

TITLE 18: HISTORIC PROTECTION AND DESIGN REGULATIONS

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CHAPTER 18.01: GENERAL PROVISIONS

Section

18.01.010	Purpose
18.01.020	Certificate of Appropriateness Required
18.01.030	Design review levels
18.01.040	Actions specifically exempt from Permit Process

§ 18.01.010 PURPOSE.

(A) The purpose of this title is to stimulate the economic, social, artistic, and intellectual welfare of the City of Jacksonville through the preservation and restoration of the city's historic tradition and resources, and through the careful design of new development.

This purpose will be achieved in three (3) ways:

1. Designating and maintaining a Landmark List,
2. Protecting historic sites and structures.
3. Regulating the design of development activities to enhance the city's historic tradition and natural features and to protect the public health, safety, and welfare.

(B) The provisions which follow set forth the manner by which development of property is to be permitted and regulated in order to achieve the city's purposes.

(C) Titles 16, 17, and 18 together function as the City of Jacksonville Development Code. Therefore, when the word "title" is used, it will refer to all three above referenced titles.

(D) There shall be a Historical and Architectural Review Commission (HARC) to carry out the purpose and procedures provided for in Title 18 and any related elements of the City of Jacksonville Development Code. The HARC shall function as prescribed in Chapter 2.12 of the Jacksonville Municipal Code. Unless otherwise specified herein, the powers and duties of the Commission shall be as follows.

1. Act on applications for Certificates of Appropriateness pursuant to the provisions of this title.
2. Complete and maintain the Jacksonville Landmark List, recommending sites and structures for addition to the city's List of Designated Historic Sites and Structures. The Commission also may recommend historical sites and structures for addition to the National Register of Historic Places, and modifications to the Jacksonville Historic District boundaries.
3. Make recommendations to the City Council concerning the acquisition of real property and imposition of other restrictions for the purpose of historic preservation. Recommendations may include the availability and utilization of public and private grants and budget

appropriations, including recommendations to retain professional expertise where necessary to carry out the objectives of this chapter, and to maintain the status of Jacksonville as a National Historic Landmark and Certified Local Government in accordance with relevant state and federal law and administrative regulations.

4. The HARC shall appoint a person to serve as Hearings Officer(s) to conduct any or all hearings and render decisions on all matters which are designated for Level II and Level III review in Section 18.01.030, and to carry out all other duties and responsibilities vested in the HARC under this title. The Hearings Officer shall also review and render decisions on sign applications, and have the authority to grant a waiver from solar requirements where applicable standards have been met.
5. Increase public awareness of the value of historic and architectural preservation by participating in public information programs and recommending updates of local preservation programs.
6. Provide input on historic preservation efforts by other public and private agencies.
7. Any other appropriate functions which may be designated by resolution of the City Council.

(E) The city recognizes that the various objectives expressed in the purpose relate differently to distinct geographic areas or Neighborhoods within the city. These areas are described in the Jacksonville "Historic Element" of its Comprehensive Plan and are described upon the map entitled "Historic Character Units", hereby incorporated by reference.

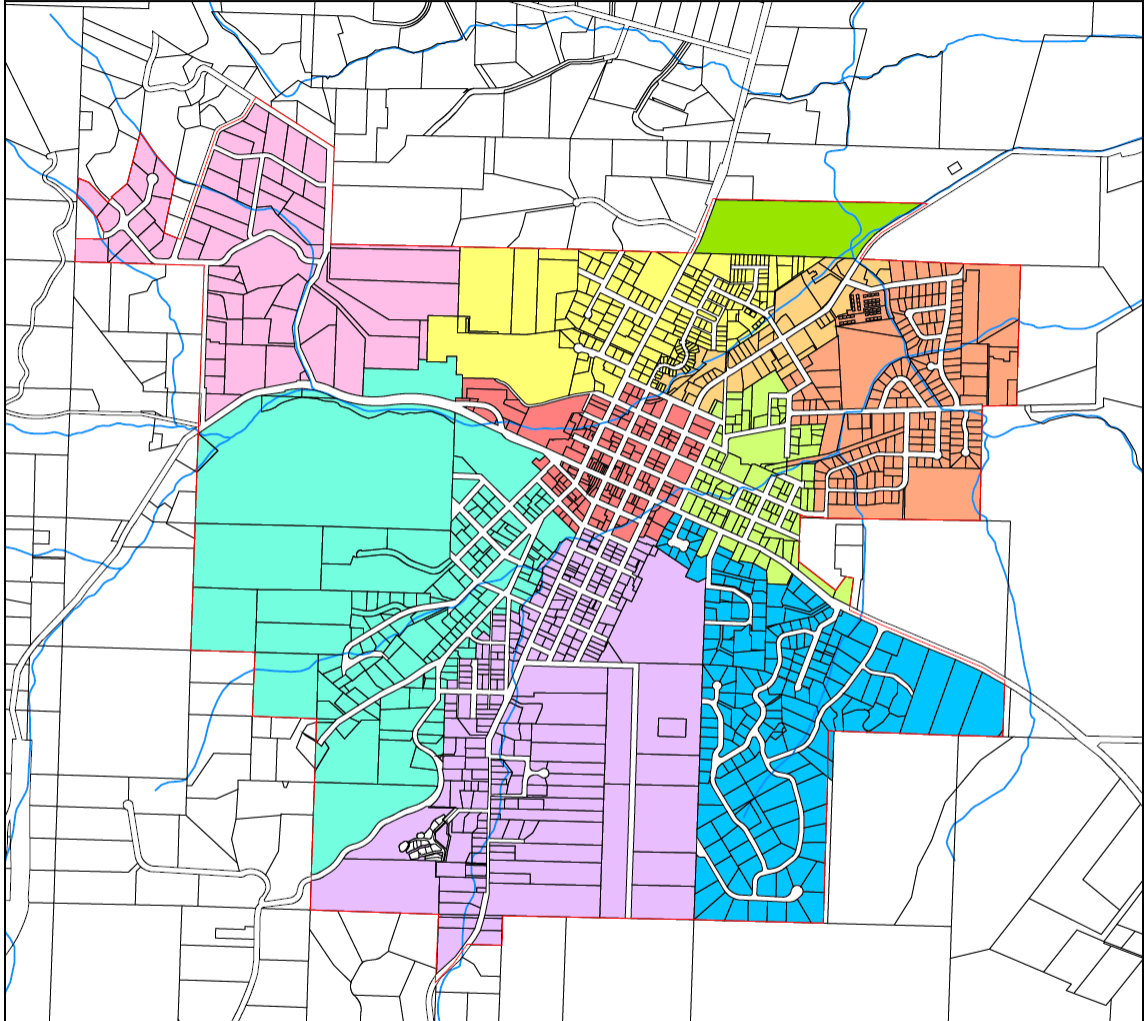
(F) When new property is annexed into the City, HARC must make a determination as to which HCU the subject property is visually or contextually related, if any, and the HCU boundaries shall be adjusted accordingly.

(G) The criteria and standards under which a development proposal is reviewed are determined in part based upon the Historic Character Unit (HCU) within which the subject property is located. Historic Character Units are defined in the Historic Element of the Jacksonville Comprehensive Plan. They include the Historic Core, North Oregon Street, South Oregon Street, Third Street Corridor, North 5th Street, New School District, Old School District, and Stagecoach Hills (see Exhibit A pg. 4). Each neighborhood has internal physical features which are generally consistent. These features are 1) basic "building blocks" of the neighborhood's visual character and physical fabric; and 2) integral to historic context of the City. The Westmont/Paradise Ranch Road area is recognized as a distinct neighborhood with its own characteristics, but was not found to be integral to overall historic character of the City as an HCU.

(H) If a property within the City Limits is not within an HCU and not on the City's Landmark List then it is subject solely to the requirements of its zoning district and the standards contained in Chapters 18.10 through 18.30.

EXHIBIT A

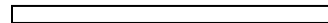
City of Jacksonville Historical Character Unit Map



- | | |
|---|---|
|  City Limit |  Old School District |
|  Taxlots |  Royal Mobile Estates |
|  Rivers, Streams and Ditches |  South Oregon Street |
|  Historic Core |  Stagecoach Hills |
|  New School District |  Third Street Corridor |
|  North Fifth Street |  Westmont |
|  North Oregon Street | |



Feet
3,300



Map Produced June 12th, 2006

§ 18.01.020 CERTIFICATE OF APPROPRIATENESS REQUIRED.

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

Applicable activities include:

1. New construction of a building or structure.
2. Exterior renovation or remodeling of existing buildings and structures.
 - (a) Major remodels are defined as any increase in living space. Major remodels in a Level I review area are subject to full HARC review and subject to full notification and criteria requirements. Major Remodels in a Level II area are subject to Hearings Officer review and limited notification and limited criteria requirements. Major Remodels in Level III areas are subject to Administrative review without notice requirements.
 - (b) Minor Remodels are defined as an activity that does not result in an increase in living space. Minor Remodels in a Level I review area are subject to Hearings Officer review with limited notification. Minor Remodels in Level II or III areas are subject to Administrative review without notice requirements.
 - (c) Demolition or moving of a building or structure. Demolition or moving of historic structures defined as contributing on the Landmark List as well as any structure in a Level I area shall be subject to full HARC review with full notification requirements. Demolition or moving of non-historic structures in a Level II area is subject to Hearings Officer review with limited notification requirements. Demolition or moving of non-historic structures in a Level III area is subject to administrative review without notification.
 - (d) Construction, placement, or modifications of signs are subject to Hearings Officer review with limited notification requirements.
 - (e) In a Level I Design Review area, new construction, renovation, or demolition of a wall, fence, or other appurtenances such as sheds, decks, greenhouses, tennis courts, drop boxes, news racks, public telephones, exterior lighting, landscaping, awnings, and dumpster screening are subject to Hearings Officer review with limited notification requirements, if they are clearly visible from six (6') feet or less above the centerline of a public right of way other than an alley.
 - (f) In a Level I review area the removal of live resource trees are subject to Hearings Officer review with limited notification requirements.
 - (g) Environmental Alterations subject to the standards of Chapter 18.20.

(Am. ORD 579, Passed 3-4-2008)

(B) In a Level II or Level III Design Review area, the activities described in subsections E and F above are subject to an administrative permit process in order to assure compliance with code requirements.

(C) In areas within the City limits, but not within an HCU and not on the City's Landmark List, all of the activities described above are subject to an administrative permit process in order to assure compliance with code requirements.

(D) Certificates of Appropriateness and the requirements of this title are enforceable under the provisions of Title One of the Jacksonville Municipal Code.

Application Review Responsibility

Design Review Area

Activity	Level I	Level II	Level III
New Construction	HARC	HO	HO
Major Remodel (increase in living space)	HARC	HO	Admin
Minor Remodel	HO	Admin	Admin
Demolition:			
- Historic Structure	HARC	HARC	HARC
- Non Historic Structure	HARC	HO	Admin
Sign	HO	HO	HO
Appurtenance Construction (e.g. wall, fence, shed)	HO	Admin	Admin
Resource Tree Removal	HO	Admin	Admin

HARC = Historic Architectural Review Committee
 HO = (HARC) Hearings Officer
 Admin = Planning Administrative Staff

§ 18.01.030 DESIGN REVIEW LEVELS.

(A) There are four (4) distinct categories of review areas indicated upon the map entitled "Historic Design Review Areas" incorporated herein by reference, these categories are distinguished as "contributing resources", "view shed resources", "impact areas", and other properties (see: Exhibit B, pg 8). The categories of review areas were determined based upon whether a development proposal is:

1. On the same property as a historic feature.
2. Adjacent to a property with a historic feature, unless out of sight due to distance or topography.
3. Within three hundred (300') feet of a historic feature, unless out of sight due to topography.

4. Visible from a publicly accessible point on a historic site or the portion of a street immediately adjacent to that site.

(Am. ORD 579, passed 3-4-2008)

(B) Proposals for activity on the two (2) property types described as "contributing resources" and "impact areas" are subject to a Level I Design Review which entails full review before the HARC, full notification requirements, and a full "Finding of Compatibility" as described in Section 18.05.040 (B) of this Title, unless otherwise specified above in 18.01.030.

(C) Proposals for activity on "view shed resources" are subject to a Level II Design Review which entails review before the Hearings Officer after compliance with the limited notification requirements under Section 18.04.010 (D), and a partial "Finding of Compatibility" as described in Section 18.05.040 (B), unless otherwise specified above in 18.01.030. Hearings Officer Review of individual matters for compliance with 18.10 through 18.30 can be referred to the HARC by the City Planner at his discretion or decision appealed to the HARC in accordance with Chapter 18.06.

(D) Unless within an area that is inside the City limits, but not within an HCU or on the City's Landmark List (and therefore subject to an administrative permit process), or otherwise specified above in 18.01.020 or 18.01.03 proposals for activity on all other properties are subject to a Level III Design Review which entails review before the Hearings Officer after compliance with the limited notification requirements under Section 18.04.010 (D), and the minimal "Finding of Compatibility" described in Section 18.05.040 (B) of this Title. Hearings Officer Review of individual matters for compliance with 18.10 through 18.30 can be referred to the HARC by the City Planner at his discretion or decision appealed to the HARC in accordance with Chapter 18.06.

(E) An administrative permit is not subject to notice requirements, criteria, or notice of decision requirements, but is required to assure compliance with its zoning district and the standards contained in Sections 18.10 through 18.30. Administrative review of individual matters for compliance with 18.10 through 18.30 can be referred to the HARC by the City Planner at his discretion or decision appealed to the HARC in accordance with Chapter 18.06.

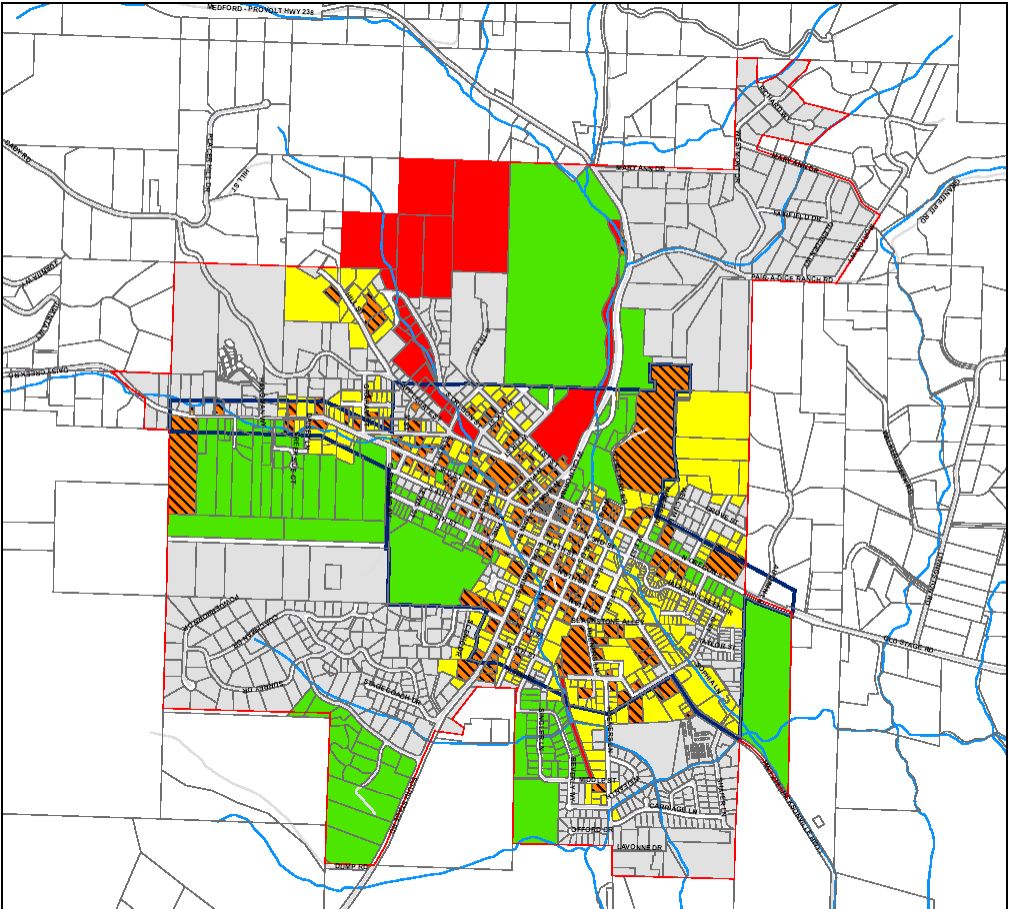
(F) In accordance with Chapter 18.21.040 (C) activities on a public right-of-way are subject to Council approved administrative permit after a Planner recommendation.

§ 18.01.040 ACTIONS SPECIFICALLY EXEMPT FROM PERMIT PROCESS.

The following specific actions are exempt from the requirements of this title:

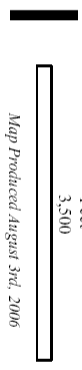
1. Interior remodeling, renovation or maintenance where no changes are proposed to the exterior of a building or structure.
2. Exterior painting or staining where the colors are selected from the list of colors approved by the Commission.
3. Ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or material, or otherwise change or alter the outward appearance thereof.

EXHIBIT B



City of Jacksonsville Historic Design Review Areas Map

- City Limit
 - Taxlots
 - Jacksonville National Historic Landmark District Boundary
 - Rivers, Streams and Ditches
- LEVEL OF REVIEW**
- Review Level I - Jacksonville Landmark Listed Resource
 - Review Level I - Contributing Historic Resource
 - Review Level I - Impact Area
 - Review Level III
 - Review Level II - Viewshed Resource



ACTIVITY	APPLICATION REVIEW RESPONSIBILITY			ROW - or - WESTMONT
	LEVEL I	LEVEL II	LEVEL III	
New Construction	HARC	Hearings Officer	Hearings Officer	Administration
Major Remodel	HARC	Hearings Officer	Administration	Administration
Minor Remodel	Hearings Officer	Administration	Administration	Administration
Historic Demolition	HARC	HARC	HARC	Administration
Non-Historic Demolition	HARC	Hearings Officer	Administration	Administration
Signage	Hearings Officer	Hearings Officer	Hearings Officer	Administration
Appearance Construction	Hearings Officer	Administration	Administration	Administration
Resource Tree Removal	Hearings Officer	Administration	Administration	Administration

Title 18 in the City of Jacksonville Code of Ordinances, *Historic Protection and Design Regulations*, addresses the procedures, standards and provisions which address the purpose of stimulating the economic, social, artistic, and intellectual welfare of the City of Jacksonville through the preservation and restoration of the city's historic tradition and resources, and through the careful design of new development.

One method of achieving this purpose is by regulating the design of development activities to enhance the city's historic tradition and natural features, and to protect the public health, safety and welfare.

Section 18.01.020, **Certificate of appropriateness required**, and 18.01.030, **Design review levels**, address application review and review levels. City of Jacksonville staff recommends consulting those sections prior to application submittal.

CHAPTER 18.02: APPLICATION PROCEDURES

Section

18.02.010	Pre-application conference
18.02.020	Application requirements

§ 18.02.010 PRE-APPLICATION CONFERENCE.

(A) It is in the best interest of the City to provide planning services that assist applicants in constructing appropriate developments. In that spirit, the City requires that prior to filing an application, a prospective applicant shall hold a pre-application conference with the City Planner or their designee.

(B) The purpose of a pre-application conference is to provide advice to prospective applicants regarding compliance with the purpose and requirements of this title, and to allow applicants the opportunity to review City resource material to determine which application materials must be submitted to constitute a complete application.

(C) Given that the Site Plan Committee (fire, safety, public facilities, and site design), the HARC (Design) and Planning Commission (zoning, use, land division) have differing scopes of review and these bodies may have to decide on separate aspects of the same proposal, the applicant shall be informed as to the process(es) involved with their proposal as presented at the pre-application conference and the attached flow chart shall be reviewed with each applicant to ensure their understanding of the time frames and decision making bodies involved.

§ 18.02.020 APPLICATION REQUIREMENTS.

(A) All applicants shall submit to the City information and materials consistent with the requirements of this section. The City Planner, or in their absence, the City Recorder, is empowered to waive the submittal of any of the following application items, except filing fees, which are deemed unnecessary or inapplicable based on the nature, scope, and significance of the proposed project. Waiver of application items, if any, shall occur following a pre-application conference during the review of an application for completeness.

1. Completed Application Form. A completed application form signed by the owner of record of the real property covered by the application, except for sign applications which may be signed by the business owner. If the property has more than one (1) owner, a signed notarized statement from each property owner agreeing to participate in the project as a group is required. An application form may also be signed by the duly authorized representative of the record owner if such authorization is evidenced by a properly executed power of attorney.

2. Site Plan. A site plan is required only to the extent necessary to adequately and reasonably permit findings that the provisions of this chapter have been met. The applicant shall submit three (3) copies of a site plan, accurately drawn to a scale of sufficient size to illustrate the following site plan details as determined to be required during the pre-application conference and the review for completeness:
 - (a) The location and dimension of property boundaries and location of public and private streets and driveways, along with a north point and indication of scale.
 - (b) The accurate location and outline of the exterior walls of all existing (dotted line) and proposed (solid line) buildings and structures, with the square footages, uses, and heights of each clearly noted. Include setback dimensions for front, side, and rear yards.
 - (c) The site plan shall conceptually illustrate the following features:
 - (aa) The general type, size and location of existing (dotted line) and proposed (solid line) landscaping, including the location, height, and type of trees having a caliper of four (4") inches or greater measured four (4') feet above the base of the tree.
 - (bb) Existing (dotted line) and proposed (solid line) exterior walls and fencing, including specification of construction materials and height.
 - (cc) The accurate location, height, and dimensions of all signs which are not to be attached to the building.
 - (dd) The location of existing major site features, including water courses, topography for sites having slopes in excess of five (5%) percent, rock outcroppings, drainage swales, springs, woodlands, and other natural features which influence site layout and design.
 - (ee) Drainage shall be sufficiently indicated to demonstrate adequate disposition of storm water runoff.
3. The location and dimension of off-street parking areas in accordance with all requirements of Chapter 18.17. Include entry and exit points for motor vehicles and pedestrians, and internal circulation patterns.
4. The location of all exterior solar, satellite dish antenna, alarm, electrical, and mechanical equipment.
5. Wells, septic tanks, and drain fields, if applicable.
6. Flood elevation of one hundred (100) year floodplain, if applicable.
7. Location and purpose of easements, if applicable.
8. Location of water, fire hydrants, sanitary sewer, storm drains, and street lights.
9. Garbage and waste handling facility and outdoor storage area. Show screening technique and materials.
10. Location and type of all exterior lighting.
11. Grading plan if more than one hundred (100) cubic yards of material will be disturbed. Include slope calculations, contours, and erosion control.
12. Title block with section, township and range; street address, title of proposal, names of applicant and owner, name and stamp of person preparing the plan (if applicable), and date of drawing.
13. In a Level I review area; the applicant shall submit an in-scale site plan drawing of adjacent structures if within one hundred (100') feet of the proposed structure.

