repairing or compensating for adverse impacts to the functions and values of a natural resource caused by development. Mitigation may consist of resource area creation, restoration, or enhancement. Some examples of mitigation actions are enhancement of existing wetlands to offset buffer area impacts, replanting trees, and restoring streamside and/or wetland vegetation where it is disturbed. Recognizing that true replacement of nature or complex natural resource systems is difficult and can take many years, mitigation is discouraged by first requiring that avoidance of development siting within the resource be explored. Then, if that is not possible, actions should be taken to minimize the damage to the resource.

(K) Progressive Mitigation Steps Required.

The approving authority shall permit development only if it finds that the following progressive steps have been met:

1. Step #1 - Avoidance: The applicant shall endeavor to avoid detrimental impacts on the

wetland altogether by providing alternative site plans along with the development proposal demonstrating that alternative designs have been explored. If disturbance of a wetland is proposed, the applicant shall first demonstrate that intrusion into the wetland district cannot be avoided by a reduction in the size or configuration of the proposed development or by changes in the design that would avoid adverse effects on the resource while still allowing development of the property.

2. Step #2 - Minimization: If the applicant has endeavored to avoid detrimental impacts on the wetland, and the review authority finds that detrimental impacts cannot be avoided; then the applicant shall minimize impacts by demonstrating that:

- (a) Alternative and significantly different site plans and development locations on the subject site have been considered, and that the alternative chosen is the least environmentally damaging; and
- (b) When mitigation is proposed, there will be no net loss of resource area, function, or values as a result of development actions.

(L) Mitigation Requirements.

1. Mitigation Plan. When mitigation is proposed or required as part of a development application, the applicant shall provide a mitigation plan prepared by a qualified professional that:

- (a) Demonstrates compliance with OAR 141-85-005 through 090 and this section.
- (b) Includes a maintenance and monitoring plan to ensure the viability of the mitigation over time. As part of the monitoring plan, the applicant or other legally responsible agent shall provide an annual report to the Planning Director on October 31st of each year for a three (3) year period. The report shall be prepared by a qualified professional and shall document site conditions with narrative and pictures.
- (c) Provisions for regular maintenance and periodic monitoring of the mitigation site. Failure to comply with an approved mitigation plan shall be deemed a violation of this chapter and a public nuisance and may be enforced pursuant to Chapter 1.02.

2. If a Division of State Lands (DSL) wetland permit, Army Corp. of Engineers, or other State or Federal permit is also required, the City shall not issue a building permit until all applicable State and Federal wetland permit approvals have been granted.

3. Mitigation shall be completed prior to a final inspection, issuance of final occupancy permit, or acceptance of a public improvement.

4. On-site mitigation is required where possible, taking into consideration the existing natural and human-made features of a site. If the review authority finds that on-site mitigation is not possible, than off-site mitigation shall be permitted according to the following priorities:

- (a) Within the same drainage system and within the City limits; or
- (b) Outside of the drainage system, but inside the City limits; or
- (c) Outside the drainage system and City limits, but within the Jacksonville Urban Growth Boundary.

5. When wetland mitigation is proposed the review authority shall require minimum mitigation ratios (area of wetland created or enhanced to area of wetland lost) as follows:

- (a) Wetlands Creation or Restoration - 2:1 ratio

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(b) Wetlands Enhancement - 3:1 ratio

(c) Wetlands Creation, Restoration or Enhancement - 5:1 ratio where the wetland contains a sensitive, threatened or endangered species as identified in the LWI.

6. Vegetation restoration shall be required to mitigate the loss of plant communities disturbed by development activities. In-kind vegetation shall be required for all mitigation projects, including trees, shrubs, and ground cover plants as identified on the Restoration Plants List (on file in the Planning Department). The restoration plant community chosen shall recreate a diverse and healthy environment compatible with the resource.

7. Initial Three (3) Year Bonding Period.

(a) The applicant or property owner of a development subject to an approved mitigation plan shall post a performance bond or a letter of credit to the City that is equal to one hundred twenty (120%) percent of the value of the improvements installed pursuant to the plan for a three (3) year period. The bond shall be posted prior the issuance of building permit to ensure the success of mitigation improvements and the survival of plant materials.