(B) Where an attachment or minor addition building or structure is proposed, the site plan shall indicate the relationship of said proposal to the existing development, but need not include other data required in Chapter 18.02 as determined by the City Planner.

(C) Project tabulation. Using the table provided by the City, submit a tabulation of general characteristics of the proposal including gross and net land area, number of dwellings, dwellings per acre, number of parking spaces and area of parking, solar access computation, percentage of lot covered by structures and percentage of lot remaining in required usable open space. This should indicate compliance with all zoning requirements.

(D) Development Schedule. A construction timeline schedule showing all major events, or if the project is to be constructed in phases, a schedule for each phase.

(E) State Required Documentation. The State Historic Preservation Office must be notified of any project element calling for alteration of a specially assessed or National Historic Register property. The applicant must mail one original packet to the state and submit a copy of the cover letter to the city. The information must include a cover letter briefly describing the proposed project and a copy of all submittal information required by the city, including photographs.

(F) Architectural Elevations. Architectural elevations are required to the extent necessary to adequately and reasonably permit findings that the provisions of this chapter have been met. Three (3) sets of blueprints (and one reduced set on 8 1/2" x 12" copy paper) of all architectural elevations shall be accurately drawn to a scale of sufficient size to illustrate design intent and shall meet the following requirements:

1. Architectural elevations shall illustrate where materials of construction change from one type to another or where changes in pattern occur. Materials of construction shall be specified on the architectural elevations. At a minimum, 'materials for the following design and construction features shall be specified.
 - (a) Roofing and roof pitch.
 - (b) Wall siding.
 - (c) Windows and window trim.
 - (d) All brick and masonry materials.
 - (e) Doors and door trim.
2. The location of all exterior solar, electrical, and mechanical equipment.
3. The size and location of all existing and proposed signs mounted on the exterior surface of the building, and other signs which may be displayed on the interior of a building or structure which are calculated to be visible from the exterior of the building or structure.
4. Title block with section, township and range; street address, title of proposal, names of applicant and owner, name and stamp of person preparing the plan (if applicable), and date of drawing.

(G) Exterior Materials of Construction. Samples or specific stipulations of all exterior construction materials shall be furnished, including paint chips of proposed exterior paint and stain color(s). Manufacturer's product literature may be used to specify materials of construction.

(H) Photographs of the Subject Site and Elevations of Adjacent Building(s) or Structure(s). The subject site and elevations of all adjacent structures shall be separately photographed and labeled. Each elevation shall be properly identified as north, south, east, or west elevation or view.

(I) Architectural Details. Detailed plans, drawn to scale, which accurately illustrate exterior architectural details and figures, or in the alternative, architectural details and fixtures may be specified on the architectural elevations. Manufacturer's product literature may also be submitted in lieu of detailed plans of architectural details.

(J) Legal description of the property. Usually found upon the deed.

(K) Vicinity map. Mark the location of the proposal on the vicinity map available from the city offices.

(L) Deed Restrictions. A copy of any covenants, conditions, and restrictions applicable to the subject property are required.

(M) Application Fee. An application fee for processing all applications shall be charged by the city. No part of any application fee is refundable. The amounts required for various application fees shall be established by resolution of the City Council. Fees shall not exceed the actual average cost of processing services incurred by the city.

(N) The City Planner shall assure that any former approvals or conditions of approval on the subject property have been satisfactorily met and any and all ordinance violations have been corrected. In the case where any former approvals or conditions have not been satisfactorily met or ordinance violations have not been corrected, the Planner shall notify the applicant that the application will not be processed until all outstanding conditions and/or violations have been resolved.

(O) If an application is incomplete; the city shall notify the applicant in writing of exactly what information is missing within thirty (30) days of receipt of the application and allow the applicant to submit the missing information. The applicant has one hundred eighty (180) days from the date of initial submission to submit all additional information. The application shall be deemed complete for purposes of this subsection upon receipt by the city of the missing information.

CHAPTER 18.03: SITE PLAN REVIEW PROCEDURES

Section

18.03.010	Purpose
18.03.020	Site Plan Committee
18.03.030	Procedures
18.03.040	Action of the site plan committee

§ 18.03.010 PURPOSE.

The purpose of the site plan review process is to assure quality development by buffering incompatible uses by making adequate provisions for public facilities by incorporating landscaping to improve the aesthetic appearance of a project; by thorough consideration of the natural site constraints or opportunities within the initial design stages of the project and by consideration of special public safety requirements, and by otherwise assuring compliance with development and division regulations. The function of the Site Plan Committee is to provide the connection between Titles 15, 16, 17, and 18 of the Jacksonville Municipal Code. The Site Plan Committee does not make recommendations or rulings regarding historic or visual compatibility.

§ 18.03.020 SITE PLAN COMMITTEE.

(A) The site plan committee shall consist of all applicable parties including the City Department Heads, the City Planner, City Engineer and the HARC Hearings Officer, or their designee. Applicability shall be determined by the City Planner. The committee shall have a quorum requirement of three (3) members present at any given meeting. However, in the review of an application affecting one single family dwelling and/or more minor structures, review may also be conducted through circulation of the subject proposal, if scheduling conflicts prevent a meeting.

(B) A record of site plan committee meetings shall be kept and the committee shall render its recommendations in writing and forward them to the Planning Commission, the Historical and Architectural Review Commission, or to the Hearings Officer for further proceedings. In the review of the plans, the site plan committee shall be governed by the purposes and objectives set forth in this Code.
(Am. ORD 579, passed 3-4-2008)

§ 18.03.030 PROCEDURES.

(A) Before any building permit or certificate of appropriateness shall be issued in any zoning district, a site plan for the total parcel or development shall be prepared and submitted to the site plan committee, through the City Planner, together with the appropriate filing fee. The City Planner has the authority to grant an exception to the above requirement for sign, appurtenance, and tree removal applications and may make the final decision regarding such applications if they are subject to the administrative permit process.

(B) The site plan committee shall physically inspect the subject property, either individually or as a group, before rendering their recommendation regarding Design Review applications or arriving at their final decision regarding applications which are subject to the administrative permit process.

§ 18.03.040 ACTION OF THE SITE PLAN COMMITTEE.

The site plan committee shall arrive at a final decision regarding applications which are subject to the administrative permit process, for all other applications the committee shall render a recommendation. In recommending or deciding on approval of the plan, the committee shall find that:

1. All relevant provisions of this Code are in compliance.
2. All necessary public facilities are to be provided or a recordable deferred improvement agreement to include the property in future improvements will be signed and recorded prior to the issuance of any development permits.
3. All buildings and facilities, access points, parking and loading facilities, signs, lighting, hydrants, grading, landscaping, and walls or fences are arranged and designed so as to create minimal adverse affect on the function of surrounding property by using the standards and guidelines contained in this code; to avoid traffic congestion, and to provide for pedestrian and vehicular safety and welfare, along with fire and life safety.

(Am. ORD 579, passed 3-4-2008)

CHAPTER 18.04: NOTIFICATION PROCEDURES

Section

18.04.010 Public Notice

§ 18.04.010 PUBLIC NOTICE.

(A) Public notice for Commission consideration of applications shall be as follows:

1. **Publication and Posting.** Notice of the date, time and place of the Commission meetings along with a general description of the location of the project site and proposed project and the street address or other easily understood geographical reference to the subject property shall be posted in a prominent public location at least fourteen (14) to twenty-one (21) calendar days prior to the meeting at which the Commission will consider the application. Notice shall briefly summarize the local decision making process for the application, state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost, and include the name and phone number of a local government contact person. It shall also note the issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period and that issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.
2. **Impact Area Notice.** At least fourteen (14) calendar days but no more than twenty-one (21) calendar days prior to the consideration of an application, a copy of public notice shall be sent to the correct names and mailing addresses of all fee title holders of real property situated within two hundred (200') feet of the edge of the property covered by the Level I application. For applications concerning properties for which preferential property tax status has been granted to encourage historic preservation, a copy of the notice shall be mailed to the State Historic Preservation Office within the time period specified in subsection A.
3. **Additional Public Notice.** In cases where the approval of an application would have significant or widespread impact beyond the immediate area of the request, the City Planner or Commission may expand the notice requirements to include mailed notice to adjacent and nearby properties, and mailed notice to the State Historic Preservation Office.
4. **Limited Notice.** Notice of the date, time and place that comments are due regarding a Level II or III application, along with a general description of the proposed project and the street address or other easily understood geographical reference to the subject property shall be sent to the correct names and mailing addresses of all fee title holders of real property adjoining the edge of the property subject to the application (or directly across a street) at least fourteen (14) but not more than twenty- one (21) calendar days prior to the meeting at which the Hearings Officer will consider the application.

(B) Notice shall include applicable criteria, briefly summarize the local decision making process for the application, state that copies of all evidence relied upon by the applicant are available for review and that copies can be obtained at cost, and include the name and phone number of a local government contact person. It shall also note the issues which may provide the basis for an appeal to the Land Use Board of Appeals shall be raised in writing prior to the expiration of the comment period and that issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue.

CHAPTER 18.05: HEARING AND DECISIONMAKING PROCEDURES

Section

18.05.010	Acceptance and processing of applications
18.05.020	Hearing procedures
18.05.030	Hearings officer
18.05.040	Decision criteria
18.05.050	Final action of application
18.05.060	Issuance of Certificate of Appropriateness
18.05.070	Reapplication procedures

§ 18.05.010 ACCEPTANCE AND PROCESSING OF APPLICATIONS.

(A) Applications, other than those for administrative permits, shall be accepted and processed in accordance with ORS Chapter 227, which provides:

1. If an application is complete when first submitted or the applicant submits the requested additional information within one hundred eighty (180) days of the date the application was first submitted, action on the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. The City must take final action on a land use application within one hundred twenty (120) days from the time the City Planner or designee certifies that the land use application is complete, unless a waiver of that time requirement is signed by the applicant. The one hundred twenty (120) day period may be extended at the applicant's request. If final action is not taken within one hundred twenty (120) days and a waiver of that time requirement has not been signed by the applicant, the applicant may apply to the circuit court of Jackson County for a writ of mandamus to compel the city to issue the certificate of appropriateness.
3. Any HARC application requiring a Planning Commission approval of a land use, limited land use, or expedited land use action, must obtain that approval prior to the submission of the HARC application.

(Am. ORD 579, passed 3-4-2008)

(B) If an applicant applies to the circuit court for a writ of mandamus, the city may defend its actions by showing that issuing the certificate of appropriateness would violate a substantive provision of the comprehensive plan or municipal code.

§ 18.05.020 HEARING PROCEDURES.

(A) Formal consideration of applications, other than those for administrative permits, shall follow the normal limited land use procedures established under Oregon law as supplemented by general guidance from Robert's Rules of Order. Level I applications shall be subject to a public meeting, whereas Level II and III applications are subject to a Hearings Officer decision based upon the record at the conclusion of the comment period. The Hearings Officer may elect to conduct a public hearing on an application at their discretion. At the start of an evidentiary hearing, a statement must be made that:

1. Lists the applicable objective rules and objective standards.
2. Says written, drawn or photographic evidence must be directed toward comprehensive plan criteria or land use regulation objective rules and objective standards.
3. Says failure to raise an issue through written, drawn or photographic illustration, with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on the issue.

(B) If, after deliberations have been conducted, a motion is made to grant approval subject to certain conditions, the applicant shall have an opportunity to present evidence regarding whether the proposed condition(s) will create or cause additional costs of development or take property. If the applicant presents such evidence, the HARC or the Hearings Officer shall prepare findings to demonstrate the rough proportionality between the expenses incurred from the condition imposed and the extent of the impacts which the condition is proposed to mitigate.

§ 18.05.030 HEARINGS OFFICER.

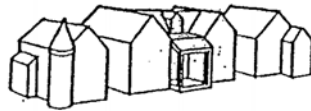
At any time, the HARC may appoint a person to serve as hearings officer(s) to conduct any or all hearings and render decisions on all matters which are designated for Level II and III review in Section 18.01.030, and to carry out all other duties and responsibilities vested in the HARC under this title, as specifically delegated by HARC, provided:

1. The hearings officer(s) is a standing member of the HARC who has been elected by a two-thirds majority roll call vote of the HARC, and who has been a member of the appropriate Commission for not less than six (6) months.
2. The hearings officer meets all qualifications for membership as set forth in ordinance.
3. Appointment of the hearings officer can be terminated at any regular meeting by a majority vote of the HARC members present, which shall then assume all normal duties under this title, including final action on all applications pending before the hearings officer prior to termination.
4. The hearings officer may refer any matter to the full HARC for consideration and action.
5. Any applicant may request and receive a hearing before the full HARC, which may also include the hearings officer if the officer is also a member of the HARC.
6. By majority vote, the HARC may recommend to the City Council that a qualified professional hearings officer be retained by the city to carry out any functions of the HARC under this section which are deemed appropriate. The resolution of the City Council authorizing a professional hearings officer shall establish the specific duties and responsibilities for that position.
7. If the Hearings Officer is not available to review an application in a timely manner due to absence or illness, the application shall be reviewed by the full HARC or its chairperson acting in the Hearings Officer's stead.
8. Any decision which requires a relief from standards shall be referred to the HARC.

§ 18.05.040 DECISION CRITERIA.

Decisions on applications for Certificate of Appropriateness under this chapter, other than those for administrative permits, shall be based upon:

- (A) The relevant zoning standards contained in Title 17 and the relevant architectural and historic protection standards contained in Chapters 18.10 through 18.30.
- (B) A "finding of compatibility" of the subject development or project within the context of its surroundings. In order to make a "finding of compatibility", new buildings and structures, and existing buildings and structures that are moved, reconstructed, materially altered, or repaired shall meet the following aesthetic criteria (all matters which are designated as requiring Level II review in Section 18.01.030 (C) shall only be required to satisfy aesthetic criteria #1, 7, 8, 10, 13 below, while all matters which are designated as requiring Level III review in Section 18.01.030 (D) shall only be required to satisfy aesthetic criteria #1 below):
 - 1. Character Criteria: First and foremost, a building, structure, or development shall conform to the Character Criteria of the Historic Character Unit within which the subject property is located. Character Criteria are those features which describe the neighborhood's own visual and physical composition. Character criteria are narrative and/or graphically depicted in the Historic Element of the Jacksonville Comprehensive Plan.
 - 2. Proportion of front façade: The relationship of the width to the height of the front elevation shall be compatible with buildings, public ways, and places to which it is visually related.



“Consider these approaches”

“Not these”

3. Proportion of openings: The relationship of the width to the height of windows shall be compatible with buildings, public ways, and places to which the building or structure is visually related.



“Consider this approach”

“Not this one”

4. Rhythm of solids to voids in front facades: The relationship of solids to voids in the front façade of a building shall be compatible with buildings, public ways, and places to which it is visually related.



“Consider this approach”

“Not this one”

5. Rhythm of spacing and buildings on streets: The relationship of a building or structure to the open space between it and adjoining buildings or structures shall be compatible with buildings, public ways, and places to which it is visually related.



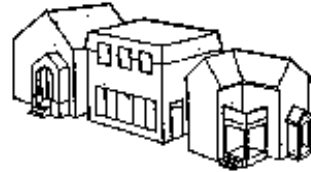
“Consider this approach”

“Not this one”

6. Rhythm of entrance porch and other stylistic features and projections: The relationship of entrances, cupolas, cornices, detail and other stylistic features and projections to sidewalks shall be compatible with buildings, public ways, and places to which it is visually related.



“Consider this approach”

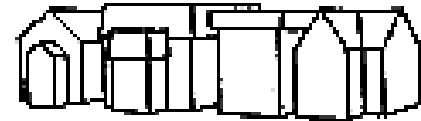


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7. Relationship of materials, texture, and color: The relationship of the materials, texture, and color of the façade shall be compatible with buildings, public ways, and places to which it is visually related
8. Roof shapes and treatment: The shape and treatment of a building shall be compatible with buildings, public ways, and places to which it is visually related.



“Consider this approach”



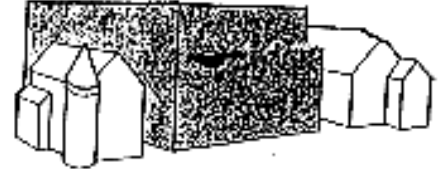
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9. Walls of continuity: Building facades and appurtenances, such as walls, fences, and landscape masses, shall, when it is a characteristic of the area, form cohesive walls of enclosure along a street, to ensure compatibility with the buildings, public ways, and places to which such elements are visually related.

10. Scale of a building: The size and mass of buildings and structures in relation to open spaces, windows, door openings, porches, and balconies shall be compatible with buildings, public ways, and places to which they are visually related.



Consider – Relating the size and proportions of new structures to the scale of adjacent Buildings. Although much larger than its Neighbors in terms of square footage, the Building shown maintains the same scale and Rhythm as the existing buildings.



Avoid – Buildings that in height, width, or massing violate the existing scale of the area. The new building shown here disrupts the scale and rhythm of the streetscape, although it might be appropriate in a different location.

11. Directional expression of front elevation: A building or structure shall be compatible with buildings, public ways, and places to which it is visually related in its directional character, horizontal character, or non - directional character.



“Consider this approach”



“Not this one”

12. Height: The height of the proposed buildings and structures shall be visually compatible with adjacent buildings.

13. View shed protection: A building or structure shall be visually compatible with the key view sheds described in the Historic Element of the Jacksonville Comprehensive Plan; or identified in the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer.

§ 18.05.050 FINAL ACTION OF APPLICATION.

(A) Final decisions by the Commission or the Hearings Officer shall be one of the following:

1. Unconditional approval. In cases where no mitigating conditions are needed and where the application and plans, as submitted, require no changes or modifications, the HARC, the Hearings Officer, or the City Planner may unconditionally approve applications, provided that all construction shall be in accordance with the approved application and plans thereof.

2. Conditional approval. In cases where modification of plans is required to meet the standards contained in this Ordinance, or to otherwise minimize or mitigate anticipated adverse impacts directly attributable to the granting of a Certificate of Appropriateness, the HARC, the Hearings Officer or the City Planner may impose conditions which must be met by the applicant as prerequisites to final approval. If the applicant presents evidence that a condition would cause additional costs of development or take property, the HARC or the Hearings Officer shall prepare findings to demonstrate the rough proportionality between the expenses incurred from the condition imposed and the extent of the impacts which the condition is proposed to mitigate.

Where conditions are imposed, they shall be clearly set forth in the FINAL ORDER granting conditional approval and in a recorded Building Site Improvement Agreement, and they shall be limited to the following:

- (a) Requiring final modified plans which illustrate changes proposed by the applicant or otherwise required as conditions of approval.
- (b) Requiring specific architectural modifications to meet standards contained in this title. Architectural modifications can mean changes in design, materials of construction or colors, and may relate to modifications in the height, bulk, setback or coverage of structures.
- (c) Requiring specific site planning modifications to meet standards contained in the Unified Development Code. Site planning modifications can mean changes in design or materials related to landscaping and irrigation, walls, fences, driveways, streets, sidewalks and walkways, exterior lighting, garbage receptacles, appurtenances, off-street parking (covered and open), or the protection of public improvements or facilities situated within the boundaries of the property covered by the application.
- (d) Requiring the retention of existing natural features and vegetation as otherwise required by the city's comprehensive plan and ordinances.
- (e) Requiring upgrading to prevailing city standards any public facility providing or proposed to provide direct service to property covered by the application, or requiring upgrading of the frontage portion of any street(s) adjoining property covered by the application or that portion of a street which, at the time of application, would provide access primarily for the benefit of the applicant's property.
- (f) Requiring the submittal, review and HARC, Hearings Officer, or City Planner approval of final working drawings and construction documents.

1. Denial. Applications may be denied only under the following circumstances:

- (a) In cases where a clear violation of Oregon State Law or the Jacksonville Municipal Code would necessarily result from such approval, or,
- (b) In cases where an application is found to be in noncompliance with relevant standards of approval contained in this title.
- (c) In cases where an application and plans have been accepted but where the proposed plans deviate so substantially from standards of design approval contained in this title and the requirements of visual compatibility that it is not reasonably possible to impose conditions which would otherwise correct the deviations.

(B) In cases where applications are denied, the FINAL ORDER shall clearly set forth the facts and conclusions as to why conditional approval was not reasonably possible under this subsection.

(C) All actions by the Commission or the Hearings Officer on applications shall be finalized with a written FINAL ORDER signed by the Chairman or the Hearings Officer which clearly sets forth the facts and conclusions relied upon in rendering the decision, and conditions of approval, if any, which are imposed by the Commission or the Hearings Officer. Once signed by the Chairman or the Hearings Officer, copies of all FINAL ORDERS and a "notice of decision" shall be sent by first class mail to the applicant, authorized agent and property owner (if different from the applicant), along with any parties who submitted comments regarding the application. The "notice of decision" must include a date of mailing and an explanation of appeal rights.

§ 18.05.060 ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS.

(A) No building or other permit shall be issued in any case where a Certificate of Appropriateness is required by the provisions of this ordinance until expiration of the appeal period. A properly filed appeal shall automatically stay the issuance of a Certificate of Appropriateness and all other city permits dependent thereon pending final outcome of the appeal proceeding.

(B) Authorization of a Certificate of Appropriateness shall be void after one (1) year or such lesser time as the authorization may specify unless substantial construction has taken place. However, the city may extend authorization for an additional period not to exceed one (1) year on request of the applicant.

(C) No building permit may be issued for any project until the city has determined that construction plans submitted for a building permit substantially comply with final design plans and specifications upon which a Certificate of Appropriateness has been granted. An applicant shall submit construction plans to the city for review and approval by the Building Inspector. Building permits shall only be issued for projects bearing the signature of the Building Inspector and ink stamped seal which reads "FINAL APPROVED PLANS".

(D) A Certificate of Appropriateness is not transferable from the subject property to another property and the privileges it grants are limited to the location and activity for which it was issued.

§ 18.05.070 REAPPLICATION PROCEDURES.

After denial of an applicant's proposal and/or plans, the applicant may resubmit his proposal and/or plans on the following conditions:

1. The applicant shall have the benefit of the appeal procedures as set forth in Chapter 18.06.
2. After a one (1) year period from the date of denial, the applicant may submit their plans for consideration by the full HARC or the Hearings Officer, demonstrating changes in conditions or designs which mitigate the original reasons for denial.
3. The applicant's original proposal, which was denied, has been altered to a degree which the City Planner determines to be a significant change and as such able to be considered by the full HARC as a new submittal.