(b) The performance bond or the letter of credit will be released by the City after three (3) years upon receiving proof that the mitigation measures have been successfully implemented according to approved plans. Following release of the financial guarantee, the property owner(s) or other designated party (such as a homeowners association) shall remain responsible for maintenance of the resource.

(c) If mitigation improvements fail during the bonding period and responsible party does not replace said improvements after notification by the City, the bond shall be forfeited and shall be used by the City to correct the problem pursuant to the Mitigation Plan and the Conditions of approval.

(d) Property owners of individual tax lots that are lots of record which are zoned for single family residential use, are not large enough to be further divided, and were in existence prior to the date this Article becomes effective shall be exempt from these bonding requirements.

(M) Wetlands Notification to Oregon Division of State Lands.

The Oregon Division of State Lands shall be notified of all applications to the City of Jacksonville for development activities, including applications for plan authorizations, development permits, or building permits, and of development proposals by the City of Jacksonville, that may affect any wetlands, creeks, or waterways identified on the Local Wetlands Inventory.

(N) Open Space Easements.

The City may require a perpetual conservation easement over riparian corridors, wetland protection areas, or other areas of unique natural condition identified in the Comprehensive Plan.

CHAPTER 2.5 - FLOOD DAMAGE PROTECTION

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Sections

- 2.5.010 Statutory Authority
- 2.5.020 Findings of Fact
- 2.5.030 Purpose
- 2.5.040 Methods of reducing flood losses
- 2.5.050 Definitions
- 2.5.060 Lands to Which This Chapter Applies
- 2.5.070 Basis for the Area of Special Flood Hazard
- 2.5.080 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division
- 2.5.090 Establishment of a Floodplain Permit
- 2.5.100 Interpretation of provisions
- 2.5.110 Warning and disclaimer of liability
- 2.5.120 Designation of Flood Plain Administrator
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- 2.5.140 Permit Procedures
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- 2.5.190 Areas of Special Flood Hazard Without Base Flood Elevations
- 2.5.200 Building Design and Construction
- 2.5.210 Below Grade Crawlspace
- 2.5.220 Other Development, including Accessory Structures, in Areas of Special Flood Hazard
- 2.5.230 Recreational Vehicles
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- 2.5.260 Fences and Walls
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- 2.5.280 Criteria for Variances
- 2.5.290 Variance Decision
- 2.5.300 Penalties for Violation
- 2.5.310 Severability
- 2.5.320 Abrogation

§ 2.5.010 STATUTORY AUTHORITY

The State of Oregon has delegated the responsibility to local government units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the City of Jacksonville does ordain as set forth in the chapter.

§ 2.5.020 FINDINGS OF FACT

1. The flood hazard areas of Jacksonville are subject to periodic inundation which results in loss of life and property,

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health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1. These flood losses are caused by structures in flood hazard areas, which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities.
1. The City of Jacksonville has the primary responsibility for planning, adoption, and enforcement of land use regulations to accomplish proper management of special flood hazard areas.

§ 2.5.030 PURPOSE

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life, health and property;
2. Minimize expenditure of public money and costly flood control projects;
3. Minimize the need for rescue, emergency services and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions, access and public service during times of flood;
5. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the sound use and development of areas of flood prone areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard;
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions, and;
9. Manage the alteration of areas of special flood hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.

§ 2.5.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter includes methods and provisions to,

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which increase flood heights, erosion or velocities;
2. Require development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;

3. Preserve and restore natural flood plains, stream channels, and natural protective barriers, which carry and store floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers that will unnaturally divert floodwaters or that may increase flood hazards to other lands, and;
6. Coordinate with and supplement provisions of State and Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.

§2.5.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this chapter shall be interpreted according to the meaning they have in common usage.

Accessory Structure: A structure on the same or adjacent parcel as a principal structure, the use of which is incidental and subordinate to the principal structure.

Appeal: A request for review of the Floodplain Administrator's interpretation of provisions of this ordinance.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Zones designating areas of special flood hazard on Flood Insurance Rate Maps always includes the letter A or V. Also known as the Special Flood Hazard Area (SFHA).

Base Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE): The water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the Flood Insurance Study (FIS) to the nearest 0.1 foot.