CHAPTER 18.06: APPEAL PROCEDURES

Section

- 18.06.010 Individual appeal
- 18.06.020 Review on motion by City Council

§ 18.06.010 INDIVIDUAL APPEAL.

(A) Any party receiving a "notice of decision" may appeal to the City Council by filing written notice with the City Recorder. Appeals shall be governed by the procedures set forth in Chapter 17.112, including public notice provisions set forth in Section 18.04.010 (A & B), provided, however, that the appeal period shall be fourteen (14) days following the date of mailing on the "notice of decision".
(ORD. 547, passed 5-17-2005)

(B) The filing of an appeal to review a FINAL ORDER of the HARC or Hearings Officer shall automatically stay the issuance of a Certificate of Appropriateness and all other city permits dependent thereon pending the final outcome of City Council review and proceedings.

§ 18.06.020 REVIEW ON MOTION BY CITY COUNCIL.

Any action by the HARC or Hearings Officer on application may be considered by the City Council on its own motion, provided.

1. The City Council calls the matter up for review by a majority vote within seven (7) business days following the date of mailing on the "notice of decision".
2. The City Council may affirm, reverse or modify a FINAL ORDER of the HARC or Hearings Officer including the addition, deletion or modification of conditions of approval, when supported by findings complying with this title.
3. Passage of a motion to review a FINAL ORDER of the HARC or Hearings Officer shall automatically stay the issuance of a Certificate of Appropriateness and all other city permits dependent thereon pending the final outcome of City Council review and proceedings.
4. City Council review under this section shall be limited to the record before the HARC or Hearings Officer.

CHAPTER 18.07: REVOCATION OR MODIFICATION PROCEDURES

Section

- 18.07.010 Revocation
- 18.07.020 Modification

§ 18.07.010 REVOCATION.

A Certificate of Appropriateness, and all other City Permits issued under this title, may be revoked through an order of the HARC for the following conditions.

1. After recording a "Building Site Improvement Agreement", the applicant or any of their agents fails to abide by all of the conditions set forth and/or referenced in that document, or
2. If it is demonstrated by the Hearings Officer or the City Planner that the facts upon which the approval of the Certificate of Appropriateness was based were misrepresented or erroneous.
3. If it is found by the Building Inspector or City Planner that the applicant or any of their agents fails to abide by the approved set of building plans or any conditions set forth in the approval, the Building Inspector shall immediately issue a stop work order and refer the matter to the City Planner for action under this Chapter.

§ 18.07.020 MODIFICATION.

A Certificate of Appropriateness, and all other City Permits issued under this title, may be modified through an order of the HARC or the Hearings Officer under the following conditions:

1. Applicant holds a pre-application conference with the City Planner pursuant to Chapter 18.02.
2. Applicant submits a new application with all appropriate plans and documents and all changes listed.
3. The modified application is heard before the full HARC or the Hearings Officer.

CHAPTER 18.08: LIMITATION ON NEW APPLICATION

Section

18.08.010 Limitation on new application.

§ 18.08.010 LIMITATION ON NEW APPLICATION.

In the event where any application allowed or provided for by the provisions of the Unified Development Code is finally denied after exhaustion of all local appeals, unless the denial is specifically stated to be without prejudice, it shall not be eligible to be re-submitted for the period of one (1) year from the date of final denial unless, in the opinion of the HARC, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.

CHAPTER 18.10: HISTORIC RESIDENTIAL STANDARDS

Section

18.10.010	Landmark protection
18.10.020	Application to historical dwellings
18.10.030	Materials standards
18.10.040	Utilities and mechanical equipment standards
18.10.050	Maintenance standards

§ 18.10.010 LANDMARK PROTECTION.

(A) For the purpose of design review, reference should be made to the Jacksonville Landmark List, the 1980 Historical Survey and the 1999 Inventory Update prepared by Gail Evans and the 1993 Historic Resource Inventory Update prepared by George Kramer. The historic resources identified in those inventories must be preserved if Jacksonville is to retain its National Historic Landmark designation.

(B) The purpose of this section is to preserve the historic character of the Historic District as a whole, including its similarity of design, materials, pedestrian scale and harmonious pattern. The following guidelines are intended to comply with the Secretary of the Interior's Standards for Historic Preservation.

§ 18.10.020 APPLICATION TO HISTORICAL DWELLINGS.

All maintenance, remodeling and replacement construction of historic contributing dwellings must comply with the following principles and standards, as complemented by the guidelines contained in Section VII (A) & (B) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group (also see National Park Service Preservation Brief #14 for additional guidance):

Preservation Principles:

1. If remodeling is required for a new use, the remodeling must not damage or destroy the historic quality and character of the structure or site.
2. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
3. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site must not be damaged or destroyed.
4. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

5. Changes that have taken place over the years are evidence of the history and development of a structure, or site and its environment. Changes that have been constructed during the historic period and acquired significance in their own right must not be damaged or destroyed.
6. A contemporary addition or alteration may be made to a historic structure if it does not damage or conceal significant historical, architectural or cultural material. The design must be compatible with the size, scale, color, material, massing and character of the property, neighborhood and environment.
7. An addition or alteration must be so constructed that if it is removed in the future, the original form and integrity of the structure can be easily recovered.

§ 18.10.030 MATERIALS STANDARDS.

(A) No mirrored or tinted glass is to be used.

(B) No vinyl or mill finish aluminum windows, doors, or screens are to be installed on a historic dwelling.

(C) Shutters are not to be installed on a structure unless they were previously associated with the structure during the historical period of significance or there is a specific historic reference to their use on the structure.

(D) Materials used for finishes on structures must be authentic and not modern attempts to replicate historic and traditional materials. Prohibited materials include scored plywood similar to T1-11, simulated wood pressboard, aluminum, steel, fiberglass, vinyl, and similar.

(E) If existing siding is wood, replacement siding must be wood siding of a pattern and size consistent with material used for homes constructed within the late 1800's (usually horizontal boards with an exposure face patterns of no greater than six (6") inches. Wood may be left to weather naturally or be painted or stained.

(F) Roofs generally have shingles, although a few examples have corrugated galvanized iron roofing.

(G) Diagonal wood siding, stucco, glazed tile, mirror or tinted glass, shiny metal finishes and imitation used brick or stone are not allowed, unless proven to have been used as an original construction material.

(H) Colors must be selected from HARC approved color charts.

§ 18.10.040 UTILITIES AND MECHANICAL EQUIPMENT STANDARDS.

(A) Utility lines: All utility lines and entry service should be located away from high use areas and main entrances or screened in an approved manner. Wherever possible, placing utilities underground shall be encouraged.

(B) Exterior lighting: All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting shall be shielded and directed downward so that the light source will not be seen off the property.

(C) Solar energy devices: Where solar energy is to be used as a primary or complementary source of energy, solar collection devices should be located on the rear or other nonpublic side of a building which is not visible from adjacent streets or other public areas in the city.

(D) Mechanical equipment: To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on visible facades. Antennas should be located where they are not visible on the facade or public areas. Mechanical equipment on the ground should be screened with a fence or plant materials, or housed in a structure which is in harmony with the surroundings. Plumbing or heating vents attached to the side or roof of a building should be kept as low as possible and covered or painted to blend with the background. No roof mounted heating or cooling units or ductwork are allowed.

§ 18.10.050 MAINTENANCE STANDARDS.

All maintenance of historic dwellings must comply with the following:

1. Deteriorated architectural features should be repaired rather than replaced, if possible. If replacement is necessary, new material must match the original material. Repair or replacement of missing architectural features must be based on accurate duplications of features substantiated by physical or pictorial evidence rather than on conjectural designs or substitute architectural features from another structure.
2. Exterior surface cleaning must be undertaken with the gentlest means possible, such as low pressure water. Sandblasting and other methods that damage materials are prohibited.
3. The historically distinguishing qualities of a structure or site must not be damaged through the removal or alteration of any historic material or distinctive architectural features.
4. Mature landscaping must be maintained. If old landscaping dies out, it must be replaced with historically correct or compatible species.

CHAPTER 18.11: CONTEMPORARY RESIDENTIAL STANDARDS

Section

- 18.11.010 Community aesthetics
- 18.11.020 Required compliance

§ 18.11.010 COMMUNITY AESTHETICS.

(A) The purpose of this section is to preserve the historic character of the City as a whole, including its harmony of design, materials, pattern, and pedestrian scale.

(B) For the purpose of design review, Jacksonville dwellings other than those described as Historic Resources in the Jacksonville Landmark List, the 1980 Historical Survey and the 1999 Survey Update prepared by Gail Evans and the 1993 Historic Resource Inventory Update prepared by George Kramer are classified as contemporary dwellings. These recent structures, even though of contemporary design, must be compatible with the city's National Historic Landmark designation and must comply with community standards.

(C) To preserve the integrity of the National Historic Landmark District, contemporary dwellings must be clearly differentiated from, but compatible with, historic dwellings in their design details. There should be a distinction between new and old architecture.

§ 18.11.020 REQUIRED COMPLIANCE.

(A) The ratio of height to width of the building should be compatible with nearby buildings. The shape, size, open and enclosed areas and building elements should, as a combined unit, produce a directional emphasis which is similar to nearby buildings. Where a grid pattern exists, building should be aligned parallel to existing structures or the street to maintain the traditional pattern. All maintenance, remodeling and new construction of contemporary dwellings, including manufactured housing, must comply with the following standards, as complemented by the guidelines contained in Section V11 (A) & (C) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group: (See diagram - pg. 29, Section VII)

1. **Allowable Floor Area** (applies to conforming and nonconforming lots of record):

Lot Size Detached Residential Dwellings (Square Feet)	Allowable Square Feet
0--3,000	80' square feet of floor area for each 100' in lot area, up to a maximum of 2,400' square feet of floor area.
3,000--6,000	2,400' square feet of floor area, plus 28' square feet of floor area for each additional 100' square feet in lot area, up to a maximum of 3,240' square feet of floor area.
6,000--9,000	3,240 square feet of floor area, plus 14 square feet of floor area for each additional 100 square feet in lot area, up to a maximum of 3,660 square feet of floor area.
9,000--15,000	3,660' square feet of floor area, plus 6' square feet floor area for each additional 100' square feet in lot area, up to a maximum of 4,020' square feet of floor area.
15,000--50,000	4,020' square feet of floor area, plus 5' square feet of floor area for each additional 100' square feet in lot area, up to a maximum of 5,770' square feet of floor area.
50,000+	5,770' square feet of floor area, plus 2' square feet of floor area for each additional 100' square feet in lot area.

2. **Siting:** In all cases the total lot coverage allowed in Title 17 shall not be exceeded. All new buildings should face the street where feasible. Primary ground floor entrances must orient to streets and the pedestrian entrance shall be the visually predominant entrance. The original topography and grade of building sites should be maintained to the greatest extent feasible.
3. **Roof Form:** Size, shape and type (generally a simple gable or hip roof) that will blend with nearby structures. To the extent possible, roof area should be reduced to limit heat losses. Large roof or upper story overhangs over south and west walls to reduce solar gain on hot summer days are encouraged, if found to be visually compatible.
4. **Roof Materials:** Class A or B fire rating. Materials should be compatible with adjacent structures.
5. **Cornice:** If a cornice is used, it must be a well proportioned, simple, flat cornice extending out approximately six (6") to twelve (12") inches with frieze below of between twelve (12") to eighteen (18") inches. Narrow cornice is not allowed.

6. **Facade:** The facade must be in proportion, materials and volume similar to the facades on nearby structures. Wherever possible and compatible, the front facades should be varied, articulated, and vertical, i.e., higher than they are wide. Many older homes were two story structures because they were easier to heat; there are still energy savings to be gained from shared floors and reduced surface area. In no case shall the facade of a building consist of an unarticulated blank wall or an unbroken series of garage doors.
7. **Windows:** Double hung, fixed, sliding or casement windows with simple trim. Wood or vinyl clad wood is preferred over metal. Metal- framed windows must be clad or painted. Natural ventilation is historically appropriate; openings should be designed to promote cross ventilation and to allow hot air to escape.
8. **Doors:** Panel doors with one (1) to six (6) panels for exterior doors.
9. **Ornamentation:** No additional ornamentation beyond that found in the window and door trim, and the cornice and roof trim, unless of an identified historic style appearing in the above-referenced Guidelines.
10. **Colors:** Any of the city's approved colors is appropriate. As a recommendation, use of white or light cream for painted facades, dark green or gray for sash and a medium color for trim and accents.
11. **Landscaping:** Use foliage to soften house lines near the structure and tall trees to shade the entire property during the summer. Native/naturalized and drought tolerant plants are preferred.
12. **Porches:** Simple porches are encouraged. They should be covered with a hip, shed, gable or flat roof with simple posts and handrails which are void of ornamentation and compatible in size and shape and integrated into overall design of the structure, unless of an identified historic style appearing in the above-referenced Guidelines.
13. **Siding:** In areas subject to Level I Design Review, siding materials are to be the same on all sides of the house. Vinyl siding, scored plywood or sheet siding which exceeds (36") inches in total vertical width are not allowed. Brick, true stone, log construction, or wood siding are appropriate and are allowed. In all other areas, brick, true stone, log construction, wood siding or materials that look like horizontal wood siding are appropriate and are allowed. Medium width corner boards must be used if drop, rustic or channel siding is used; narrow corner boards if clapboard siding is used.
14. **Foundations:** Exposed foundation walls should be as inconspicuous as possible (a maximum of four (4') feet in height) and be compatible with the style of the building. Brick, wood skirting, poured concrete with a stucco wash, and true stone are examples of appropriate materials and are allowed.
15. **Utility Lines:** All utility lines and entry service should be located away from high use areas and main entrances or screened in an approved manner.
16. **Exterior Lighting:** All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Exterior lighting shall be shielded and directed downward so that the light source will not be seen off the property.
17. **Solar Energy Devices:** Where solar energy is to be used as a primary or complementary source of energy, solar collection devices should be located on the rear or other nonpublic side of a building which is not visible from adjacent streets or other public areas in the city.

18. **Mechanical Equipment:** To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on visible facades. Antennas should be located where they are not visible on the facade or public areas. Mechanical equipment on the ground should be screened with a fence or plant materials, or housed in a structure which is in harmony with the surroundings. Plumbing or heating vents attached to the side or roof of a building should be kept as low as possible and covered or painted to blend with the background. No roof mounted heating or cooling units or ductwork are allowed.
19. **Other:** New structures must be compatible with surrounding structures in terms of setbacks, massing, scale, and street rhythm and not overwhelm or compete for attention. Where a new structure is located on the same property as a historic structure or on a parcel that is adjacent to a historic structure, the new structure must be of like or compatible material as determined by HARC.
20. To promote the use of energy-efficient, sustainable, developments shall exceed the minimum required standards for both building and site design.

(ORD. 547, passed 5-17-2005; Am. ORD 579, passed 3-4-2008)

(B) Building materials should convey durability and permanence, and should be suitable to the Rogue Valley climate.

CHAPTER 18.12: HISTORIC COMMERCIAL STANDARDS

Section

18.12.010	Landmark protection
18.12.020	Addition and remodeling
18.12.030	Material standards
18.12.040	Utilities and mechanical equipment standards
18.12.050	Maintenance

§ 18.12.010 LANDMARK PROTECTION.

(A) Jacksonville is a National Historic Landmark. It is also a very scenic community. To protect both the landmark designation and community aesthetics, all structures must meet community standards of appearance. The community has an obligation to protect the qualities that led to this designation as a National Historic Landmark.

(B) Jacksonville is unique in the United States for having one of the most intact and complete 19th century commercial and residential groupings of buildings still remaining. Much of the charm and character of Jacksonville is embodied in its well preserved and little altered architecture, in the harmony and subtle differences between buildings and in the intact commercial core area with its surrounding residential buildings.

(C) The purpose of this section is to preserve the historic character of the Historic District as a whole, including its similarity of design, materials, pedestrian scale and harmonious pattern. The guidelines are intended to comply with the Secretary of the Interior's Standards for Historic Preservation.

§ 18.12.020 ADDITION AND REMODELING.

All historic commercial resource maintenance, remodeling and replacement construction must comply with the following standards, as complemented by the guidelines contained in Section V1 (A) & (B) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group

1. The original topography and grade of building sites should be maintained.
2. If remodeling is required for a new use, it must not damage or destroy the historic quality and character of the structure or site.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.
4. Distinctive stylistic features or examples of skilled craftsmanship that characterize a structure or site must not be damaged or destroyed.
5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural

6. designs or the availability of different architectural elements from other buildings or structures.
7. Changes that have taken place over the years are evidence of the history and development of a structure, or site and its environment. Changes constructed during the historic period and that have acquired significance in their own right must not be damaged or destroyed.
8. A contemporary addition or alteration may be made to a historic structure if it does not damage or conceal significant historical, architectural or cultural material. The design must be compatible with the size, scale, color, material, massing and character of the property, neighborhood and environment.
9. An addition or alteration must be so constructed that if it is removed in the future, the original form and integrity of the structure can be easily recovered.

§ 18.12.030 MATERIAL STANDARDS.

(A) No mirrored or tinted glass is to be used.

(B) No vinyl or aluminum windows, doors or screens are to be installed on a historic commercial structure.

(C) Shutters are not to be installed on a structure unless they were previously associated with the structure during the historical period of significance or there is a specific historic reference to their use on the structure.

(D) When exterior treatments are proposed which are not specifically referenced in this chapter, the appropriate standards in Chapter 18.13 shall be utilized.

(E) Exterior siding must be authentic and not modern attempts to replicate historic and traditional materials. Prohibited materials include scored plywood, simulated wood pressboard, textured aluminum steel, fiberglass, glazed tile, imitation brick or stone, studio, shiny metal and similar.

(F) Colors must be selected from HARC approved color charts.

§ 18.12.040 UTILITIES AND MECHANICAL EQUIPMENT STANDARDS.

(A) Utility lines: All utility lines and entry service should be located away from high use areas and main entrances or screened in an approved manner. Wherever possible, utilities shall be undergrounded.

(B) Exterior lighting: All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting should be shielded.

(C) Mechanical equipment: To minimize the impact of mechanical equipment on the appearance of the building and the community, window air conditioning units or condenser elements should not be located on visible facades. Antennas should be located where they are not visible on the facade or public areas. Mechanical equipment should be screened with a fence or plant materials, or housed in a structure which is in harmony with the surroundings. Plumbing or heating vents attached to the roof of a building should be kept as low as possible and covered or painted to blend with the background.

§ 18.12.050 MAINTENANCE.

All maintenance of historic commercial resources must comply with the following:

1. Deteriorated architectural features must be repaired rather than replaced, if possible. If replacement is necessary, new material must match the original material. Repair or replacement of missing architectural features must be based on accurate duplications of features substantiated by physical or pictorial evidence rather than on conjectural designs or substitute architectural features from another structure.
2. Exterior surface cleaning must be undertaken with the gentlest means possible, such as low pressure water (see National Park Service Preservation Brief #6, "Dangers of Abrasive Cleaning to Historic Buildings"). Sandblasting and other methods that damage materials are prohibited.
3. The historically distinguishing qualities of a structure or site must not be damaged through the removal or alteration of any historic material or distinctive architectural features.
4. Mature landscaping must be maintained. If old landscaping dies out, it must be replaced with historically correct or compatible species.

CHAPTER 18.13: CONTEMPORARY COMMERCIAL STANDARDS

Section

- 18.13.010 Community aesthetics
- 18.13.020 Required compliance

§ 18.13.010 COMMUNITY AESTHETICS.

For the purpose of design review, Jacksonville buildings other than those described as Historic Resources in the Jacksonville Landmark List, the 1980 and 1999 Historical Surveys prepared by Gail Evans and the 1993 Historic Resource Inventory Update prepared by George Kramer are classified as contemporary buildings. Even though new commercial structures are of contemporary design, they must be compatible with the city's historic character.

§ 18.13.020 REQUIRED COMPLIANCE.

(A) The ratio of height to width of the building should be compatible with nearby commercial buildings. The shape, size, open and enclosed areas and building elements should, as a combined unit, produce a directional emphasis which is similar to nearby commercial buildings. Where a grid pattern exists, building should be aligned parallel to existing structures or the street to maintain the traditional pattern.

(B) All maintenance, remodeling and new construction must comply with the following standards, as complemented by the guidelines contained in Section V1 (A) & (C) of the Design Guidelines for Jacksonville, Oregon, prepared by The Architectural Resources Group:

1. **Siting:** All new buildings should face the street. Primary ground floor building entrances must orient to plazas, parks, or pedestrian oriented facilities, not to interior blocks or parking lots. Commercial buildings have zero front yard setbacks, unless lot size, shape, or topography prohibits such a relationship. The original topography and grade of building sites should be maintained.
2. **Roof:** Flat or gently pitched roofing of Class A or B fire resistant material. Steeply pitched roofs of similar material that are hidden behind a facade may be permitted if deemed appropriate.

Not allowed: steeply pitched gable or hip roofs that can be seen from the street.

3. **Parapet:** Stepped or flat front. Side and rear parapet walls are allowed as well.

Not allowed: front parapet wall or a parapet with a sloped or gable end rather than one stepping up to the center of the front facade.

4. **Cornice:** Horizontal cornice of broad fascia boards, with or without uniformly spaced brackets below extending from a plain brick facade or simply detailed fascia boards.

Not allowed: a small, thin cornice with no brackets, irregularly spaced brackets or very small brackets.

5. **Siding:** May be of unpainted brick, stucco, or wood siding (channel, "v" rustic or drop).

Not allowed: diagonal wood siding, siding which exceeds thirty-six (36") inches in total width, scored plywood or "false" materials such as "Permastone," glue on brick, or vinyl.

6. **Display Windows:** Required. Must be of large sheets of glass or divided by mullions and muntins into lights no smaller than twelve (12") inches in any dimension. Material must be wood (clad, painted or clear finish), steel or anodized aluminum with a dark finish such as bronze or dark gray.

Not allowed: window divisions smaller than twelve (12") inches, bare aluminum, and unpainted steel or unfinished wood.

7. **Side and Rear Windows:** Must be double hung with one (1) over one (1) or two (2) over two (2) sashes or sliding or casement windows. Material must be wood (clad, painted or clear finish), steel or anodized aluminum with a dark finish such as bronze or gray.

Not allowed: non-anodized aluminum, unpainted steel or unfinished wood.

8. **Doors:** Panel doors shall have two (2) to six (6) panels. Doors may have glazing in the door if stiles are no less than four (4") inches and rails no less than eleven (11") inches. Material must be wood (clad, painted or clear finish), steel or anodized aluminum with a dark finish such as bronze or gray.

Not allowed: bare aluminum doors; sliding doors on the front facade; doors that mimic an earlier period such as "X-Cross" panel doors, "Colonial" five-panel doors; flush (flat) doors.

9. **Glazing:** Clear glass.

Not allowed: mirror or tinted glass or films applied to glass, glass block.

10. **Shutters:** None allowed

11. **Canopies:** Galvanized metal or wood simple pitch canopies must respect the integrity of the building facade and be compatible with the same. Canopies are suspended from the facade by rods or chains.

Not allowed: translucent or opaque plastic panels in canopies.

12. **Awnings:** Canvas, cloth or other natural materials such as muslin are allowed. Awnings must be of traditional form such as extension awning, rigid or collapsible, with plain valance and side panels. Awnings shall be of a uniform solid color. Pitch of awning must be not steeper than forty-five (45) degrees from the horizontal. Awnings must respect the integrity of the individual architectural bays and not span an entire series of bays. (See Secretary of Interior's Standards)

Not allowed: enameled metal awnings or plastic awnings such as vinyl; barrel or square extension awnings, internally illuminated awnings, awnings with stripes, letters, numbers, or graphics; tarpaulin coverings in place for more than one (1) week.

13. **Balconies and Exterior Stairs:** Front facade wood balconies above the sidewalk with wood top and bottom railings and turned balusters. The profile of the balusters is important to the character of the balcony as a whole. Modern turned balusters are commonly much too thin for their height. Balusters with less than six (6") inch boxed minimum diameter are prohibited.

14. **Side and rear balconies and exterior stairs:** Constructed of wood or painted metal with simple top and bottom railings and simple rectangular balusters uniformly spaced along the railing. Exterior stairs have simple open risers and wood treads. Stair railings must be similar to balcony railings.

Not allowed: railings which use thin modern balusters or ornate side and rear railings; steel or concrete stairs or railings.

15. **Finials and Flagpoles:** Wood or metal finials and wood flagpoles mounted on the front parapet in the center of the front parapet. Finials and flagpoles must be painted.

Not allowed: bare aluminum or other metal flagpoles unpainted, flagpoles extending more than fifteen (15') feet above the top of the parapet, or more than three (3) flagpoles per structure.

16. **Mechanical Equipment Including Roof Mounted:** Must be mounted so it is not visible from the ground thirty (30') feet from the foot of the building) at the front, sides or rear of the structure, or is screened from view by solid or louvered panels that match the architecture.

Not allowed: equipment exposed to view from the ground.

17. **Foundations:** Exposed foundation walls should be as inconspicuous as possible (a maximum of four (4') feet in height) and be compatible with the style of the building. Brick, wood skirting, poured concrete with a stucco wash, natural color split-faced block, and true stone are examples of appropriate materials

18. **Utility Lines and Boxes:** All utility lines and entry service should be located away from high use areas and main entrances or screened in an approved manner. Wherever possible, utilities should be undergrounded. Location and size of utility components shall be indicated on the plans and shall be located in such a manner as to not be visible from the right of way.

19. **Exterior Lighting:** All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting should be shielded.

20. **Lighting:** As Jacksonville remained non-electrified until 1900, all exterior fixtures must avoid any antique appearance. Fixtures shall be of simple appearance which do not draw attention to their modernity and be of pedestrian scale.

Not allowed: "antique" fixtures that try to recreate the appearance of an era other than 1855-1910, including "Colonial" or "Federal" modern fixtures that draw attention to their design such as "amber crackle finish" globe fixtures; lights that sparkle, twinkle, rotate or flash, neon or similar lighting, row lights that outline the features or the perimeter of the building (except on a temporary basis during the November through December Christmas season).

21. **Window Air Conditioners:** For remodel, must be mounted on window so it is inside the structure and the air intake does not extend beyond the exterior face of the structure. Mounted above ground floor door in the transom area if it is screened from the street by an awning, louvered panel or canopy.

Not allowed: on new construction.

22. **Downspouts:** Natural copper or galvanized metal. Not allowed: plastic exposed pipe.

23. **Paint Colors:** Generally, any color of the city's list of approved colors is appropriate. As a recommendation, use white or light cream for painted facades, dark green or gray for sash and a medium color for trim and accents.

24. **Facade:** Brick must be red, varying from yellow-red to plum-red. Wood siding may be left to weather naturally, be painted, or stained a flat, light color such as white, cream, beige or gray.

25. **Trim:** Wood may be left to weather naturally or be painted or stained true green, dark green, green-black, gray, brown or gray-blue.

Not allowed: bright, fluorescent or intense colors, dark, heavily pigmented or metallic colors; colors not on city's list of approved colors.

CHAPTER 18.14: VIEW SHED STANDARDS

Section

18.14.010 Mitigation measures

§ 18.14.010 MITIGATION MEASURES.

(A) If development of a property would impact one of the views sheds identified in the Jacksonville Landmark List, the 1980 and 1999 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, its impacts will be required to be mitigated using one (1) or several of the following measures:

1. Limitations on building by elevation on higher, more visible, properties.
2. Increased shading and landscape standards with the goal of screening new projects from view.
3. Stringent limitation on permissible building materials, particularly roofing, to promote non-reflective surfaces that blend into the background.
4. Building footprint limitations, encouraging small massing or varied rooflines that can hide beneath existing foliage, or requiring the planting of compatible tree cover that will screen new development.
5. Increase setbacks along key view shed corridors and stringent tree removal standards to avoid destruction of existing street canopies.

(B) Vegetation in the right-of-way should be encouraged except where removal is designed to improve view, or resolve critical safety issues.

(C) Any new above ground utility lines in the view shed or above tree line is prohibited. Utilities located in view sheds should be moved out of sight during any change in alignment or configuration. In concert with the Oregon Public Utility Commission, any new high voltage transmission right-of-ways in the view shed should be precluded.

CHAPTER 18.15: SIGN REGULATIONS

Section

18.15.010	Signs, general authority
18.15.020	Purpose
18.15.025	Sign permits required
18.15.030	Application
18.15.040	Exempt signs
18.15.050	Temporary signs
18.15.055	Prohibited Signs
18.15.060	General sign guidelines and standards
18.15.070	Residential districts
18.15.080	Historic Core (HC) district
18.15.090	General Commercial (GC) district
18.15.100	Nonconforming signs
18.15.110	Termination of signs by abandonment

§ 18.15.010 SIGNS, GENERAL AUTHORITY.

In all areas of the city, a certificate of appropriateness must be obtained from the historical and architectural review commission hearings officer before any sign, except those specifically exempted, is erected, placed, painted, constructed, carved or otherwise given public exposure. The sign provisions of this chapter may be considered as a part of a larger application or separately. Applications shall be filed with the Planning Department on an appropriate form in the manner prescribed by the city, accompanied with an application fee in the amount established by general resolution of the city council. The Planning Department shall issue a certificate of appropriateness only after approval by the hearings officer.

§ 18.15.020 PURPOSE.

Sign guidelines and criteria can enhance the economic vitality and contribute to the visual quality of the city. Well-designed signs attract the eye, complement each other and draw attention to the buildings containing the businesses for which they are intended to advertise. Signs are necessary to communicate information about places, goods, services and amenities. As such, they have a useful function, they should not confuse; they should inform with clarity. Signs are a part of the town's streetscape. Signage, in a collective sense, has a civic obligation to be in character with the rest of the streetscape. Good signage is an art form that should be addressed with sensitivity. In addition to communicating information, signage is an architectural element. Signs on buildings should not dominate or obscure the architecture of the building. A sign on a building should be compatible or integrated with its architecture.

§18.15.025 SIGN PERMITS REQUIRED.

(A) No person shall place on, or apply to, the surface of any building, any painted sign, or erect, construct, place or install any other sign, unless a sign permit has been issued by the city for such sign. Application for a sign permit shall be made by the permit tee in accordance with Section 18.15.030.

(B) No person having a permit to erect a sign shall construct or erect same in any manner, except in the manner set forth in his approved application permit.

(C) The application for a sign permit (both existing signs and proposed) shall be accompanied by a filing fee in an amount established by general resolution of the city council.

§ 18.15.030 APPLICATION.

The applicant shall submit two copies of the following:

1. An accurate in-scale rendering of the sign fully indicating its colors, lettering, symbols, logos, materials, size, area, etc.
2. An elevation and plot plan drawn to scale indicating where the proposed sign will be located on the structure or lot, method of illumination, if any, and similar information.
3. One (1) completed copy of the city sign application.
4. Sign applications shall be reviewed by the Hearings Officer and may be approved based upon compliance with all applicable sections of this chapter. The Hearings Officer may refer any application to the full Commission for review. If a relief from standards is required, the Hearings Officer shall refer the application to the full HARC.
5. Notwithstanding other chapters of Title 18, no notification is required upon application for a sign.

§ 18.15.040 EXEMPT SIGNS.

The following signs and devices shall not be subject to the provisions of this chapter:

(A) Bunting or Flags of national, state or local government, provided they are displayed or draped so as to not obstruct or hinder traffic or pedestrian access, or cause a safety hazard.

(B) Small non-illuminated informational signs related to the operation of a business. Examples of such signs are "open/closed" signs, credit card signs, rating or professional association signs, and signs of a similar nature. Only one of each type of sign, not to exceed one (1') square foot in area per sign, and no more than four (4) such signs on any parcel of property. All such signs shall use HARC approved colors.

(C) Signs placed by state or federal governments for the purpose of construction, maintenance or identification of roads or other public agencies for the direction of traffic, and designed to fulfill the requirements of state and federal funding agencies.

(D) Nameplates indicating the name, address or profession of the occupant.

(E) Signs within a building provided the same do not primarily identify the business to persons outside the building.

(F) The standardized signs included as part of the City's Historic Walkway System are permitted if constructed according to the City Council's approved specifications and located in accordance with the overall plan.

§ 18.15.050 TEMPORARY SIGNS.

The following signs and devices are allowed temporary relief from the provisions of this chapter:

(A) Temporary political signs not exceeding four (4') square feet, provided the signs are erected no more than thirty (30) days prior to, and removed within seven (7) days following, the election for which they are intended.

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

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

(C) Temporary signs announcing the opening of a new business are allowed upon application to the City and the submission to HARC of an application for the approval of a permanent business sign, for a period starting with the day application is made for the permanent sign with the potential for an additional thirty (30) day extension. With the approval of the Planning Department, the applied for sign may be displayed until the application goes before the HARC. All other temporary signage shall use HARC approved colors on neutral or white heavy paper, canvas, or wood.

(D) Temporary signs placed upon a window opening of a commercial building (as determined by its current use, if allowable under current zoning), when such signs do not obscure more than twenty (20%) percent of the total window area, and are maintained for a period not exceeding fifteen (15) days whereupon they shall be removed for a minimum period of fifteen (15) days.

(E) Temporary paper signs that serve as notice of a public meeting when removed promptly after such meeting is held.
(Am. ORD 579, passed 3-4-2008)

§ 18.15.055 PROHIBITED SIGNS.

(A) Paper or plastic signs or banners are not allowed on the exterior of any building, except as provided in Section 18.15.050.

(B) No sign shall be attached to a utility pole nor placed within any public right-of-way, unless approved by the City Council through franchise agreement.

(C) Fluorescent and/or neon lighting is not allowed, except as provided in Section 18.15.090.

(D) No sign shall contain any flashing lights, blinking or moving letters, characters or other elements, nor shall it be rotating or otherwise movable.

(E) Internally illuminated signs.

(F) Billboards or off-premises advertising signs, temporary signs, wind signs or devices are prohibited, except as allowed in Section 18.15.050.

(G) Sandwich boards, murals, bench, and portable signs (such as vehicle mounted) are prohibited.

(H) Balloons.

(I) Signs or devices (such as drink dispensers) that display the symbol, slogan or trademark of national product brands of soft drinks, or other products, or services shall be prohibited except as provided in Section 18.15.090.

(J) Any unofficial sign which purports to be, is in imitation of or resembles an official traffic light/sign or a portion thereof, or which hides from view any official traffic sign or signal, is prohibited.

(K) In the case of commercial signs, no sign shall be allowed except a sign which identifies or advertises the primary business conducted on the premises.

(L) Banners and pennants, except as provided for in 18.15.080(7).

(M) Signs which use plastic as part of the exterior visual effects unless the material accurately replicates natural materials.

(N) Cartoon images, line drawn or silhouette, of live or inanimate objects are prohibited. A cartoon image is defined as a caricature of an animate or inanimate object intended as humorous.

(O) Exposed vending machines, such as those used to dispense soft drinks.

(P) Plastic and metal phone booths, unless sheathed in a wood cover.
(Am. ORD 579, passed 3-4-2008)

§ 18.15.060 GENERAL SIGN GUIDELINES AND STANDARDS.

The following general sign guidelines apply to all signs, except those exempt signs specifically listed in Sections 18.15.040 or 18.15.050, within the city:

(A) Wood is the recommended material for both the sign and the stanchion (in the case of freestanding signs). Metal and other materials may be allowed if the exterior appearance resembles a natural or historic material.

(B) Rectangular, straight-edged and oval signs are the preferred shape for signs. Signs with highly stylized, curvilinear edges are discouraged.

(C) Sign graphics shall be carved, applied, painted or stained. Three-dimensional devices, statues, or images such as barber poles shall be treated as a sign (size, color, location) with the same limitations. The device, statue, or image shall be limited to depict only merchandise or services common to Jacksonville's historic period of significance.

(D) Sign graphics should be simple and bold.

(E) The number of colors used on signs shall be minimized for maximum effect. Four (4) colors including the background color is the maximum. Fluorescent colors are not allowed. Examples of approved colors are available at City Hall.

(F) Signs placed flat against the facade of the building that identify the historic name of a building are encouraged, provided they are of uniform color and design throughout the city and are no more than one (1') square foot in area. The specifications for the approved standardized sign are available from the City of Jacksonville.

(G) When lighting is used for signs, only subdued and indirect incandescent lighting is allowed.

(H) Signs and graphics for which the city is responsible (i.e., parking lots, public facilities, street signs, etc.) shall have a single lettering style and shall display the color scheme of the Miller House sign. Signs for city parks shall not exceed fifteen (15') square feet.

(I) All commercial buildings shall have street address numbers which shall be near the front entrance. These numbers shall not be more than four (4") inches high and solid brass in the HC zone.

(J) Memorial tablets, cornerstones or similar plaques shall not exceed three (3') square feet.

(K) No sign or portion thereof shall be so placed as to obstruct any fire escape, standpipe or human exit from a window located above the first floor of a building; obstruct any door or exit from a building; obstruct any required light or ventilation, and shall provide adequate vision clearance.

(L) Any projecting sign shall be located no less than eight (8') feet above the sidewalk as measured from the bottom edge of the sign.

§ 18.15.070 RESIDENTIAL DISTRICTS.

Signs in residential districts shall be permitted as follows:

(A) Neighborhood Identification. One (1) sign shall be permitted at each entry point to developments, with more than ten (10) lots and/or units, not exceeding an area of eight (8') square feet per sign, nor five (5') feet in height above grade.

(B) Multiple-Family Residential and Conditional Uses. Where otherwise permitted, one (1) sign of not more than four (4') square feet, either attached to the building or freestanding, shall be permitted for multiple-family dwellings, containing four (4) or more dwelling units and conditional uses. If freestanding, the sign shall be mounted in a planter or landscaped area and shall not exceed five (5') feet in height, nor shall it be located within five (5') feet of any property line.

§ 18.15.080 HISTORIC CORE (HC) DISTRICT.

(A) The Jacksonville historic core district has a sense of time and place dating from the 1880's. By 1884 all of the primary historic commercial buildings located on California and Oregon Streets were erected. Signage at that time was pedestrian-oriented. The size, lettering and placement of signs were for the most part, designed to attract the attention of foot and slower-moving horse traffic. During the 1880's the greatest number of signs on Jacksonville's two main commercial streets were placed at right angles to the building facade and located under sidewalk marquees, or wall signs placed on the parapet or uppermost portion of the building facade. Projecting signs were relatively small, usually rectangular in shape and constructed of wood. In comparison, parapet signs were much larger. Symbolic, three-dimensional signs (such as barbershop poles and a mortar and pestle) sometimes took the place of flat lettered signs.

(B) Number and area of signs. The total aggregate area for all signs, excluding parapet and marquee signs, on a building in the HC zone shall not be greater than one (1') square foot for each lineal foot of building frontage. In the case of more than one (1) frontage, the frontage having an entrance/exit open to the general public shall be used to determine building frontage.

(C) The following types of signs are permitted within the historic core district:

1. **Projecting Signs:** Projecting signs (those signs placed perpendicular to the building facade) may be either attached to the wall surface or hung from the underside of a marquee or balcony. Projecting signs are designed for viewing by pedestrians walking under such signs. In the 1880's Jacksonville's commercial buildings located on front property lines frequently used projecting signs on the first floor level. There shall be no more than one (1) projecting

sign per business per building. If there are four (4) or more businesses in a single building, only one (1) projecting sign shall be allowed.

Placement: Placement of projecting signs shall be compatible with the architecture of the building and shall be below the sill of the second story windows or below the roof line, eave or parapet of a one-story building. No sign projecting over the public right-of-way shall be less than eight (8') feet from the ground level. No sign shall project more than six (6') feet from the vertical surface of a building facade, provided it is no closer than two (2') feet from the face of the curb or edge of pavement.

2. **Wall Signs:** Wall signs are those signs attached and parallel to the building facade, and which extend no more than six (6") inches from the surface of the wall. (Parapet signs are a type of wall sign, but are treated separately). During the 1880's California and Oregon Streets had relatively few permanent wall signs.

Placement: A wall sign shall be placed no higher than the top of the ground floor window or door openings.

3. **Parapet and Lintel Signs:** Parapet signs are a distinctive type of wall sign which are generally located between the lintels of the upper story windows and the top edge of the parapet (or false front). They are designed to be legible to pedestrians across the street and persons traveling on the street. Historically, parapet signs were considerably larger than all other types of signs. Parapet signs were commonly used in Jacksonville and many buildings have recessed panels in parapets designed especially for this type of wall sign. Parapet signs generally identify the name of the business establishment (for example, Reames Bros., United States Hotel, etc.).

Placement: Parapet signs shall not extend above the upper edge of the parapet wall. A parapet sign shall not extend any nearer than one (1') foot from either edge of the building. Recessed sign panels located in building parapets should be used when possible.

4. **Window and Door Signs:** Window and door signs are those which are painted, displayed or placed on an interior translucent or transparent surface. Window graphics are usually most effective when they are simple and clearly displayed using light colors or dark colors with gold or equal color highlights. In Jacksonville during the 1880's, window graphics were not as popular as other types of signage. Window and door signs should be kept to a minimum.

Placement: In all cases, window graphics shall be limited to the first and second story windows.

5. **Balcony or Marquee Signs:** Balcony or marquee signs are those signs that are attached to the fascia of the balcony or marquee and are parallel to the street and building facade. They are intended for viewing by travelers on the street or pedestrians on the opposite side of the street.

Placement: The attached balcony or marquee sign shall be centered in the middle of the balcony or marquee fascia. A balcony or marquee sign shall not extend any nearer than one (1') foot from either edge of the balcony or marquee. The signs shall not project above the marquee roof line or balcony floor line, or below the bottom edge of the balcony or marquee fascia.

6. **Freestanding Signs:** Freestanding signs are those which are provided with their own support and are not attached to a building. Typically they are attached or are suspended from a post, pole or stanchion. No more than one (1) freestanding sign is permitted for each parcel containing one (1) or more business activities within a building structure. A freestanding sign shall not exceed six (6') feet in height from the top edge of such sign to the grade below. Freestanding signs shall be the only type of signage permitted for detached business

buildings, located in the historic commercial core that were historically occupied as single-family residences.

Placement: A freestanding sign shall be within the parcel boundaries and shall be at least five (5') feet from any structure on the property.

Height: A freestanding sign shall not exceed eight (8') feet in height from the top edge of such sign to the grade below.

7. **Banners, pennants and flags:** advertising civic events shall be permitted in the Historic Commercial (HC) District. Signs of this nature shall advertise only events within the city and shall be installed not more than two (2) weeks prior to the event and must be taken down within one (1) week after the event.
8. **Painted Signs on Buildings:** Signs painted directly upon the facade of the building within the HC district shall be prohibited, unless compelling reasons are documented by the owner of the subject building and presented to the HARC. Existing painted signs as on the Redmen's Hall building, Wade and Morgan Building, and the Butcher Shop building (110 S. Oregon St.) are exempt, and may be restored subject to HARC approval.

§ 18.15.090 GENERAL COMMERCIAL (GC) DISTRICT.

North Fifth Street, also known as the Jacksonville Highway #238, is primarily a vehicular-accessed rather than pedestrian-accessed area and is viewed differently from the Historic Core (HC) District because of this. North Fifth Street is comprised of a mixture of historic and non-historic structures, it generally represents a later period of history in the development of a small western town. Signs in the General Commercial (GC) District are subject to Section 18.15.060 (General sign provisions) and will also be permitted as follows:

1. **Freestanding Signs:** Signs may be placed freestanding, provided that only one (1) such sign shall be permitted for each business location on the premises using the formula of the lineal street frontage times (x) .15 which equals square footage for total sign area with thirty-six (36') square feet being the maximum allowable size and six (6') square feet being the minimum size; then thirty-six (36') square feet maximum represents the aggregate total of all freestanding signs on the premises.
2. In the case of shopping areas which are planned with four or more businesses having common parking areas, only one (1) freestanding sign identifying the shopping area shall be allowed. Said sign shall not exceed ten (10') feet in height and shall be limited to a total area of thirty-six (36') square feet.
3. Other signs shall be one (1) of the following types:
 - (a) Placed flat against a building which supports it, and extending not more than eighteen (18") inches from said building.
 - (b) Attached to the front or bottom surface of a marquee, and extending no more than six (6") inches past the edge of the marquee.
4. The total aggregate area of all signs shall not exceed the following:
 - (a) On a side of a building facing a street, the area of signs shall not exceed one (1') square foot for each lineal foot of building frontage, plus one-half (.5') square foot for each foot the building is set back from the street. The total area of signs shall not exceed two (2') square feet for each lineal foot of building frontage.

5. Neon Signs- Neon illuminated informational signs will be allowed in the GC district, but only informational (non-product) signs are allowed. One (1) sign per business and four (4') square foot maximum size.
6. Window and Door Signs- Window and door signs are those which are painted, displayed or placed on an interior translucent or transparent surface.
Placement: In all cases, window graphics will be limited to the first and second story windows.
7. Registered trademarks on signs are allowed if they represent seventy-five (75%) percent of the gross primary revenue source of a business.
8. Lighting for signs shall not be directed so as to create a traffic safety hazard or nuisance on an abutting or adjoining street.

(Am. ORD 579, passed 3-4-2008)

§ 18.15.100 SIGNS.

All signs existing on the effective date of the ordinance codified in this title and not conforming to the provisions of this chapter are deemed nonconforming signs.

1. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.
2. Termination of Nonconforming Signs.
 - (a) Immediate Termination- Nonconforming signs which advertise a business no longer conducted or a product no longer sold on the premises where such sign is located shall be terminated within sixty (60) days after the effective date of the ordinance codified in this title, except as otherwise expressly permitted by this title. Termination of the nonconformity shall consist of removal of the sign or its alteration to eliminate fully all nonconforming features.
 - (b) Termination by Change of Business- Any nonconforming sign advertising or relating to a business on the premises on which it is located shall be terminated upon any change in the ownership or control of such business.
 - (c) Termination by Damage or Destruction- Any nonconforming sign damaged or destroyed, by any means, to the extent of one third (1/3) of its replacement cost new shall be terminated and shall not be restored.
3. Historical Signs- Notwithstanding the above subsection 18.15.100 (A) and (B), the owner of a nonconforming sign in existence on April 1980, may apply to the HARC for a determination that the sign qualifies as a Historical Sign by virtue of its age and vintage style. The criteria found in the Landmark List chapter 18.35 shall be used for determining the historical significance of any particular sign. The burden of proof shall be on the applicant.

§ 18.15.110 TERMINATION OF SIGNS BY ABANDONMENT.

(A) Any sign advertising or relating to a business on the premises on which it is located, which business is discontinued for a period of thirty (30) consecutive days, regardless of any intent to resume or not to abandon such use, shall be presumed to be abandoned and all such signage, whether conforming or nonconforming to the provisions of this title shall be removed within thirty (30) days thereafter. Any period of such non-continuance caused by government actions, strikes, materials shortages or acts of God, and without any contributing fault by the business or user, shall not be considered in calculating the length of discontinuance for purposes of this subsection.

(B) An extension of time for removal of signage of an abandoned business, not to exceed an additional thirty (30) days, may be granted by the city council upon an appeal filed by the legal owner of the premises or person in control of the business.

CHAPTER 18.16: APPURTENANCE STANDARDS

Section

18.16.010	Overall Landmark protection
18.16.020	Sidewalk and pathway standards
18.16.030	Driveway and garage standards
18.16.040	Fence and wall standards
18.16.050	Outbuilding and accessory standards
18.16.060	Swimming pool standards
18.16.070	Exterior lighting standards
18.16.080	Crime prevention equipment standards
18.16.090	Satellite dish and telecommunication equipment standards
18.16.100	Drop box and news rack standards
18.16.110	Dumpster standards
18.16.120	Temporary structure standards

§ 18.16.010 OVERALL LANDMARK PROTECTION.

(A) Concrete sidewalks primarily exist in the commercial areas of town. Most other streets have either no sidewalks or dirt paths separated from the street by a narrow, grassy strip. Historically, many sidewalks were of wood or flat, irregular shaped, sandstone slabs.

(B) Early maps and photographs of Jacksonville show a profusion of outbuildings used for a wide variety of purposes and varying greatly in size. Usually these structures were located to the side or rear of the principal building on the property. Most of these outbuildings were constructed of wood, but some (such as those used for the cool storage of fruits and vegetables) were brick.

(C) Picket fences surround many of the older residential properties. High, closed vertical wood fences were sometimes used to enclose rear yards. Low, wire and wood post fences were also used.

§ 18.16.020 SIDEWALK AND PATHWAY STANDARDS.

(A) The requirement for the placement of a sidewalk or pathway along the frontage(s) of a subject property is determined by Exhibit C of the Transportation Element of the Jacksonville Comprehensive Plan. Where required or where the property owner desires to place a sidewalk or pathway, articulated concrete, brick, flagstone, paver, or decomposed granite sidewalks and pathways are encouraged. No matter which surface is selected, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators, while, at the same time, all new pathway areas should be constructed to function as a pervious surface.

(Am. ORD 579, passed 3-4-2008)

(B) When a pre-1940 sidewalk is located on or adjacent to a property, all details of that sidewalk should be preserved. When such a sidewalk is badly damaged or hazardous, all critical details (as determined by a representative of HARC) shall be removed and reset within compatible new construction. This may necessitate the use of concrete saws and/or additional handwork.

§ 18.16.030 DRIVEWAY AND GARAGE STANDARDS.

(A) Historical designs such as detached garages to the rear of the residence shall be required in the Level I Design Review Area. Garages shall not be larger than one thousand (1,000') square feet in the Level I or II Design Review area. If an alley is available, it shall service the detached garage, if traffic impacts on other properties adjacent to the alley can be mitigated. If lot size, shape, topography, or traffic circumstances prohibit such relationships or render them impractical, attached garages may be permitted provided that the garage is located at least ten (10') feet behind the front wall of the house.

(B) Driveways shall be placed alongside of a residence leading to a detached garage in the rear yard, unless an alley is available, wherever possible. Shared driveways are encouraged to reduce the impact of the automobile on the appearance of small lot residential neighborhoods. Separated driveway wheel tracks of concrete, gravel, or decomposed granite are encouraged, except in circumstances where an extended driveway is a critical component of fire protection access. Impermeable surfacing shall be minimized.

(C) Driveway aprons affect the safety, capacity and character of a street. Every driveway approach can be a challenge to pedestrians, especially when the sidewalk dips with a curb cut. The combination of an uneven surface and the continuous potential threat of a motor vehicle impeding on the sidewalk negatively affects the pedestrian environment and the character of the street. Numerous driveway curb cuts within one (1) block length can be hazardous and detrimental to the character of the neighborhood.

1. In order to maintain continuity for pedestrians and good vehicular access to streets, the following Driveway Apron and Curb Cut Standards have been developed and apply to private accesses onto all streets. New and/or reconstructed curb cuts and driveway aprons shall conform to the following driveway apron and curb cut standards:
 - (a) Location of Access – When determining the location of an access, sight distance, spacing and other safety concerns shall be considered. When a property has frontage to two (2) or more roadways, primary driveway access shall be the roadway with the lower functional classification, or as determined by the City of Jacksonville Public Works Department. A secondary access may be permitted by the Public Works Director, provided no hazardous conditions are created.
 - (b) Number of Driveway Approaches Per Parcel – Driveway curb cuts or aprons shall be minimized where feasible. In order to minimize traffic problems, such as too many vehicles waiting to turn onto a street or poor operations for certain turning movements, restrictions may be required such as an access with right-in and right-out turning movements only. These restrictions shall be at the direction of the Jacksonville Public Works Department or Planning Commission.
 - (c) Shared Driveways – Shared driveways with adjoining parcels are encouraged where feasible.

- (d) Access Radius, Width and Surfacing – For single-family residential access, the width of the driveway curb cut, apron, or approach at the property line shall not exceed eighteen (18') feet.
- (e) Subject to Jacksonville Public Works approval, commercial accesses shall have a sufficient approach radius to service the proposed uses, as determined by a civil or traffic engineer, with a maximum fifty (50') foot throat width. For commercial and/or industrial development, driveway curb cuts or aprons shall be minimized where feasible.
- (f) Commercial and residential access points shall, at a minimum, be paved from the existing edge of pavement to the limit of the public right of way. Pavement material must be approved by the City of Jacksonville Public Works Department, who shall also have discretion as to the use of curbing or other design materials.
- (g) Driveways shall be designed to ensure a maximum two (2%) percent cross slope on pedestrian ways that allows adequate drainage towards the road.
- (h) Minimum standards for driveway are as follows:
 - (i) Driveways shall be improved with surfaces sufficient to support fifty thousand (50,000) pounds.
 - (ii) Driveways shall be a minimum of twelve (12') feet in width for up to two (2) single-family dwellings and eighteen (18') feet for driveways that service three (3) or more single-family dwellings.
 - (iii) Residential driveways with a length greater than one hundred-fifty (150') feet shall maintain a vertical clearance of thirteen and one-half (13.5') feet and a horizontal clearance of twenty (20') feet for fire apparatus access.
 - (iv) Commercial driveways shall remain in compliance with the International Fire Code.
 - (v) Where turn-around areas are determined by the Fire Chief to be needed, the attached diagrams show the minimum required alternate terminus designs.
- (h) Drainage – All drainage from a driveway must enter a drainage ditch or storm drains catch basin and not be allowed to flow across a street.
- (i) Culverts – Installation and size of culverts shall be determined by the Jacksonville Public Works Department, with a minimum culver size of twelve (12") inches in diameter and shall be installed per City recommendations. The Public Works Director may require an analysis and recommendation from a civil engineer. Head walls are to be installed on both upstream and downstream culvert openings and shall be approved by the Jacksonville Public Works Department.
- (j) Application Requirements – The following information shall be provided by the applicant when applying for an access permit:
 - (i) A site plan with a detailed sketch of the access, including apron width at property line, culvert location if needed, surfacing material at existing street pavement, and proposed turning radii if commercial property.
 - (ii) A sketch of all street right-of-ways and other access points within eighty (80') feet of the proposed access.

- (l) The City of Jacksonville Public Works Department may require a construction detail of any proposed installation, including, but not limited to, pavement, curs, and culvert installations.

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

§ 18.16.040 FENCE AND WALL STANDARDS.

(A) Fences and hedges are deemed accessory uses, and so are walls which serve the purpose of enclosing unroofed areas outside buildings. For purposes of this section only, if a lot abuts more than one (1) street, then only the frontage on one (1) of the streets shall be deemed a front line, and the height restrictions shall apply only to one (1) front yard. The person in possession and control of the premises may elect which is the front yard and restrict the height of the fence, wall or hedge accordingly. Such person may change his election to any of the other streets abutting his premises by first abating any noncom forming fence, wall or hedge in the font yard to be thus defined.

(B) The height shall be the vertical distance from the top of the fence, wall or hedge to the ground.

1. Front yard: A front yard fence or wall must not be more than three (3') feet tall. Notwithstanding that requirement, picket fences associated with historic dwellings that are included on the Jacksonville Landmark List may exceed three (3') feet in height based on either documentation of existence in the past or appropriateness to the architectural style of the dwelling. Generally, historic wooden picket fences averaged four (4) to four (4) and one-half (.5') feet with elements such as entry gates, newel post or trellises of greater height. Any proposed picket fence on a corner lot shall not obstruct vision clearance for vehicular traffic.
2. Rear yard: A rear yard fence or wall must not be more than six (6') feet tall.
3. Interior side yard: A side yard fence or wall, on a side not abutting a street, must not be more than six (6') feet tall.
4. Street side yard: A side yard fence or wall, on a side abutting a street, must not be more than:
 1. Three (3') feet tall if the fence is within ten (10') feet of the lot line; or
 2. Six (6') feet tall if the fence is set back more than ten (10') feet from the lot line.
5. Height measurement: Fence or wall height is measured from the ground to the top of the fence. If the ground on which the fence is located has been altered, the fence is measured from the level of the natural grade.
6. Materials: Wood, brick, rockwork, or low post and wire and hedgerows are encouraged. Concrete block walls are prohibited. Cyclone or chain link fencing is prohibited within any front yard or street side yard setback area, and only allowed in side and rear yards if coated with a nonmetallic material. The use of vinyl fencing is not allowed with the Level I review area. No person may construct or maintain, or operate an electric fence or a barbed-wire fence or allow such materials to remain as a part of a fence, along a sidewalk, public way, or the adjoining property line of a property under different ownership.
7. Retaining wall: These standards do not apply to a device used to buttress earth, such as a retaining wall or riprap.

8. Fences and hedges are deemed accessory uses, and so are walls which serve the purpose of enclosing unroofed areas outside buildings. No hedge may be hereafter maintained, to a height exceeding three (3') feet, at any point, within a required front yard area. Such hedges may be maintained within required side or backyard areas, subject to general height restrictions for walls and fences. This provision shall not be construed to require that property owners/applicants secure a permit prior to planting a hedge.
9. In a Level 1 Review Area, fencing shall be historically appropriate in both material and style. Picket fences are encouraged.
10. In a zone other than residential, notwithstanding the yard requirements, a fence, wall, hedge or other like screening device may be required by the site plan committee as a condition to the approval of a proposed commercial improvement on a lot abutting, or across the street or alley from, an adjacent property in a residential district, if the committee finds that such screening is necessary to prevent an unreasonable interference with the use and enjoyment of the residential lot.
Fences shall meet the standards of barbed and electric requirements of 8.04.130.
11. Private roads servicing two or more properties shall not be gated.
12. In the HR and SP zones, fences shall meet the additional requirements set forth in 18.20.080,C.3.a.

(ORD. 547, passed 5-17-2005; Am. ORD 579, passed 3-4-2008)

§ 18.16.050 OUTBUILDING AND ACCESSORY STANDARDS.

(A) Front yard: No barn, deck, shed, outbuilding, or hot tub is allowed in a front yard. Porches and gazebos are permitted in front yards, but not within the required setback area.

(B) Rear yard: Barns, decks, gazebos, sheds, outbuildings, and hot tubs are allowed in a rear yard, but must not exceed allowable lot coverage requirements. They shall not overhang or drain onto an adjoining property, obstruct fire access, or be placed on a right-of-way or recorded easement.

(C) Materials: Wood or brickwork is encouraged. Wrought metalwork and sheet metal are discouraged. All exterior lighting must minimize light trespass impacts.

§ 18.16.060 SWIMMING POOL STANDARDS.

(A) Front yard: A swimming pool is not permitted in the front yard.

(B) Rear yard additional setbacks: A swimming pool is allowed in a rear yard. The minimum setback for a swimming pool is:

1. Fifteen (15') feet from rear lot line.
2. Fifteen (15') feet from a side lot line, on a side not abutting a street.
3. Twenty (20') feet from a side lot line, on a side abutting a street.
4. Ten (10') feet from any dwelling on the lot.

(C) Fencing: If appropriate, a solid noise dampening fence or wall, six (6') feet tall, should enclose the rear yard including the swimming pool to protect neighboring lots from excessive noise. A vinyl coated chain link fence not less than four (4') feet tall, nor more than five (5') feet tall, may also be installed in close proximity to the pool as a safety precaution.

(D) Materials: Materials exposed to neighbors or Public Way shall be those allowed by "Fence and Wall standards".

(E) Overhead utility lines: Overhead electric, telephone, cable TV or other utility lines must not cross over a swimming pool. For safety reasons, a minimum ten (10') foot horizontal clearance must be maintained between the pool and any overhead lines. (A pool cleaning tool, attached to a metal pole, can cause electrocution if it contacts a live wire.)

(F) Measurements: Setbacks are measured from the edge of the water at the design water line.

(G) Lot coverage: Pool and skirting around pool will comply with the zone-determined maximum impervious surface standards required in chapter 17.
(Am. ORD 579, passed 3-4-2008)

§ 18.16.070 EXTERIOR LIGHTING STANDARDS.

(A) Lighting shall be compatible with the historic character of the neighborhood within which it is located, and light trespass impacts on surrounding properties shall be minimized. Fixture mounting height and light intensity shall be considered in determining the extent of light trespass impacts. Up lighting shields shall be required.

(B) Outdoor mercury vapor and quartz lights are prohibited. Low impact lighting shall be required and should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting shall be shielded and directed downward so that the light source will not be seen off the property.

(C) The streetlight illustrations attached in Appendix E of the City's Transportation Element should be used as a standard for streetlight design for property owners wishing to create a historical setting in a subdivision or other development.
(Am. ORD 579, passed 3-4-2008)

§ 18.16.080 CRIME PREVENTION EQUIPMENT STANDARDS.

Crime prevention elements shall be painted to match the exterior of the subject property or designed in a vintage style that is compatible with the historic character of the neighborhood within which they are located.

§ 18.16.090 SATELLITE DISH AND TELECOMMUNICATION EQUIPMENT STANDARDS.

All privately owned telecommunication elements shall be confined to rear or side yards, painted to match the exterior of the primary building on the subject property, and screened from view from any key viewpoint as described in the Comprehensive Plan. Additionally, any satellite dish shall be screened from any viewpoint six (6') feet above and along the centerline of a City street.

§ 18.16.100 DROP BOX AND NEWS RACK STANDARDS.

Drop boxes and news racks are not permitted in residential or historic core zones. In zones where permitted, they shall be screened or placed in such a way as to not obstruct pedestrian or vehicular traffic and to ensure their compatibility with Jacksonville's historic context.

§ 18.16.110 DUMPSTER STANDARDS.

All existing and proposed dumpsters shall be screened and located in the rear or side access areas, but not in the front of the subject property. Design of the dumpster screen shall be approved by the affected waste disposal provider prior to review by HARC.

§ 18.16.120 TEMPORARY STRUCTURE STANDARDS.

(A) Tents, tarps, and other temporary structures lacking foundations which are left in place longer than seven (7) consecutive days shall not be visible from any viewpoint six (6') feet above and along the centerline of a City street.

(B) In all residential zones and the historic core district, all off-street parking of automobiles, trucks, trailers and recreational vehicles in the front yard shall be limited to a contiguous area which is no more than twenty-five (25%) percent of the area of the front yard, or a contiguous area twenty-five (25') feet wide and the depth of the front yard, whichever is lesser. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the nonconforming use sections of this code. However, a twenty-four (24) hour warning notice of violation shall be provided prior to the issuance of a citation to appear in Municipal Court, and it shall be rebuttable, based on the presumption that the vehicle was parked with permission of the person in control of the property. Subsequent violations shall not require a warning notice.

(C) Such structures, vehicles, or devices shall not be used as a living accommodation, either permanently or for more than seven (7) days temporarily, not to exceed twenty-one (21) days annually. (Am. ORD 579, passed 3-4-2008)

CHAPTER 18.17: OFF-STREET PARKING AND LOADING

Section

18.17.010	Generally
18.17.020	Off-street loading
18.17.030	Off-street parking
18.17.040	Number of spaces required
18.17.050	Joint use of facilities
18.17.060	More than one use
18.17.070	Use of parking facilities
18.17.080	Location of parking facilities
18.17.090	Parking, front yard
18.17.100	Development and maintenance standards for off-street parking areas
18.17.110	Bicycle Parking

§ 18.17.010 GENERALLY.

No building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.

§ 18.17.020 OFF-STREET LOADING.

Every hospital, institution, hotel, commercial or industrial building hereafter erected or established having a gross floor area ten thousand (10,000') square feet or more shall provide and maintain at least one (1) off-street loading space plus one (1) additional off-street loading space for each additional twenty thousand (20,000') square feet of gross floor area. Any use requiring one-half (.5) or more of a loading space shall be deemed to require the full space. Each loading space shall be not less than ten (10') feet wide, twenty-five (25') feet in length and fourteen (14') feet in height.

§ 18.17.030 OFF-STREET PARKING.

Off-street parking spaces shall be provided and maintained as set forth in this chapter for all uses in all zoning districts except the Historic Commercial or HC district. Such off-street parking spaces shall be provided at the time:

1. A new building is hereafter erected or enlarged.
2. A building existing on the effective date of the ordinance codified in this title is enlarged to the extent that the cost of construction exceeds fifty (50%) percent of the market value of the building as shown on the county records or to the extent that the building's capacity is increased by more than fifty (50%) percent in terms of units listed in Section 17.84.040.

3. The use is changed to another use with greater parking requirements, provided that if the enlargement of a building existing at the time hereof is less than fifty (50%) percent, parking space shall be provided in proportion to the increase only. Any use requiring one-half (.5) or more of a parking space shall be deemed to require the full space. Parking spaces provided to meet the requirements of this chapter shall not be reduced in size or number to an amount less than required by this title for the use occupying the building. The provision and maintenance of off-street parking space is a continuing obligation of the property owner.

§ 18.17.040 NUMBER OF SPACES REQUIRED.

Unless compensated for with code-authorized credits such as shared parking, the minimum number of off-street parking spaces required shall be as set forth in the following schedule with the maximum number of spaces not to exceed by more than ten (10%) percent of the required minimum:

Use	Requirements
1. Residential.	
a. One-, two- and three-family dwelling	Two spaces per dwelling unit.
b. Multiple-family dwelling containing four or more per dwelling units	One space per studio or dwelling unit with one bedroom & two spaces per dwelling unit with two (2) bedrooms or more. One (1) guest space dwelling with two or more bedrooms.
c. Rooming or boarding houses; residential hotel	One space for each guest accommodation plus one additional space per two employees.
(ORD. 547, passed 5-17-2005; Am. ORD 579, passed 3-4-08)	
2. Commercial-Residential.	
a. Hotel or motel or suite	One (1) space per guest room plus one (1) additional space for the owner or manager.
b. Club, lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.

3. Institutions.

- a. Convalescent hospital, nursing home, rest home, home for the aged, sanitarium One space per 1,000 square feet of gross floor area
- b. Hospital Three spaces per two beds.

4. Places of Public Assembly.

- a. Church One space per four seats or eight feet of bench length in the main auditorium.
- b. Library, reading room, museum, art gallery. One space per 400 square feet of floor area plus one space per two employees.
- c. Preschool nursery, kindergarten Two spaces per teacher.
- d. Elementary or junior high school Two spaces per classroom.
- e. High school Six spaces per classroom
- f. Auditorium or other place of public assembly One space per four or eight feet of bench length. If no permanent seats are provided, one space per 100 sq. feet of floor or assembly area.

5. Commercial Amusement.

- a. Stadium, arenas, theater One (1) space per four (4) seats or eight (8') feet bench length.
- b. Bowling alley Three (3) spaces per alley.
- c. Dance hall, skating One (1) space per one hundred (100') square feet of floor area plus one (1) space per two (2) employees.

6. Commercial.

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| a. Retail store square | One (1) space per four hundred (400') feet of retail floor area. |
| b. Retail store exclusively handling bulky merchandise such as automobiles, furniture and large appliances | One (1) space per six hundred (600') square feet of retail floor area. |
| c. Service or repair shop | One (1) space per eight hundred (800') square feet of retail floor area. |
| d. Bank, office (except medical and dental) | One (1) space per four hundred (400') square feet of floor area plus one (1) space for each two (2) employees. |
| e. Medical or dental office | One (1) space per two hundred (200') square feet of floor area plus one (1) space for each two (2) employees. |
| f. Mortuary | Twelve (12) spaces plus four (4) spaces for each room in excess of two (2) which can be used as a parlor or chapel. |
| g. Eating or drinking establishment | One (1) space per four (4) seats or one (1) space per one hundred (100') square feet of dining or drinking area, whichever is greater. |
| h. Open air market; used car sales lot | One (1) space for fifteen hundred (1,500') square feet of land area. |

7. Industrial.

- | | |
|---|---|
| a. Storage warehouse, shift air, rail or trucking freight terminals | One (1) space per employee on the maximum |
| b. Wholesale establishments | One (1) space per employee plus one (1) space per seven hundred (700') square feet of patron serving area |

8. Other uses not specifically listed above shall furnish parking as required by the planning commission. In determining the off-street parking requirements for said uses, the planning commission shall use the above requirements as a general guide, and shall determine the minimum number of parking spaces required to avoid undue interference with the public use of streets and alleys.