Basement: Any area of a building having its floor subgrade (below ground level) on all sides.

Below-grade Crawlspace: An enclosed area below the Base Flood Elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed four (4) feet at any point.

Datum: A base measurement point (or set of points) from which all elevations are determined. Historically, the common set of points has been the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88).

Development: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or

storage of equipment or materials located within the area of special flood hazard. Development does not include signs, markers, aids, etc. placed by a public agency to serve the public.

Digital FIRM (DFIRM): The Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

Encroachment: The advancement or infringement of uses, fill, excavation, buildings, permanent structures or other **development** into a regulatory Floodway.

Elevated Building: A non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

Essential Facility or Critical Facility:

- a. Hospitals and other medical facilities having surgery and emergency treatment areas;
- b. Fire and police stations;
- c. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- d. Emergency vehicle shelters and garages;
- e. Structures and equipment in emergency-preparedness centers;
- f. Standby power generating equipment for essential facilities; and
- g. Structures and equipment in government communication centers and other facilities required for emergency response.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a. The overflow of inland or tidal waters; or
- b. The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM): An official map of a community, issued by the Federal Insurance Administration delineating the areas of special flood hazard and/or risk premium zones applicable to the community.

Flood Insurance Study (FIS): That official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, regulatory Floodway boundaries and water surface elevations of the base flood.

Floodway (Regulatory Floodway): The channel of a river or other watercourse and those portions of the floodplain adjoining the channel required to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Highest Adjacent Grade (HAG): The highest natural elevation of the ground surface, prior to construction,

adjacent to the proposed walls of a structure. Refer to the Elevation Certificate, FEMA Form 81-31, for HAG information.

Historic Structure: A structure that is:

- a. Listed individually in the National Register of Historic Places (a listing maintained by the US Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
- d. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or;
 2. Directly by the Secretary of the Interior in states without approved programs.

Letter of Map Change (LOMC): An official FEMA determination, by letter, to amend or revise Flood Insurance Rate Maps and Flood Insurance Studies. LOMCs are issued in the following categories:

Letter of Map Amendment (LOMA): A revision based on technical data showing that a property was inadvertently included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property is not located in a special flood hazard area;

Letter of Map Revision (LOMR): A revision based on technical data showing, due to manmade alterations, changes to flood zones, flood elevations, or floodplain and regulatory Floodway delineations. One common type of LOMR, a LOMR-F, is a determination that a structure or parcel has been elevated by fill above the Base Flood Elevation and is excluded from the special flood hazard area;

Conditional Letter of Map Revision (CLOMR): A formal review and comment by FEMA as to whether a proposed project complies with the minimum National Flood Insurance Program floodplain management criteria. A CLOMR does not amend or revise effective Flood Insurance Rate Maps, Flood Boundary and Floodway Maps, or Flood Insurance Studies.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement, is not considered a structure's lowest floor, provided that the enclosed area is built and maintained in accordance with the applicable design requirements of the Specialty Codes and this ordinance.

Manufactured Dwelling or Manufactured Home: A structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Dwelling" or "Manufactured Home" does not include a "Recreational Vehicle".

Mean Sea Level: For purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 (NAVD 88), to which Base Flood Elevations shown on a community's FIRM are referenced.

New Construction: A structure for which the "Start of Construction" commenced after May 3, 2011, and includes subsequent substantial improvements to the structure.

Recreational Vehicle: A vehicle that is:

- a. Built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projection;
- c. Designed to be self propelled or permanently towed by a light duty truck and;
- d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Specialty Codes: The combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.

Start of Construction (includes Substantial Improvement): The date the building permit was issued provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling floor, or other structural part of a building, whether or not the alteration affects the external dimensions of a building.

Structure: A walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid storage tank that is principally above ground.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of its market value before the damage occurred.

Substantial Improvement: Reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage,"

regardless of the actual repair work performed. The market value of the structure is:

- a. The real market value of the structure prior to the start of the initial repair or improvement, or
- b. In the case of damage, the real market value of the structure prior to the damage occurring. The term does not include either:
 1. A project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
 2. Alteration of an Historic Structure, provided that the alteration will not preclude the structure's continued designation as an Historic Structure.

Variance: A grant of relief from a requirement of this ordinance.

Violation: The failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

Watercourse: A lake, river, creek, stream, wash, arroyo, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Water Surface Elevation: means the height, in relation to a specific datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

§2.5.060 LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all Areas of Special Flood Hazard within the jurisdiction of the City of Jacksonville. Nothing in this Chapter is intended to allow uses or structures that are otherwise prohibited by the zoning ordinance or Specialty Codes.

§2.5.070 BASIS FOR THE AREA OF SPECIAL FLOOD HAZARD

The Area of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Jackson County, Oregon and Incorporated Areas dated, May 3, 2011, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM) are adopted by reference and declared to be a part of this chapter. The FIS and FIRM are on file at the City of Jacksonville 110 E. Main Street, Jacksonville, Oregon.

§2.5.080 COORDINATION WITH SPECIALTY CODES ADOPTED BY THE STATE OF OREGON BUILDING CODES DIVISION

Pursuant to the requirement established in ORS 455 that the City of Jacksonville administers and enforces the State of Oregon Specialty Codes, the City Council of Jacksonville does hereby acknowledge that the Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Areas of Special Flood Hazard. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Specialty Codes.

§2.5.090 ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT

A floodplain development permit shall be required prior to initiating development activities, including but not limited to building permits and grading permits, in any Areas of Special Flood Hazard established in Section 2.5.070.

§2.5.100 INTERPRETATION OF PROVISIONS

In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes, including state Specialty Codes.

§2.5.110 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City, or any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

§2.5.120 DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Flood Plain Administrator or his/her designee shall be appointed by the City Council and is responsible for administering and implementing this chapter by granting or denying development permit applications in accordance with its provisions.

§2.5.130 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Flood Plain Administrator shall include, but not be limited to:

- A. Review all proposed development or modifications of any existing development in Areas of Special Flood Hazard or other flood-prone areas:
- B. Review applications for new development or modifications of any existing development in Areas of Special Flood Hazard for compliance with the requirements of the chapter;
- C. Review proposed development to ensure that necessary permits have been received from governmental agencies from which approval is required by Federal or state law. Copies of such permits shall be maintained on file;
- D. When Base Flood Elevation data have not been established, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, state or other authoritative source in order to administer the provisions of this chapter;
- E. When Base Flood Elevation data are not available from an authoritative source, the Oregon Residential Specialty Code authorizes the building official to require the applicant to determine a Base Flood Elevation where none exists;
- F. Issue development permits when the provisions of this chapter have been met, or deny the same in the event of noncompliance;
- G. Coordinate with the Building Official to ensure that applications for building permits comply with the requirements of this ordinance;
- H. Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved buildings and structures, including manufactured dwellings;
- I. Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no Base Flood Elevation is available, to which any new or substantially improved non-residential buildings or structures have been flood-proofed. When flood-proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of elevation to which the structure was flood-proofed from a registered professional engineer or architect;
- J. Ensure that all records and certifications pertaining to the provisions of this ordinance are permanently maintained in the City of Jacksonville Offices and available for public inspection.
- K. The Floodplain Administrator shall make interpretations where needed, as to exact location of the boundaries, of the area of special flood hazards (for example, where there appears to be a conflict between a

mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 18.06, Appeal Procedures of the Jacksonville Municipal Code.

§2.5.140 PERMIT PROCEDURES

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator or designee on forms furnished by the Floodplain Administrator or designee prior to starting development activities. Specifically, the following information is required:

(1) Application Stage

- (a) Plans in duplicate drawn to scale with elevations of the project area and the nature, location, dimensions of existing and proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;
- (b) Delineation of Areas of Special Flood Hazard, including Base Flood Elevations, where available;
- (c) For all proposed structures, elevation in relation to the highest adjacent grade and the Base Flood Elevation, of the:
 - (i) lowest enclosed area, including crawlspace or basement floor;
 - (ii) top of the proposed garage slab, if any, and;
 - (iii) next highest floor
- (d) Locations and sizes of all flood openings, if required, in any proposed building;
- (e) Elevation to which a non-residential structure will be flood-proofed;
- (f) Certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of the NFIP and Specialty Codes;
- (g) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development;
- (h) Proof that application has been made for necessary permits from other governmental agencies from which approval is required by Federal or state law.