9. Notwithstanding any other provision of Title 17 or Title 18, or the Jacksonville Comprehensive Plan, off-street parking spaces shall not be required to be provided for uses and activities connected with the Peter Britt Festival grounds, whether such land is owned by the Peter Britt Festival, Jackson County or the City of Jacksonville.
(Am. ORD 579, passed 3-4-2008)

§ 18.17.050 JOINT USE OF FACILITIES.

The off-street parking requirements of two (2) or more use's structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown to the planning commission by the owners or operators of the use, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use.

§ 18.17.060 MORE THAN ONE USE.

Where more than one (1) use is included within any one (1) building or on any single parcel, the parking requirements shall be the sum total of the requirements of the various uses, provided, however, where the operation of these different uses is such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning commission may authorize a reduction in these requirements. If the planning commission finds that a portion of the floor area, not less than one hundred (100') contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, it may deduct such space in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this chapter.

§ 18.17.070 USE OF PARKING FACILITIES.

Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use until the parking required for the original user of said parking area is provided at another location. Required parking space shall be available for the parking of operable passenger vehicles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials, or for the parking of trucks used in the conduct of the business or use.

§ 18.17.080 LOCATION OF PARKING FACILITIES.

Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located on the same parcel or on another parcel not further than three hundred (300') feet from the building or use they are intended to serve, measured in a straight line from the building. Special encouragement shall be given to underground parking for multi-family facilities with the utilization of a ramped entrance that is disguised as a single-car garage. The burden of demonstrating the existence of off-premises parking arrangement rests upon the person who has the responsibility of providing parking.
(Am. ORD 579, passed 3-4-2008)

§ 18.17.090 PARKING: FRONT YARD.

Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of single-family dwellings subject to the front-yard setback requirements contained in 18.16.120, but such space may be located within a required side or rear yard.

§ 18.17.100 DEVELOPMENT AND MAINTENANCE STANDARDS FOR OFF-STREET PARKING AREAS.

(A) Access. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.

(B) Screening. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting on each side which adjoins property situated in an R district or the premises of any school or like institution.

(C) Lighting. Any lighting used to illuminate the off-street parking areas shall be pedestrian-scale and so arranged that it will not project light rays directly upon any adjoining property in an R district.

(D) Surfacing. Areas used for standing and maneuvering of vehicles shall have permanent, dust-free surfaces maintained adequately for all-weather use and adequately drained so as to avoid flow of water across sidewalks and pathways. Unless determined unfeasible by a certified Engineer, all new parking areas shall be constructed with pervious materials, unless they are underground, covered by a roof, and/or likely to contain an unusual amount of hazardous materials that must be treated before entering groundwater. In the HC and GC Zones, parking areas provided for any property located within one block of California and North 5th Streets shall be paved with an asphalt or concrete surface. However, notwithstanding that requirement, the design shall be such that the parking area functions as a pervious surface.

(E) Vision Clearance. Service drive shall have a minimum vision clearance area formed by the intersection of the driveway centerline, the street right-of-way line, and a straight line adjoining said lines through points twenty (20') feet from their intersection.

(F) Curbing and Wheel Stops. Parking spaces along the outer boundaries of a parking lot shall be contained by a curb or a bumper rail so placed to prevent a motor vehicle from extending over an adjacent property or a street. Wheel strips shall be a minimum of four (4") inches in height and width, and six (6') feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping and no vehicle shall overhang a public right-of-way.

(G) Marking. All spaces shall be permanently and clearly marked.

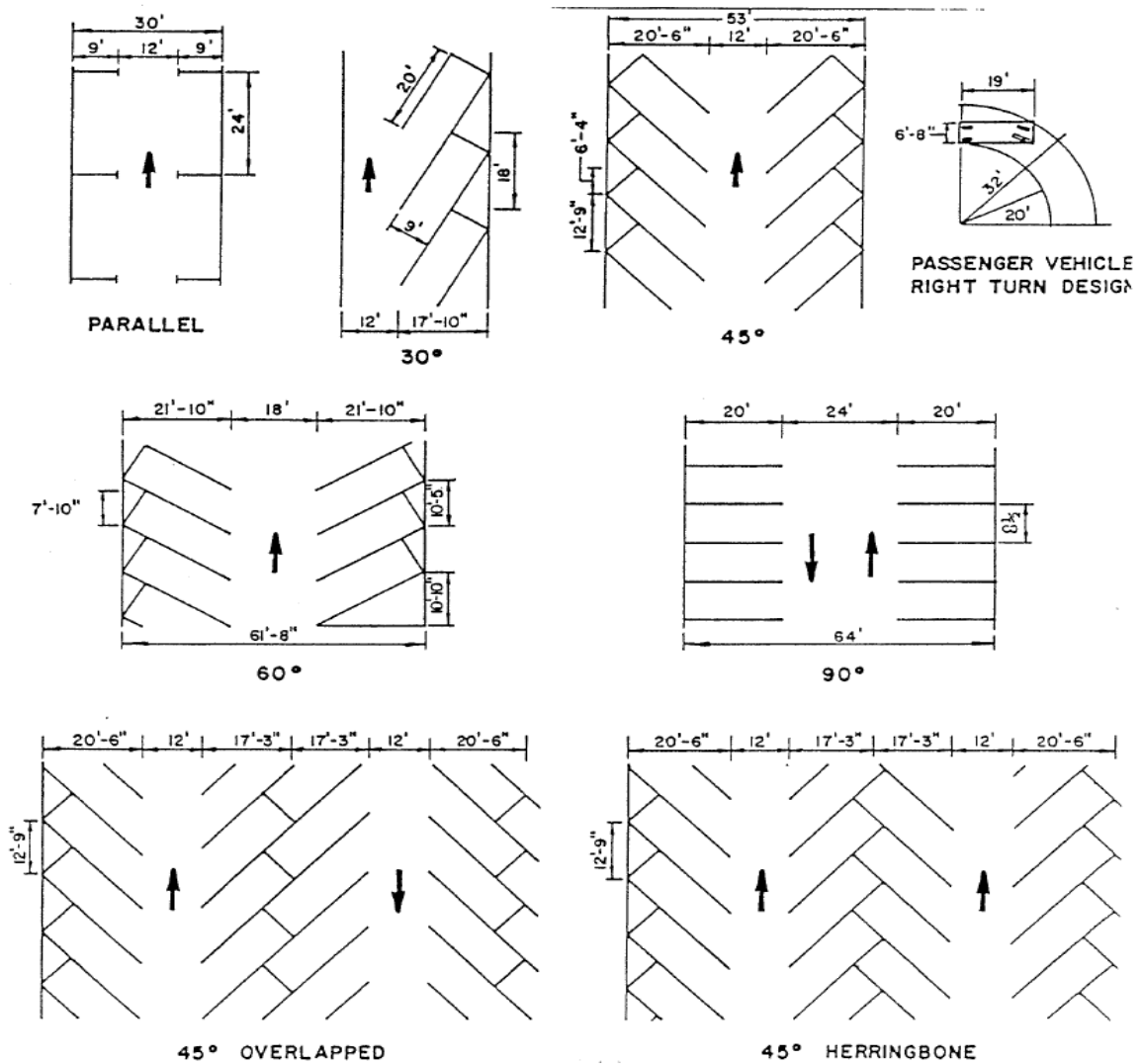
(H) Landscaping. In all zones, except single-family and R-2 zones, all parking facilities shall include landscaping to cover not less than twelve (12%) percent of the area devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers.

It may consist of trees, plus shrubs, groundcover or related plant material.

(I) Parking Layout and Design Criteria. All required parking areas shall be designed in accordance with the parking layout chart in Exhibit 'A'. All parking spaces shall be a minimum of eight and one-half (8.5') feet by twenty (20') feet and shall have a minimum twenty-four (24') foot backup space except where parking is angled.

(Am. ORD 579, passed, 3-4-2008)

EXHIBIT 'A'



§ 18.17.110 BICYCLE PARKING.

(A) All uses, with the exception of single-family residences and existing uses or structures in the Historic Core Zone, shall provide a minimum of two (2) sheltered bicycle parking spaces. The required bicycle parking facilities shall be constructed when an existing building is altered or enlarged, or when a use is intensified by the addition of floor space, seating capacity, or change in use.
(ORD. 584, passed, 12-2-2008)

(B) In addition, all uses which require off-street parking shall provide one bicycle parking space for every five (5) required automobile parking spaces. Fractional spaces shall be rounded up to the next whole space.

(C) All bicycle parking spaces shall be located in close proximity to the use they are intended to serve, shall be located no more than fifty (50') feet from a well-used entrance, and shall have direct access to both the public right-of-way and the main entrance of the principal use.

(D) Bicycle parking shall be well-illuminated and clearly marked as reserved for bicycle parking only.

CHAPTER 18.18: LANDSCAPE STANDARDS

Section

18.18.010	Overall Landmark protection
18.18.020	Standards for the removal of live trees
18.18.030	Development standards for projects which create or alter a street or are proposed on parcels greater than one acre in size

§ 18.18.010 OVERALL LANDMARK PROTECTION.

(A) Jacksonville is blessed with a high percentage of tree cover. Approximately sixty-four (64%) percent tree canopy exists within the City Limits, compared to the thirty (30%) percent national average, in part due to the large undeveloped forest tracts, but also because of the historic, rural, character of the town and a minimalist approach to public works. From almost any City location, there is a feeling of being close to the surrounding forest.

(B) As development increases, the potential for a decrease in canopy cover borders on the inevitable, without a concerted, continuing effort to maintain the City's tree canopy.

(C) A Community Forestry Plan includes a recommended historically appropriate street tree list and describes methods for protecting large trees and tree groupings, and for placement of new trees. These guidelines should be used for both public and private activities.

(D) Public entities, property owners, and developers should preserve existing trees wherever feasible. Setback flexibility may be approved by the HARC or Hearings Officer without a variance, if it can be found that such flexibility in construction will help preserve a resource tree. Where such flexibility is granted, the applicant shall be subject to the Special Tree Protection Standards below.

(E) Applications for development projects proposed on parcels under an acre in size and located within Historic Core, General Commercial, Multi-Family, PUD, Hillside Residential, or Riparian Corridor zones/areas shall submit a Landscape Plan for review and possible approval by City Planning Staff prior to the issuance of a Certificate of Occupancy (C of O) by the City Building Inspector, or unless otherwise specified by the City Planner or conditioned in a Final Order for Approval.

§ 18.18.020 STANDARDS FOR THE REMOVAL AND TRIMMING OF LIVE TREES.

(A) When approval for the removal of a live resource tree is obtained in accordance with the standards below, applicants must replace the tree that they remove with another tree having a minimum of one and one-half (1.5") inch diameter at four (4') foot above the ground at a two (2) to one (1) replacement ratio. If replacement onsite is not feasible the trees may be planted in the vicinity. A tree shall be considered a resource tree if the diameter exceeds twelve (12") inches at four (4') feet above the ground. When a tree removal permit is granted, replanting on a one (1) for one (1) basis is required within six (6) months of removal.

(B) Unless a tree is in immediate danger of collapse as documented by a certified arborist, live resource trees shall only be removed following the appropriate review level identified by section 18.01.020 and 18.03.030 based upon a finding of compliance with the following standards:

1. Tree removal is necessary to protect the public health and safety, or
2. Tree removal is necessary to protect a historic or primary residential structure in the city, or
3. Tree removal will not be materially detrimental to a significant historic site or structure in the city, and
 - (a) Tree removal is necessary to protect a significant historic structure in the city; or,
 - (b) Tree removal is necessary for solar utilization as provided for in Chapter 18.18; or,
 - (c) There is no reasonable alternative design for a proposed development that would eliminate the need to remove the tree.
4. Trees with a transferable blight, infestation, or disease shall be removed.

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

(C) TOPPING is an injurious pruning practice which may lead to stress, disease, and decay in trees. It should be avoided whenever an alternative exists. A Tree Removal Permit for topping shall be required unless already authorized by a franchise agreement.

1. A Tree Removal Permit for topping may only be issued if the following apply:

- (a) A utility, public agency, or other person who routinely tops trees in furtherance of public safety, may apply for a topping permit pursuant to this section based upon an arborist's report establishing a methodology for topping in compliance with this subsection.
- (b) Trees under utility wires may be topped only where other pruning techniques are impractical and tree removal is not appropriate.
- (c) When authorized as part of a Live Tree Removal Permit.

(D) Due to their hazardous nature Ailanthus Sp. "tree of heaven", and Populus Sp. "cottonwoods, poplars, and aspens" are hereby not defined as resource trees and are exempt from the permit process only if they are within two and one-half (2.5) tree lengths of a structure, established human traveled path or road and not within fifty (50') feet of a wetland/riparian buffer.

(Am. ORD 579, passed 3-4-2008)

§ 18.18.030 DEVELOPMENT STANDARDS FOR PROJECTS WHICH CREATE OR ALTER A STREET OR ARE PROPOSED ON PARCELS GREATER THAN ONE ACRE IN SIZE.

(A) Landscape Planning Requirements:

1. Prior to site alterations, a thorough inventory and mapping of the location, type, and quality of trees on the property will be prepared. The map must be to the same scale as the site plan for the development proposal. In the instances where the property contains large volumes of woodlands, the inventory can take the form of a description of type, location and general volumes of tree groupings.

2. During site alterations, the retention of resource trees is strongly encouraged. Construction of natural buffers using native vegetation between sensitive natural environments and transportation systems is encouraged. Methods and details for protecting Special Trees and existing vegetation during construction in accordance with the guidelines contained in the City's Community Forestry Plan must be submitted for Hearings Officer approval.
3. A project wide landscape plan (with installation timelines and maintenance requirements) prepared by a qualified landscape professional must be submitted for City Planning Staff approval prior to the issuance of a Certificate of Occupancy by the City Building Inspector, or unless otherwise specified by the City Planner or conditioned in a Final Order for Approval. All street and common areas must be landscaped within a reasonable amount of time after the completion of the improvements in those areas; however, a secured agreement to provide individualized landscape plans and timelines for the front yard (at a minimum) of each lot of a subdivision within one year and a half from final platting of the affected phase may be permitted. The predominant use of ground covers such as bark mulch and rock as a permanent landscape feature is discouraged. The location and description of landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas must be graphically indicated on the landscape plan.

(B) Special tree protection standards:

1. Preservation: A tree that has been singled out for preservation in the conditions of approval must not be removed or damaged during construction.
2. Root protection: When construction encroaches into the drip line area of a protected tree, special construction techniques must be used to protect the roots. The existing ground surface within four (4') feet of the base of a protected tree must not be cut, filled, compacted, or paved. No more than twelve (12") inches of fill or cut can occur within the remainder of the drip line of a protected tree. A tree well may be used if approved by the city Hearings Officer.
3. Excavation: prohibited Excavation adjacent to a protected tree is not allowed if it will damage the root system. In questionable situations, the applicant must provide substantiating documentation acceptable to the city arborist showing that the trees will be protected.

(C) Street tree standards

1. Shade trees are required along all streets, except in the downtown Historic Core. A City approved Street Tree List governs street tree selection and replacement on each street. Species designated in the list should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. The approved street tree list shall be used in order to determine whether a small, medium, or large tree is selected. A limited number of the same species should be planted along any single street.
2. Street trees shall be sized, spaced, and planted in accordance with the standards provided below and shall be located in the center of five (5') foot wide planter strips between streets and pathways (minimum ten (10') foot in length) or between two and a half (2.5') to four (4') feet from street edge pathways or impervious surfaces. Plant the largest tree that space allows for each planting location.

3. If utilities exist in the planting strip, large trees shall be planted on the side of the road without utilities and medium and small trees on the utility side of the road. It is recommended that in these situations, rather than having equal sized planting areas, that the planting areas on the side opposite the utilities be larger than the utility side planting areas.
4. In general, the side of the street without overhead electric lines should be planted with trees with potential to attain a large size, if there are no obvious constraints to trees attaining mature size, like small planting areas. On the sides of streets with overhead electrical lines directly above the planting areas, only trees from the recommended street tree list designated "small" may be planted, unless there is a minimum of ten (10') feet of horizontal clearance between the bases of the street trees and electrical facilities.
5. Columnar shaped trees should only be used where there are obstructions like buildings, signs, and overhead electrical lines that preclude broader canopied trees. Medium sized trees may be planted if the horizontal clearance is ten (10') feet or greater, and large trees may be planted if the horizontal clearance is twenty (20') feet or greater.
6. At street corners, no tree shall be planted which branches below eight (8') feet to ensure vision clearance.
7. Appropriate pruning, watering, nutrient feeding, and tree protection devices are required after planting (see detail), staking only when necessary. No metal stakes may be used for tree stakes. Tree protection devices shall remain in place until the trees reach four (4") inch DBH or until the trees have been in place for two (2) years, whichever is longer.
8. A secured agreement shall be provided that ensures that if planted trees are not alive and viable two (2) years after planting, replacements will be required.

(D) Standards for plant measurements, installation, and maintenance:

1. Developers shall install and/or dig, ball, burlap, and transplant all plant materials listed on landscape plan. Bare root is typically not permitted for any tree.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown. Neither heeled-in plants nor plants from cold storage shall be acceptable.
3. Plants shall conform to the measurements specified in the Landscape Plan.
 - (a.) Diameter at breast height (DBH) shall be measured by taking the circumference of the tree's trunk(s) at four (4') feet above grade/ground level, and dividing by 3.14.
 - (b.) Minimum branching height for all shade trees shall be six (6') feet.
 - (c.) Minimum size for shade trees shall be two (2") inches at DBH; seven (7) to nine (9') feet in height.
 - (d.) Minimum size for evergreen trees shall be six (6) to eight (8') feet in height.
 - (e.) The minimum planting area by tree size shall be Small trees (under twenty-five (25') feet tall at maturity): forty (40') square feet Medium trees (between twenty-five (25') to fifty (50') feet tall at maturity) sixty (60') square feet Large trees (over fifty (50') feet tall at maturity) ninety-six (96') square feet
 - (f.) The maximum spacing between trees shall be: Small trees twenty (20') feet Medium and large trees thirty (30') feet

A professional horticulturist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized.

4. Planting areas for trees must be in a non-compacted state to a depth of at least two (2') feet. Area to be ripped or excavated to that depth unless within the drip line of a resource tree or if roots from other trees larger than one (1") inch diameter are encountered. If these occur, obtain and follow the recommendation of a certified arborist.

Use existing soil for tree planting. Avoid adding topsoil. Soil amendments like aged sawdust (minimum of ten years of aging) may be used. Avoid working the soil when it is saturated with water, frozen or dry. Use two (2") to three (3") inches of bark mulch around all newly planted trees.

CHAPTER 18.19: SOLAR STANDARDS

Section

18.19.010	Purpose and intent
18.19.030	Solar setbacks
18.19.040	HARC waiver of solar setback requirements
18.19.050	Effect and enforcement
18.19.060	Waiver by release of protected area property owner
18.19.070	Variances

§ 18.19.010 PURPOSE AND INTENT.

The purpose of the solar access chapter is to provide protection of a reasonable amount of solar access to all parcels so that investments in solar equipment may be secure, and further use of solar energy will be encouraged.

§ 18.19.030 SOLAR SETBACKS.

All structures shall meet the solar access requirements of this chapter, according to the following conditions:

(A) The setback required from the property line, measured in a northerly zero degrees direction shall be determined by the following formula:

$$S = (H-6) \times C$$

Where

S = Setback distance

H = Height of the shadow casting portion of the proposed building

C = Correction factor, obtained from the following table

	Slope Direction							
	N	NE	E	SE	S	SW	W	NW
0%	2.2	2.2	2.2	2	2	2	2	
5%	2.2	2.2	21.9	1.8	1.9	2	2.2	
10%	2.5	2.3	21.8	1.7	1.8	2	2.3	
15%	2.9	2.6	21.7	1.6	1.7	2	2.6	
20%	3.4	2.8	21.6	1.5	1.6	2	2.8	

(B) If the setback required under subsection A of this section cannot be met by the proposed structure, then the following method shall be used to determine the setback. The actual shadow length to be cast by the proposed structure shall be determined by the following formula:

$$S = H \times C$$

Where:

S = Shadow length

H = Shadow casting portion of the building

C = Correction factors, obtained from the table in subsection A of this section

The historical and architectural review commission, upon the recommendation of the site plan committee, shall then determine whether the shadow cast is in an "unprotected area" as defined in this chapter. If the shadow to be cast by the proposed structure is entirely within an unprotected area, the site plan committee shall issue the permit. The projected shadow shall be measured in a northerly zero degrees (0°) direction.

(C) Any land which has a slope of greater than ten percent facing due north shall meet the following setback to the property line in a northerly direction determined by the following formula:

$$S = (H-16) \times C$$

Where

S = Shadow length

H = Shadow casting portion of the building

C = Correction factor, obtained from the table in subsection A of this section

§ 18.19.040 HISTORICAL AND ARCHITECTURAL REVIEW COMMISSION WAIVER OF SOLAR SETBACK REQUIREMENTS.

The historical and architectural review commission, upon the recommendation of the site plan committee, may waive the requirements of this chapter if it is found that the protected area which would be shaded by allowing the waiver already lacks solar access due to shading by topography or other adjacent existing structures, and the proposed new structure would not increase the shading of the protected area.

§ 18.19.050 EFFECT AND ENFORCEMENT.

The city shall issue no development permit purporting to allow the erection of any structure in violation of the setback provisions of this chapter.

§ 18.19.060 WAIVER BY RELEASE OF PROTECTED AREA PROPERTY OWNER.

(A) The requirements of this chapter shall be waived if the owner or owners of all property which contains the protected area to be shaded during the winter collector use period by a proposed structure releases the builder of the proposed structure from the requirements of this chapter. Such a release shall be on a form supplied by the city and shall contain the following information:

1. All persons who hold an interest in the property in question;
2. A statement that the waiver applies only to the specific building or buildings, to which the waiver is granted;
3. A statement that the solar access guaranteed by this chapter is waived for that particular structure and the city is held harmless for any damages resulting from the waiver;
4. A description and drawing of the shading which would occur,
5. The form shall be signed by all persons who hold an interest in the property to be shaded, and shall be recorded in the Jackson County recorder's office on the deed of the property to be shaded.

(B) The site plan committee shall grant a waiver after all the necessary information has been presented, all proper form completed, and the necessary papers have been recorded in the county records.

§ 18.19.070 VARIANCES.

Notwithstanding Chapter 17.100 of this code, a variance from solar requirements may be granted on the sole finding that solar access at solar noon on December 21st to the protected area of adjacent parcels will not be further restricted or impeded by the construction of the proposed structure.