(2) Construction Stage

- (a) Copies of all necessary permits from other governmental agencies from which approval is required by Federal or state law must be provided prior to start of construction.
- (b) Development activities shall not begin without an approved Floodplain Development Permit.
- (c) For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction;

(d) Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

(3) Certificate of Occupancy

(a) In addition to the requirements of the Specialty Codes pertaining to certificate of occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:

- i. For elevated buildings and structures in non-coastal Areas of Special Flood Hazard (all A zones), the elevation of the lowest floor, including basement or where no Base Flood Elevation is available the height above highest adjacent grade of the lowest floor;
 - ii. For non-residential buildings and structures that have been floodproofed, the elevation to which the building or structure was floodproofed.
- (b) Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a certificate of occupancy until such deficiencies are corrected.

(4) Expiration of Floodplain Development Permit

A Floodplain Development Permit shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing.

§2.5.150 REQUIREMENT TO SUBMIT NEW TECHNICAL DATA

- (1) Within six months of project completion, an applicant who obtains an approved Conditional Letter of Map Revision from FEMA, or whose development alters a watercourse, modifies floodplain boundaries or Base Flood Elevations shall obtain from FEMA a Letter of Map Revision reflecting the as-built changes to the FIRM.
- (2) It is the responsibility of the applicant to have technical data prepared in a format required for a Conditional Letter of Map Revision or Letter of Map Revision and to submit such data to FEMA on the appropriate application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.
- (3) Applicants shall be responsible for all costs associated with obtaining a Conditional Letter of Map Amendment or Letter of Map Revision from FEMA.
- (4) The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met

all applicable requirements of this ordinance.

§2.5.160 WATERCOURSE ALTERATIONS

1. Notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
2. The Floodplain Administrator shall assure that necessary maintenance for the altered or relocated portion of such watercourse is provided so that the flood-carrying capacity is not diminished. It shall be the responsibility of the applicant to perform the required maintenance.
3. Development shall not diminish the flood carrying capacity of a water course. If any water course will be altered or relocated as a result of the proposed development the applicant must submit certification by a registered professional engineer that the flood carrying capacity of the water course will not be diminished.
4. Applicant will be responsible for obtaining all necessary permits from governmental agencies from which approval is required by federal or state law, including but not limited to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Division of State Lands regulations.

§2.5.170 SITE IMPROVEMENTS AND SUBDIVISIONS

A. All plans and permits for proposed new site improvements, subdivisions, and manufactured home parks shall be consistent with the need to minimize flood damage and ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.

B. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

C. Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate damage and infiltration of floodwaters. Replacement public utilities and facilities such as sewer, gas, electric and water systems, likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

D. New and replacement on-site waste disposal systems and sanitary sewerage systems shall be located and constructed to avoid functional impairment, or discharges from them, during flooding.

E. Subdivisions and manufactured home parks shall have adequate drainage provided to reduce exposure to flood hazards.

§2.5.180 ZONES WITH BASE FLOOD ELEVATIONS BUT NO REGULATORY FLOODWAY

A. In areas within Zones A1-30 and AE on the community's FIRM with a Base Flood Elevation but where no regulatory Floodway has been designated, new construction, substantial improvements, or other development (including fill) shall be prohibited, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

B. Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than 6 months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.

§2.5.190 AREAS OF SPECIAL FLOOD HAZARD WITHOUT BASE FLOOD ELEVATIONS

A. When Areas of Special Flood Hazard have been provided but Base Flood Elevation or floodway data have not been identified by FEMA in a Flood Insurance Study and /or Flood Insurance Rate Maps, the Floodplain Administrator shall obtain, review, and reasonably utilize scientific or historic Base Flood Elevation and regulatory Floodway data available from a federal, state, or other source, in order to administer this ordinance. If Base Flood Elevations are not available, subsection (C) shall apply.

B. Where the Floodplain Administrator has obtained Base Flood Elevation data, Sections 2.5.180 and Sections 2.5.200 through 2.5.250 shall apply.

C. When Base Flood Elevation data cannot be obtained:

(a) No encroachments, including structures or fill, shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark, unless a Base Flood Elevation is developed by a licensed professional engineer, or;

(b) The lowest floor of any building or structure, including manufactured dwellings, shall be elevated a minimum of three (3) feet above highest adjacent grade. Below grade crawlspaces are prohibited.

§2.5.200 BUILDING DESIGN AND CONSTRUCTION

Buildings and structures, including manufactured dwellings, within the scope of the Building Codes, including repair of substantial damage and substantial improvement of such existing buildings and structures, shall be designed and constructed in accordance with the flood-resistant construction provisions of these codes, including but not limited to the Residential Specialty Code, the Manufactured Dwelling Installation Specialty Code, and the Structural Specialty Code.

2.5.210 BELOW GRADE CRAWLSPACES

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

B. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

H. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

§2.5.220 Other Development, including Accessory Structures, in Areas of Special Flood Hazard

(1) All development (including substantial improvements) in Areas of Special Flood Hazard for which provisions are not specified in this ordinance or Oregon Specialty Codes shall:

- (a) Be located and constructed to minimize flood damages;
 - (b) Be constructed with materials resistant to flood damage;
 - (c) Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;
 - (d) Have all enclosures below the Base Flood Elevation designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect, or
 - (i) Provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) The bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
 - (iii) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.
 - (e) Have electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- (2) Walled and roofed accessory structures, including substantial improvement to existing accessory structures, shall meet the requirements of paragraph (1) above and shall:
- (a) Be less than 200 square feet and not exceed one story;
 - (b) Have unfinished interiors and not be temperature controlled;
 - (c) Not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged;
 - (d) Not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation.

§2.5.230 RECREATIONAL VEHICLES

In all Areas of Special Flood Hazard, Recreational Vehicles that are an allowed use or structure under the zoning ordinance must either:

- A. Be placed on the site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached structures or addition, or

C. The Recreational Vehicle shall be elevated on a permanent foundation such that the bottom of the chassis is at or above BFE and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

§2.5.240 ESSENTIAL FACILITIES

Construction of new essential facilities shall be, to the extent possible, located outside the limits of the Area of Special Flood Hazard. Construction of new essential facilities shall be permissible within the Area of Special Flood Hazard if no feasible alternative site is available. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

§2.5.250 TANKS

A. New and replacement tanks in flood hazard areas either shall be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

B. New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of 2 feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

§2.5.260 FENCES AND WALLS

New and replacement fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely.

§2.5.270 VARIANCE

A. An application for a variance must be submitted to the City Planning Department on the form provided by the City and include at a minimum the same information required for a development permit and an explanation for the basis for the variance request.

B. The City Council shall hear and decide appeals and requests for variances from the requirements of this chapter.

- C. The burden to show that the variance is warranted and meets the criteria set out herein is on the applicant.
- D. Upon consideration of the criteria in Section B (Criteria for Variances) and the purposes of this ordinance, the City of Jacksonville may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- E. The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

2.5.280 CRITERIA FOR VARIANCES

- A. Variances shall not be issued within a designated regulatory Floodway if any increase in flood levels during the base flood discharge would result.
- B. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1-11 in Section G have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances shall only be issued upon a:
 - 1. Showing of good and sufficient cause;
 - 2. Determination that failure to grant the variance would result in exceptional hardship to the applicant, and;
 - 3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- E. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
- F. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- G. In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:
 - 1. Danger that materials may be swept onto other lands to the injury of others;
 - 2. Danger to life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
9. Safety of access to the property in times of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action if applicable, expected at the site; and,
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

§2.5.290 VARIANCE DECISION

The decision to either grant or deny a variance shall be in writing and shall set forth the reasons for such approval and denial. If the variance is granted, the property owner shall be put on notice along with the written decision that the permitted building will have its lowest floor below the Base Flood Elevation and that the cost of flood insurance likely will be commensurate with the increased flood damage risk.

2.5.300 PENALTIES FOR VIOLATION

A. No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

B. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall be subject to Section 1.07.170, Unified Development Code Violations: Civil Penalty, of the Jacksonville Municipal Code.

2.5.310 SEVERABILITY

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by

a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

2.5.320 ABROGATION

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, Building Codes, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.