CHAPTER 18.20: ENVIRONMENTAL STANDARDS

Section

18.20.010	Purpose
18.20.020	Forest and Agricultural Lands Special Setback Requirements
18.20.030	Wetland Protection requirements
18.20.040	Standards for the excavation or removal of earth or aggregate and for the placement of fill materials
18.20.050	Hazardous materials standards
18.20.060	Erosion control standards
18.20.070	Riparian Corridor requirements
18.20.080	Hillside Residential and Special Protection standards

§ 18.20.010 PURPOSE.

To protect special environmental resources and to provide a buffer between resource lands in the County and the City and adjacent districts as a means to prevent conflicts between resource and non-resource uses.

§ 18.20.020 FOREST AND AGRICULTURAL LANDS SPECIAL SETBACK REQUIREMENTS.

(A) No residential building or structure shall be located within two hundred (200') feet of the district boundary of a County zoned Forest Resource or Exclusive Farm Use (or subsequently adopted comparable zoning designations) district, unless that adjacent County area has an Urban Reserve overlay designation in which case this requirement shall not apply. When new construction or additions are requested on parcels that were developed prior to 1997, the above does not apply.

(B) If the zoning boundary lies in the centerline of a city, county or state roadway, the entire width of the dedicated roadway may be calculated as part of the special setback.
(Am. ORD 579, passed 3-4-2008)

§ 18.20.030 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. To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.

(B) Definitions:

The following definitions shall apply to Section 18.20.030 “Wetland Protection Areas”:

WETLAND: An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

LOCALLY SIGNIFICANT WETLAND: Wetland sites that provide functions or exhibit characteristics that are pertinent to community planning decisions made at the local level. Locally significant wetlands are as determined by Oregon Administrative Rule (OAR) 141-86-350. The Jacksonville Comprehensive Plan specifies the wetlands determined to be locally significant.

LOCAL WETLANDS INVENTORY (LWI): A report prepared in 1999 by Plato Doundoulakis and the Rogue Valley Council of Governments using the methodology developed by the Oregon Division of State Lands.

OREGON FRESH WATER ASSESSMENT METHODOLOGY (OFWAM): A wetland function and quality assessment methodology developed by the Oregon Division of State Lands.

QUALIFIED PROFESSIONAL: An individual such as a wetland biologist or ecologist who has expertise in applying Federal and/or State-approved methods for wetland delineations and value assessments.

WETLAND BUFFER AREA: An area within fifty (50’) feet of any locally significant wetland, measured horizontally from the wetland boundary.

WETLAND PROTECTION AREA: An area that includes any wetland determined to be locally significant plus its wetland buffer area.

JURISDICTIONAL DELINEATION: A delineation approved by the Oregon Division of State Lands and the U.S. Army Corps of Engineers, if required, of the wetland boundary.

(C) 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 Fresh Water 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.

(D) Applicability

1. The provisions of Section 18.20.030, “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 18.20.030(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 18.20.030.

(E) 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 Title 18 Section 18.20.070 (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 18.20.030(G) “Prohibited Activities” occupy the wetland or more than fifty (50%) percent of the wetland buffer area.
(Am. ORD 579, passed 3-4-2008)

(F) 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.

(G) **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 18.20.030 “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.

(H) 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.
 - (c) Normal farm practices, other than structures, in existence at the date of adoption of the provisions herein, on land zoned for Exclusive Farm Use.
2. The following activities, and maintenance thereof, are permitted within the fifty (50') foot wetland buffer area if compatible with Section 18.10 "Purposes" and meets the requirements of 18.20.030 "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.

(I) 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 18.20.030 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 18.20.030 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 18.20.030 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.

(J) 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
 - (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.

§ 18.20.040 STANDARDS FOR THE EXCAVATION OR REMOVAL OF EARTH OR AGGREGATE AND FOR THE PLACEMENT OF FILL MATERIALS.

(A) Most older small towns like Jacksonville seem like a natural part of the landscape. This is for good reason; except for major engineering feats such as railroads, mass grading was impractical and uneconomical. Homes and other buildings had to be fitted to the existing landforms. The result was a more natural landscape. Therefore, existing landforms shall be retained to the greatest extent possible by limiting the cut-and-fill disturbance area to within twenty-five (25') horizontal feet of foundations or twenty (20') horizontal feet from the edge of the shoulder of driveways and roads.

(B) A maximum slope of two (2) to one (1) is required on finished cuts, newly-placed finished fill and landscaping features such as rock walls. Alternatives are allowed, if designed by a licensed professional acceptable to the Building Official. This provision does not apply to engineered retaining walls. All cut and fill shall be compacted in compliance with standard engineering practice and maintained so as to minimize erosion.

(C) Earth or aggregate materials in excess of thirty (30) cubic yards shall only be removed or placed as fill material on a property following the granting of a Certificate of Appropriateness through an administrative permit process based upon a finding of compliance with the following standards:

1. Proposed earth or aggregate removal or proposed fill material is for noncommercial purposes in conjunction with a proposed building project, or if the removal is for commercial purposes it otherwise complies with Chapter 17.104 and Section 19.92.020, Statewide Planning Goal Five (5).
2. The project has been properly engineered.
3. Proposed earth or aggregate removal or proposed fill material will not be materially detrimental to a significant historic site or structure in the Historic Landmark District or on the List of Designated Historic Sites and Structures.
4. Earth or aggregate removal or proposed fill material is necessary to protect a significant historic site or structure.

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

§ 18.20.050 HAZARDOUS MATERIALS STANDARDS.

Development and use change proposals, which include the use or storage of hazardous materials, such as, but not limited to, motor fuels and bulk fertilizer, needs to include a Containment Plan as part of the site plan review process. This Containment Plan is subject to the approval of the City's Fire Chief.

§ 18.20.060 EROSION CONTROL STANDARDS.

(A) For all development on slopes greater than twenty (20%) percent, an erosion prevention and control plan shall be submitted with the development proposal for approval. The Erosion control measures detailed in the Community Forestry Plan shall be used as guidelines.

(B) During construction on slopes greater than ten (10%) percent, between and including the months of November through April, disturbed bare ground shall be filtered by straw bales or other means to prevent silt-filled runoff from leaving the site. Runoff shall be dispersed and slowed rather than concentrated and rapidly removed from the site.

§ 18.20.070 RIPARIAN CORRIDORS.

(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) The following definitions shall apply throughout 18.20.070.

RIPARIAN AREA: The area adjacent to a stream consisting of the area of transition from the aquatic ecosystem to the terrestrial ecosystem.

RIPARIAN CORRIDOR: The area within the boundary established by 18.24.030 “Applicability”, including the waterway and the boundary area on both sides of the waterway.

TOP-OF-BANK: The elevation at which water overflows the natural banks of the stream. In the absence of physical evidence, the two (2) year recurrence interval flood elevation may be used to approximate the bank full stage or delineate the top-of-bank.

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

(C) Applicability

1. The provisions of Chapter 18.20.070, “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 18.20.030, “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 18.20.070(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 18.20.070(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”.

(D) 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)

(E) Prohibited Activities within Riparian Corridors.

The following activities are prohibited within a riparian corridor, except as may be allowed in 18.070(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.

(F) 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-dependant uses.

(G) 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:

The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in 18.20.070 and any imposed by state or federal permits.

1. 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 18.20.070 and any imposed by state or federal permits.
2. 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 18.20.070 and any imposed by state or federal permits.
3. The area shall be protected through other appropriate mechanisms acceptable to the City of Jacksonville which insure long-term protection and maintenance.

(H) 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 insured 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 18.070(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.
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 are not sufficient to provide the necessary building area contained in 18.02.070(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 he vicinity.
- (c) The provisions of 18.20.070(H) (5) are insufficient to remedy the hardship.

(I) Riparian Restoration – all properties being developed for commercial or residential use 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)

§ 18.20.080 HILLSIDE RESIDENTIAL AND SPECIAL PROTECTION STANDARDS.

It is the purpose of the Development Standards for Hillside Residential and Special Protection Lands to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to protect the natural and topographic character and identity of these areas, environmental resources, the aesthetic qualities and restorative value of lands, and the public health, safety, and general welfare by insuring that development does not create soil erosion, sedimentation of lower slopes, slide damage, flooding problems, and severe cutting or scarring. It is the intent of these development standards to encourage a sensitive form of development and to allow for a reasonable use that complements the natural and visual character of the city. Compliance with sections 18.20.080 (B)(1), (3) & (8) and (D)(1), (2), (3) & (5) shall be required at the time of initial application; the sections shall be required at the time of final plat. The tree inventory only needs to occur in the areas proposed to be disturbed by the applicant.

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

(A) General Requirements. The following general requirements shall apply in Hillside Residential and Special Protection Lands:

1. All development shall occur on lands defined as having buildable area. Slopes greater than thirty (30%) percent shall be considered unbuildable. Variances may be granted to this requirement only as provided in section 18.20.080.H.
 - (a) Existing parcels without an adequate area that has a slope of less than or equal to thirty (30%) percent shall be considered buildable for one (1) unit.
 - (b) Existing parcels without an adequate buildable area that has a slope less than or equal to thirty (30%) percent cannot be subdivided or partitioned.
2. All newly created lots either by subdivision or partition shall contain a building envelope with a slope of thirty (30%) percent or less.
3. Geotechnical Studies. For all applications on Hillside Residential and Special Protection Lands involving subdivisions or partitions, the following additional information is required:

(B) A geotechnical study prepared by a geotechnical expert indicating that the site is stable for the proposed use and development. The study shall include the following information:

- (a) Index map.
- (b) Project description to include location, topography, drainage, and vegetation, discussion of previous work and discussion of field exploration methods.
- (c) Site geology, based on a surficial survey, to include site geologic maps, description of bedrock and surficial materials, including artificial fill, locations of any faults, folds, etc., and structural data including bedding, jointing and shear zones, soil depth and soil structure.
- (d) Discussion of any off-site geologic conditions that may pose a potential hazard to the site, or that may be affected by on-site development.
- (e) Suitability of site for proposed development from a geologic standpoint.
- (f) Specific recommendations for cut and fill slope stability, seepage and drainage control or other design criteria to mitigate geologic hazards.
- (g) If deemed necessary by the engineer or geologist to establish whether an area to be affected by the proposed development is stable, additional studies and supportive data shall include cross-sections showing subsurface structure, graphic logs with subsurface exploration, results of laboratory test and references.
- (h) Signature and registration number of the engineer and/or geologist.
- (i) Additional information or analyses as necessary to evaluate the site.
- (j) Inspection schedule for the project as required in 18.20.080.B.9.
- (k) Location of all irrigation canals and major irrigation pipelines.

(C) Hillside Grading and Erosion Control. All development on lands classified as hillside shall provide plans conforming to the following items:

1. All grading, retaining wall design, drainage, and erosion control plans for development on Hillside Lands shall be designed by a civil or geotechnical engineer. All cuts, grading or fills shall conform to Chapter 33 of the Uniform Building Code. Erosion control measures on the development site shall be required to minimize the solids in runoff from disturbed areas.

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

2. For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional by October 31. Up to thirty (30) day modifications to the October 31st date and forty-five (45) day modification to the May 1st date may be made by the Planner, based upon weather conditions and in consultation with the project geotechnical expert. The modification of dates shall be the minimum necessary, based upon evidence provided by the applicant, to accomplish the necessary project goals.

3. Retention in natural state. On all projects on Hillside Residential and Special Protection Lands involving partitions and subdivisions, and existing lots with an area greater than one-half (.5) acre, an area equal to sixty (60%) percent of the total project area shall be retained in a natural state. Lands to be retained in a natural state shall be protected from damage through the use of temporary construction fencing or the functional equivalent.

- (a) Fencing (such as a perimeter fence) on properties over two (2) acres shall not encroach on the sixty (60%) percent of the land designated to remain in a natural state.

The retention in a natural state of areas greater than the minimum percentage required here is encouraged.
(Am. ORD 579, passed 3-4-2008)

4. Grading - cuts. On all cut slopes on areas classified as Hillside Residential and Special Protection Lands, the following standards shall apply:

- (a) Cut slope angles shall be determined in relationship to the type of materials of which they are composed. Where the soil permits, limit the total area exposed to precipitation and erosion. Steep cut slopes shall be retained with stacked rock, retaining walls, or functional equivalent to control erosion and provide slope stability when necessary. Where cut slopes are required to be laid back (1:1 or less steep), the slope shall be protected with erosion control netting or structural equivalent installed per manufacturers specifications, and re-vegetated.
- (b) Exposed cut slopes, such as those for streets, or driveway accesses, greater than seven (7') feet in height shall be terraced. Cut faces on a terraced section shall not exceed a maximum height of five (5') feet. Terrace widths shall be a minimum of three (3') feet to allow for the introduction of vegetation for erosion control. Total cut slopes shall not exceed a maximum vertical height of fifteen (15') feet.

The top of cut slopes not utilizing structural retaining walls shall be located a minimum setback of one-half the height of the cut slope from the nearest property line. Cut slopes for structure foundations encouraging the reduction of effective visual bulk, such as split pad or stepped footings shall be exempted from the height limitations of this section.

- (c) Re-vegetation of cut slope terraces shall include the provision of a planting plan, introduction of top soil where necessary, and the use of irrigation if necessary. The vegetation used for these areas shall be native or species similar in resource value which will survive to help reduce the visual impact of the cut slope, and assist in providing long term slope stabilization. Trees, bush-type plantings and cascading vine-type plantings may be appropriate.

5. Grading - fills. On all fill slopes on lands classified as Hillside Residential and Special Protection Lands, the following standards shall apply:
- (a) Fill slopes shall not exceed a total vertical height of twenty (20') feet. The toe of the fill slope area not utilizing structural retaining shall be a minimum of six (6') feet from the nearest property line.
 - (b) Fill slopes shall be protected with an erosion control netting, blanket or functional equivalent. Netting or blankets shall only be used in conjunction with organic mulch such as straw or wood fiber. The blanket must be applied so that it is in complete contact with the soil so that erosion does not occur beneath it. Erosion netting or blankets shall be securely anchored to the slope in accordance with manufacturer's recommendations.
 - (c) Utilities. Whenever possible, utilities shall not be located or installed on or in fill slopes. When determined that it necessary to install utilities on fill slopes, all plans shall be designed by a geotechnical expert.
 - (d) Re-vegetation of fill slopes shall utilize native vegetation or vegetation similar in resource value that will survive and stabilize the surface. Irrigation may be provided to ensure growth if necessary. Evidence shall be required indicating long-term viability of the proposed vegetation for the purposes of erosion control on disturbed areas.
6. Re-vegetation requirements. Where required by this chapter, all required re-vegetation of cut and fill slopes shall be installed prior to the issuance of a certificate of occupancy, signature of a required survey plat, or other time as determined by the hearing authority. Vegetation shall be installed in such a manner as to be substantially established within one year of installation.
7. Maintenance, Security, and Penalties for Erosion Control Measures.
- (a) Maintenance. All measures installed for the purposes of long-term erosion control, including but not limited to vegetative cover, rock walls, and landscaping, shall be maintained in perpetuity on all areas which have been disturbed, including public rights-of-way. The applicant shall provide evidence indicating the mechanisms in place to ensure maintenance of measures.
 - (b) Security. Except for individual lots existing prior to January 1, 1998, after an Erosion Control Plan is approved by the hearing authority and prior to construction, the applicant shall provide a performance bond or other financial guarantees in the amount of one hundred twenty (120%) percent of the value of the erosion control measures necessary to stabilize the site. Any financial guarantee instrument proposed other than a performance bond shall be approved by the City Administrator. The financial guarantee instrument shall be in effect for a period of at least one (1) year, and shall be released when the Planner and Public Works Director determine, jointly, that the site has been stabilized. All or a portion of the security retained by the City shall be held beyond the one (1) year maintenance period until the applicant has complied with all erosion control conditions as determined jointly by the Planner and Public Works Director.

8. Site Grading. The grading of a site on Hillside Residential and Special Protection Lands shall be reviewed considering the following factors:

- (a) No terracing shall be allowed except for the purposes of providing vehicular access to the pad.
- (b) Avoid hazardous or unstable portions of the site.
- (c) Building pads should be of minimum size to accommodate the structure after utilizing a design that fits in the slope pursuant to 18.20.080. E. Pads for tennis courts, swimming pools and large lawns are discouraged. As much of the remaining lot area as possible should be kept in the natural state of the original slope.

9. Inspections and Final Report. Prior to the acceptance of a subdivision by the City, signature of the final survey plat on partitions, or issuance of a certificate of occupancy for individual structures, the project geotechnical expert shall provide a final report indicating that the approved grading, drainage, and erosion control measures were installed as per the approved plans, and that all scheduled inspections, as per 18.20.080.A.4.j were conducted by the project geotechnical expert periodically throughout the project.

(D) Surface and Groundwater Drainage. All development on Hillside Residential and Special Protection Lands shall conform to the following standards:

1. All facilities for the collection of storm water runoff shall be required to be constructed on the site and according to the following requirements:

- (a) Storm water facilities shall include storm drain systems associated with street construction, facilities for accommodating drainage from driveways, parking areas and other impervious surfaces, and roof drainage systems.
- (b) Storm water facilities, when part of the overall site improvements, shall be, to the greatest extent feasible, the first improvements constructed on the development site.
- (c) Storm water facilities shall be designed to divert surface water away from cut faces or sloping surfaces of a fill.
- (d) Existing natural drainage systems shall be utilized, as much as possible, in their natural state, recognizing the erosion potential from increased storm drainage.
- (e) Flow-retarding devices, such as a recharge berm and detention ponds, shall be used where practical to minimize increases in runoff volume and peak flow rate due to development. Each facility shall consider the needs for an emergency overflow system to safely carry any overflow water to an acceptable disposal point.
- (f) Storm water facilities shall be designed, constructed and maintained in a manner that will avoid erosion on-site and to adjacent and downstream properties.
- (g) Alternate storm water systems, such as dry well systems, detention ponds, and leach fields, shall be designed by a registered engineer or geotechnical expert and approved by the City's Public Works Department or City Building Official.

(E) Tree Conservation, Protection and Removal. All development on Hillside Residential and Special Protection Lands shall conform to the following requirements:

1. Inventory of Existing Trees. A tree survey at the same scale as the project site plan shall be prepared, which locates all trees greater than twelve (12") inches D.B.H. (D.B.H. = Circumference of the tree's trunk(s) at four (4') feet above grade/ground level, and dividing by 3.14), identified by D.B.H, species, approximate extent of tree canopy. In addition, for areas proposed to be disturbed, existing tree base elevations shall be provided. Dead or diseased trees shall be identified. Groups of trees in close proximity (i.e. those within five (5') feet of each other) may be designated as a clump of trees, with the predominant species, estimated number and average diameter indicated. All tree surveys shall have an accuracy of plus or minus two (2') feet. The name, signature, and address of the site surveyor responsible for the accuracy of the survey shall be provided on the tree survey.

Portions of the lot or project area not proposed to be disturbed by development need not be included in the inventory.

2. Evaluation of Suitability for Conservation. All trees indicated on the inventory of existing trees shall also be identified as to their suitability for conservation. When required by the hearing authority, the evaluation shall be conducted by a landscape professional. Factors included in this determination shall include:
 - (a) Tree health. Healthy trees can better withstand the rigors of development than non-vigorous trees.
 - (b) Tree Structure. Trees with severe decay or substantial defects are more likely to result in damage to people and property.
 - (c) Species. Species vary in their ability to tolerate impacts and damage to their environment.
 - (d) Potential longevity.
 - (e) Variety. A variety of native tree species and ages.
 - (f) Size. Large trees provide a greater protection for erosion and shade than smaller trees.
3. Tree Conservation in Project Design. Significant resource trees (twelve (12") inches D.B.H. or greater) shall be protected and incorporated into the project design whenever possible.
 - (a) Streets, driveways, buildings, utilities, parking areas, and other site disturbances shall be located such that the maximum number of existing trees on the site are preserved, while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
 - (b) Building envelopes shall be located and sized to preserve the maximum number of trees on site while recognizing and following the standards for fuel reduction if the development is located in Wildfire Lands.
 - (c) Layout of the project site utility and grading plan shall avoid disturbance of tree protection areas.

4. Tree Protection. On all properties where trees are required to be preserved during the course of development, the developer shall follow the following tree protection standards:
 - (a) All trees designated for conservation shall be clearly marked on the project site. Prior to the start of any clearing, stripping, stockpiling, trenching, grading, compaction, paving or change in ground elevation, the applicant shall install fencing at the drip line of all trees to be preserved adjacent to or in the area to be altered. Temporary fencing shall be established at the perimeter of the drip line. Prior to grading or issuance of any permits, the fences may be inspected and their location approved by the Planner.
 - (b) Construction site activities, including but not limited to parking, material storage, soil compaction and concrete washout, shall be arranged so as to prevent disturbances within tree protection areas.
 - (c) No grading, stripping, compaction, or significant change in ground elevation shall be permitted within the drip line of trees designated for conservation unless indicated on the grading plans, as approved by the City, and landscape professional. If grading or construction is approved within the drip line, a landscape professional may be required to be present during grading operations, and shall have authority to require protective measures to protect the roots.
 - (d) Changes in soil hydrology and site drainage within tree protection areas shall be minimized. Excessive site run-off shall be directed to appropriate storm drain facilities and away from trees designated for conservation.
 - (e) Should encroachment into a tree protection area occur which causes irreparable damage, as determined by a landscape professional, to trees, the project plan shall be revised to compensate for the loss. Under no circumstances shall the developer be relieved of responsibility for compliance with the provisions of this chapter.

5. Tree Removal. Development shall be designed to preserve the maximum number of trees on a site. When justified by findings of fact, the hearing authority may approve the removal of trees for one (1) or more of the following conditions:
 - (a) The tree is located within the building envelope.
 - (b) The tree is located within a proposed street, driveway, or parking area.
 - (c) The tree is located within a water, sewer, or other public utility easement.
 - (d) The tree is determined by a landscape professional to be dead or diseased, or it constitutes an unacceptable hazard to life or property when evaluated by the standards in 18.20.080.D.2.
 - (e) The tree is located within or adjacent to areas of cuts or fills that are deemed threatening to the life of the tree, as determined by a landscape professional.

6. Tree Replacement. Trees approved for removal, with the exception of trees removed because they were determined to be diseased, dead, or a hazard, shall be replaced in compliance with the following standards:

- (a) All resource trees removed shall be replaced on a one-for-one basis.
- (b) Replacement trees shall be indicated on a tree replanting plan. The replanting plan shall include all locations for replacement trees, and shall also indicate tree planting details.
- (c) Replacement trees shall be planted such that the trees will in time result in canopy equal to or greater than the tree canopy present prior to development of the property. The canopy shall be designed to mitigate of the impact of paved and developed areas, reduce surface erosion and increase slope stability. Replacement tree locations shall consider impact on the wildfire prevention and control plan. The hearing authority shall have the discretion to adjust the proposed replacement tree canopy based upon site-specific evidence and testimony.
- (d) Maintenance of replacement trees shall be the responsibility of the property owner. Required replacement trees shall be continuously maintained in a healthy manner. Trees that die within the first five years after initial planting must be replaced in kind, after which a new five (5) year replacement period shall begin. Replanting must occur within thirty (30) days of notification unless otherwise noted.

7. Enforcement.

- (a) All tree removal shall be done in accord with the approved tree removal and replacement plan. No trees designated for conservation shall be removed without prior approval by Planner.
- (b) Should the developer or developer's agent remove or destroy any tree that has been designated for conservation, the developer may be fined up to three times the current appraised value of the replacement trees and cost of replacement or up to three times the current market value, as established by a professional arborist, whichever is greater.
- (c) Should the developer or developer's agent damage any tree that has been designated for protection and conservation, the developer shall be penalized fifty (\$50.00) dollars per scar. If necessary, a professional arborist's report, prepared at the developer's expense, may be required to determine the extent of the damage. Should the damage result in loss of appraised value greater than determined above, the higher of the two (2) values shall be used.

(F) Building Location and Design Standards. All buildings and buildable areas proposed for Hillside Residential and Special Protection Lands shall be designed and constructed in compliance with the following standards:

1. Building Envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes conforming to the following standards:

- (a) The building envelope shall contain a buildable area with a slope of thirty (30%) percent or less.

- (b) Building envelopes and lot design shall address the retention of a percentage of the lot in a natural state as required in 18.20.080.B.3.
- (c) Building envelopes shall be designed and located to maximize tree conservation as required in 18.20.080.D.3.
- (d) It is recommended that building envelope locations should be located to avoid ridgeline exposures, and designed such that the roofline of a building within the envelope does not project above the ridgeline.

2. Building Design. To reduce hillside disturbance through the use of slope responsive design techniques, buildings on Hillside Residential and Special Protection Lands shall incorporate the following into the building design and indicate features on required building permits:

- (a) Cut buildings into hillsides to reduce effective visual bulk.
 - (i) Split pad or stepped footings shall be incorporated into building design to allow the structure to more closely follow the slope.
 - (ii) Reduce building mass by utilizing below grade rooms cut into the natural slope.
 - (iii) Provide other engineered foundation design that minimizes cut-and-fill impacts. (ORD. 547, passed 5-17-2005)
- (b) A building step back shall be required on all downhill building walls greater than twenty (20') feet in height, as measured above natural grade. Step backs shall be a minimum of six (6') feet. No vertical walls on the downhill elevations of new buildings shall exceed a maximum height of twenty (20') feet above natural grade.
- (c) Continuous horizontal building planes shall not exceed a maximum length of thirty-six (36') feet. Planes longer than thirty-six (36') feet shall include a minimum offset of six (6') feet.
- (d) It is recommended that roof forms and roof lines for new structures be broken into a series of smaller building components to reflect the irregular forms of the surrounding hillside. Long, linear unbroken roof lines are discouraged. Large gable ends on downhill elevations should be avoided, however smaller gables may be permitted.
- (e) It is recommended that roofs of lower floor levels be used to provide deck or outdoor space for upper floor levels. The use of overhanging decks with vertical supports in excess of twelve (12') feet on downhill elevations should be avoided.
- (f) It is recommended that color selection for new structures be coordinated with the predominant colors of the surrounding landscape to minimize contrast between the structure and the natural environment.

(G) All structures on Hillside Residential and Special Protection Lands shall have foundations which have been designed by an engineer or architect with demonstrable geotechnical design experience. A designer, as defined, shall not complete working drawings without having foundations designed by an engineer.

(H) All newly created lots or lots modified by a lot line adjustment must include a building envelope on all lots that contains a buildable area less than thirty (30%) percent slope of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

(I) Administrative Variance From Development Standards for Hillside Lands - 18.20.080. A variance under this section may be granted with respect to the development standards for Hillside Residential and Special Protection Lands if all of the following circumstances are found to exist:

1. There is demonstrable difficulty in meeting the specific requirements of this chapter due to a unique or unusual aspect of the site or proposed use of the site;
2. The variance will result in equal or greater protection of the resources protected under this chapter;
3. The variance is the minimum necessary to alleviate the difficulty; and
4. The variance is consistent with the stated Purpose and Intent of the Environmental Standards Chapter and section 18.20.080.

CHAPTER 18.21: UTILITY STANDARDS

Section

18.21.010	Hydrant standards
18.21.020	Drainage standards
18.21.030	Cable standards
18.21.040	Utility features standards
18.21.050	Streets
18.21.060	Underground utilities

§ 18.21.010 HYDRANT STANDARDS.

(A.) The maximum distance between a new primary building and the nearest Fire Hydrant shall be three hundred (300') feet for residential development and one hundred fifty (150') feet for commercial development. If the above standards cannot be met, the installation of an additional hydrant that would satisfy the applicable standard shall be required of the applicant or approved by the Fire Chief, the buildings may be protected throughout with approved automatic sprinkler protection complying with Uniform Fire Code standards. In no case, shall a distance of greater than five hundred (500') feet from a fire hydrant be allowed at any time for any facility, building, or portion of a building.

(B.) Hydrants shall have a three hundred (300') foot maximum spacing between hydrants. Any such new Fire Hydrant shall have a minimum flow of one thousand (1,000) gallons per minute and shall be on a minimum eight (8") inch waterline. All other specifications not listed must be engineered to meet American Insurance Association (A. I. A.) or N. F. P.A. standards.
(ORD. 547, passed 5-17-2005)

§ 18.21.020 DRAINAGE STANDARDS.

(A) Both prior to and during occupancy of a structure, the City Public Works Supervisor shall determine that onsite drainage is adequate and that no impediments to other necessary offsite drainage have been created. Correction of any inadequate situations is required.

(B) No storm drainage conveyances shall be outlet or connected to the City's sanitary sewer system.

(C) Due to its percolation and absorption properties which help to slow and dissipate storm runoff, open space is hereby regarded as a public facility and a valuable aspect of the City's infrastructure. Therefore, impervious surfaces can only cover ten (10%) percent more parcel area than the lot coverage allowance. As an example, if a lot coverage restriction was forty (40%) percent, the maximum area that could be covered by structures and impervious surface would be fifty (50%) percent. This could be forty (40%) percent structure coverage/ten (10%) impervious surface or twenty-five (25%) percent structure coverage/twenty-five (25%) percent impervious surface, but not fifty-five (55%) percent structure coverage/five (5%) impervious surface.

§ 18.21.030 CABLE STANDARDS.

(A) All new electric, telephone, and cable connections are subject to approval by the City Public Works Supervisor and shall be placed underground.

(B) Utilities shall be restricted to one side of the street in new developments, or the closest side of the utility must be at least ten (10') feet from where trees are to be planted. Utilities should be in areas of compacted soils, such as under roadbeds or sidewalks, to discourage roots in the utility zone. Where underground utilities cannot avoid being placed within the drip line of resource trees, tunneling, a minimum of two (2') feet in depth, or hand digging trenches with all roots one (1") inch or larger left intact and smaller roots cleanly cut on the tree side of the trench, shall be the means of installing these utility lines.

(C) Service lines from the right-of-way shall be located as far as possible from all trees or designated tree planting locations. If utilities must be placed within drip lines of resource or heritage trees, lines shall be tunneled at a minimum of two (2') feet in depth (keeping as far from the tree trunk as possible, but under no circumstance within five (5') feet of tree trunk).

(D) For a period of four (4) years after the overlay or reconstruction of a City street, there shall be no cutting of the pavement for the installation of utilities lines without the approval of the City's Utility Committee.

§ 18.21.040 UTILITY FEATURES STANDARDS.

(A) The streetlight designs contained in Appendix F of the Jacksonville Transportation System Plan shall be used as the standards for streetlight design for developers wishing to create a historical setting in a subdivision or other development. If a developer or private party wishes to install street lighting, such lighting shall be subject to City and power company approval, and all expenses incurred through maintenance and operation shall be the responsibility of the developer or private party in perpetuity. All residential street light fixtures shall utilize high-pressure sodium yellow lights. All lighting should be appropriate to the surroundings in terms of style, scale and intensity of illumination. Site lighting shall be shielded and directed downward. (Am. ORD 579, passed 3-4-2008)

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

(C) The City or other responsible jurisdiction, corporation, or company shall preserve and maintain or replicate historic signs, monuments, or features in the right of way and design any new utility installations or features to be compatible. Compatibility shall be determined through the appropriate level of review as an appurtenance. All height and other design standards shall apply to utilities, even if located within the right of way and/or permitted outright.

§ 18.21.050 STREETS.

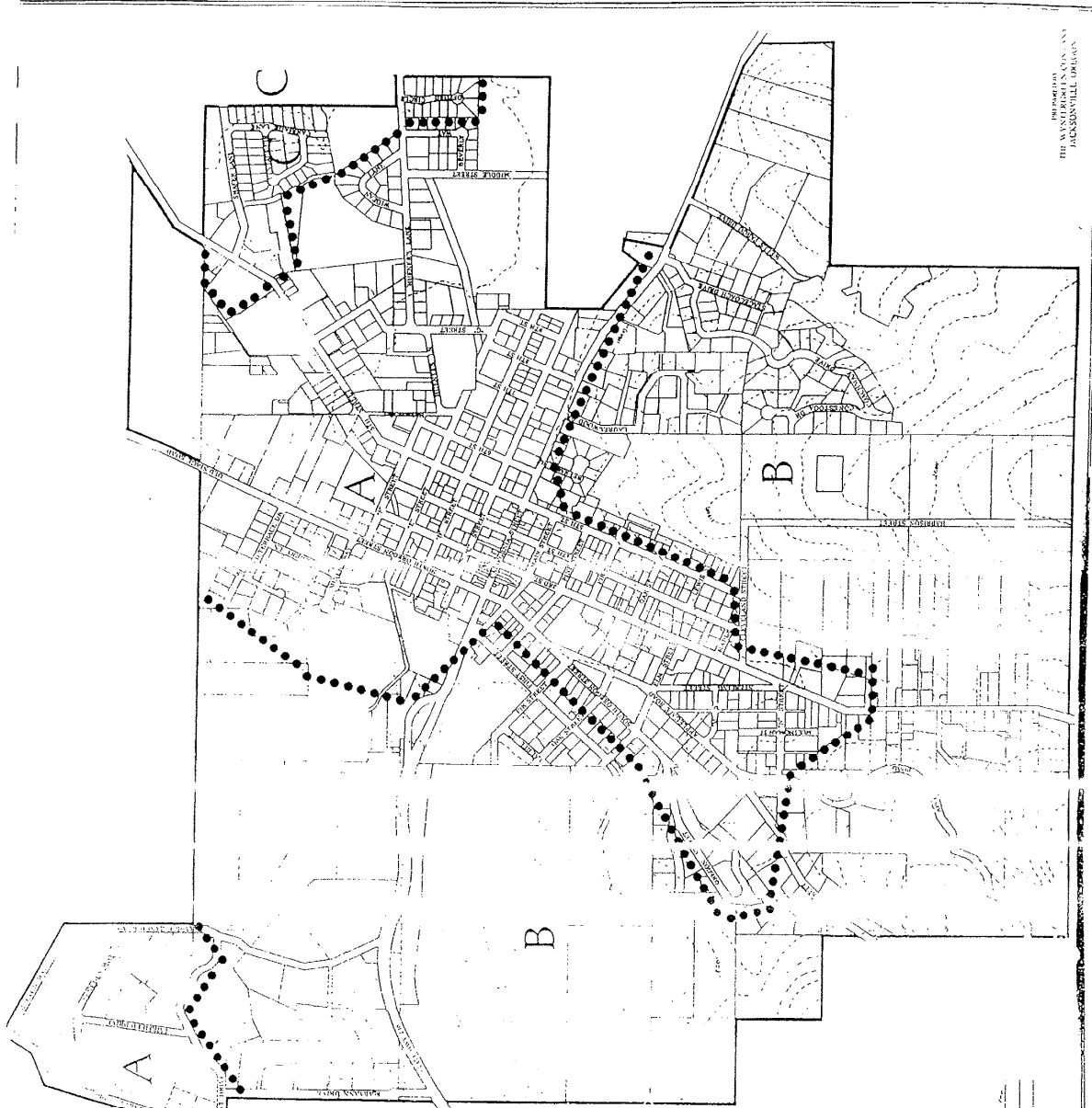
(A) General - The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of the land to be served by the streets and to the comprehensive plan adopted by the city. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas or
2. Conform to the comprehensive plan to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

(B) Special areas A, B, & C - In recognition of the historical, cultural and aesthetic appeal and characteristics of the city, and in support of maintaining these unique qualities of the community, the city has been divided into three special area districts in terms of street design standards illustrated in the City of Jacksonville's Transportation Systems Plan (TSP). The following sets forth general standards, criteria and guidelines:

1. Special area A. This area consists of primarily the historical core area where existing widths and grades of the pavement shall be maintained to retain the unique historic character of the area. This area may also be precluded from any standard curb, gutter and sidewalk requirements other than alternative treatments aiding in drainage control and proper vehicular and pedestrian traffic flow and control. All utilities, including but not limited to electricity, communications, street lighting and cable television shall be placed underground.
2. Special area B. This area consists of lands which are characterized by steep slopes, hills and rolling uplands. Street standards for this area shall recognize that much of it constitutes the scenic and aesthetic backdrop for the city. Geologic and soils testing data shall be required for streets proposed for development within this fragile soils area. Allowance may be made for split level streets for more steeply contoured areas where normal grading would be impractical or would otherwise require massive and visually disruptive cuts and fills. Provisions shall also be made to allow encroachment of trees and other foliage onto the narrow rights-of-way. All utilities, including but not limited to electricity, communications, street lighting and cable television shall be placed underground.
3. Special area C. Street standards in this area are generally the more standard street design criteria by the utilization of curb, gutter, pavement and sidewalks. New streets shall be developed with a concern for erosion control and concentration of storm water runoff. Adequate drainage facilities shall be provided underground, and as well, all utilities, including but not limited to electricity, communications, street lighting and cable television shall be placed underground.

EXHIBIT "B"



THE WESTPORTS COMPANY
JACKSONVILLE, FLORIDA

THE CITY OF
JACKSONVILLE

RECORDED TAXLIES AND RIGHTS OF WAY
JANUARY, 1991

City of Jacksonville
City Engineer
City of Jacksonville
City of Jacksonville
City of Jacksonville



City of Jacksonville
City of Jacksonville
City of Jacksonville

(C) Minimum right-of-way - Unless otherwise indicated in the comprehensive plan, the widths of the streets, alleys, and other public ways, in feet, shall comply with the requirements of the standard drawings in the City of Jacksonville's Transportation Systems Plan (TSP). Where existing conditions of topography or the size and shape of land parcels, or other like physical conditions, make it otherwise impractical to provide buildable lots, the planning commission may accept a narrower right-of-way with suitable allowance for increased width at strategic locations for turning lanes, parking bays, or similar special design features.

(D) Reserve strips - Reserve strips or street plugs controlling the access to streets shall be required for the protection of the public welfare and for substantial property rights. The control and disposal of the land composing such strips or street plugs shall be placed within the jurisdiction of the city, by deed, under conditions approved by the planning commission or city council.

(E) Alignment - All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of two hundred (200') feet between the centerlines of the streets.

(F) Future extension of streets - Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision or development. Reserve strips and street plugs shall be required to preserve the objectives of street extension. The planning commission may require the improvement of a suitable turnaround at the temporary dead end.

(G) Intersection angles - Streets shall be laid out to intersect at ninety (90°) degrees, except where topography requires a lesser angle, but in no case less than sixty (60°) degrees. Streets shall have at least thirty (30') feet of tangent adjacent to the intersection unless the topography justifies a lesser distance.

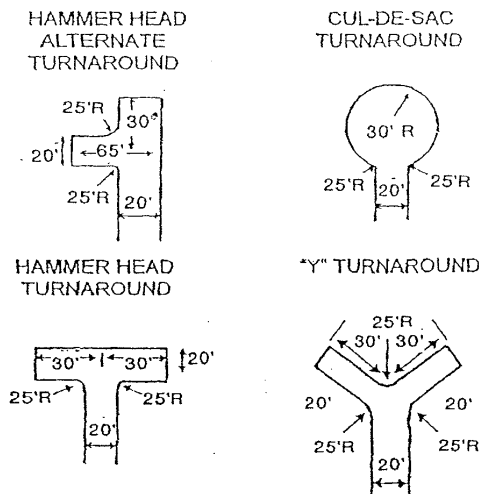
(H) Intersection corner rounding - The property line at each block corner shall be rounded with a curve adequate to allow a radius of not less than twenty-five (25') feet at the edge of road surface and provide utility and sidewalk space. A greater radius at the edge and corresponding block corner radius may be required if the streets intersect at other than right angles.

(I) Curve radius - Centerline radii of curves shall be not less than three hundred (300') feet on arterial streets, two hundred (200') feet on collector streets or one hundred (100') feet on all other streets and shall be to an even ten (10') feet.

(J) Grades - All street grades will comply with the State of Oregon Fire Code standard for Fire Apparatus Access Road (Section 503). (Am. ORD 579, passed 3-4-2008)

(K) Half-streets - While generally not acceptable, half-streets may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the development of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs shall be required to preserve the objectives of the half-streets.

(L) Dead-end turnarounds - A dead-end turnaround, while generally not acceptable, may be approved when essential to the reasonable development of the project, when in conformity with the other requirements of these regulations, and shall be as short as possible. Where turn-around areas are determined to be essential, the attached diagrams show the minimum required alternate terminus designs (ORD. 547, passed 5-17-2005)



(M) Existing streets - Whenever existing streets adjacent to or within a proposed development area are of inadequate width, additional right-of-way shall be provided at the time of development. No street with pavement less than two (2) years old shall be cut to install any utilities unless approval is given by the City Public Works Supervisor.

(N) Street names - No street name shall be used which will duplicate or be confused with the names of existing streets in Jacksonville and vicinity except for extensions of existing streets. Streets which are an extension of, or are in alignment with, existing streets shall have the same name as the existing street. Street names shall be related to characters, places, events, or natural features from Jacksonville's history. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.

(O) Marginal access streets - Where a subdivision or development abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the front, rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(P) Alleys - Alleys are encouraged where feasible.

(Q) Private access roads – Private Fire Department access roads shall be a minimum of twenty (20') feet in width.
(ORD. 547, passed 5-17-2005)

§ 18.21.060 UNDERGROUND UTILITIES.

All utilities required within the subdivision or development shall be installed underground by the developer. The exact location of each utility and laterals shall be monumented in the field and indicated on the "as built" drawings, and shall not block pedestrian ways.

CHAPTER 18.22: DIVISION AND LOT DESIGN STANDARDS

Section

18.22.010	Principles of acceptability
18.22.020	Blocks
18.22.030	Lots
18.22.040	Grading
18.22.050	Land for public purposes

§ 18.22.010 PRINCIPLES OF ACCEPTABILITY.

The subdivision or development shall conform to the city's comprehensive plan. The subdivision or development shall conform to the requirements of state laws and the standards established by this title.

§ 18.22.020 BLOCKS.

(A) General. The length, width and shape of blocks shall be designed with due regard to providing building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of the limitations and opportunities of topography.

(B) Sizes. Blocks shall not exceed four hundred (400') feet in length, except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify an exception.

(C) Block width. Blocks shall have a sufficient width to provide for two tiers of lots, unless unusual topography conditions dictate other considerations should be given to the block width.

§ 18.22.030 LOTS.

(A) Size and shape. Lot size, shape, width and orientation shall be appropriate for the location of the subdivision or development, solar orientation and for the type of use contemplated. The width of every lot shall comply with the requirements of the zoning ordinance. Lots shall have an average depth of not less than one hundred (100') feet unless existing conditions or topographic conditions make it mandatory that lots be reduced in depth, in which case the lot depth may not be less than eighty (80') feet. These minimum standards shall apply with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot size shall be increased to conform to the requirements of the Jackson County Health Department and shall take into consideration problems of water supply and sewage disposal.
2. Where property is zoned and planned for industrial or commercial use, other standards may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

3. The lot layout shall be in agreement with the area designations shown on the adopted Comprehensive Plan.

(B) Access. Each lot shall be provided access as required pursuant to Section 17.96.060.

(C) Through lots. Through lots shall be avoided except where essential to provide separation of residential development from major traffic arteries, adjacent non-residential activities, to overcome specific disadvantage of topography and orientation or when recommended to fit the lot layout to the adopted comprehensive plan. A planting screen easement of at least ten (10') feet, across which there shall be no right of access, may be required along the line of lots abutting such a traffic artery or other disadvantageous use. Through lots with planting screens shall have a minimum average of one hundred ten (110') foot depth.

(D) Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot faces.

§ 18.22.040 GRADING.

The grading of the street right-of-way and lot constructed at the time of the subdivision or development construction shall be under the supervision of an engineer, geologist, or landscape architect who is knowledgeable and skilled in the treatment of soils, soil stabilization and soil erosion. Due consideration shall be given to the existing terrain, cross slope and vegetation. Excessive grading of the right-of-way or the lot areas or removal of large amounts of vegetation will not be permitted. Approval of the grading plan by the city engineer and the planning commission shall be given prior to any construction.

§ 18.22.050 LAND FOR PUBLIC PURPOSES.

(A) The planning commission may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, of appropriate areas within the subdivision or development for a period not to exceed one (1) year providing the city has an interest or has been advised of interest on the part of the state highway commission, school district, or other outside public agency to acquire a portion of the area within the proposed development for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.

(B) The planning commission may require the dedication of suitable areas for parks, playgrounds, and transportation rights-of-way.

CHAPTER 18.23: RESTRICTIVE COVENANTS STANDARDS

Section

- 18.23.010 General provisions
- 18.23.020 Standard Conditions relating to Conditions, Covenants & Restrictions (CC&R's)

§ 18.23.010 GENERAL PROVISIONS.

Every proposed subdivision or PUD shall submit a set of Codes, Covenants, and Restrictions (CC&R's) for Planning Commission review. The Planning Commission may refer proposed CC&R's to the HARC for a recommendation as to historic appropriateness. The CC&R's compatibility with the criteria and standards found in Title 18 shall be used to determine such appropriateness, along with the need to provide a mixture of roof configurations and heights and lot size variations.

Under normal circumstances, enforcing CC&R's is not a municipal function; where CC&R's have been imposed for clearly social purposes, the City will engage in such civil matters. The city's participation in CC&R's is predicated upon discretionary enforcement and the intent of its participation is to ensure that matters of public interest, such as maintenance of private streets, infrastructure, & common lands, are addressed, and corrected, if there is a problem.

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

§ 18.23.020 STANDARD CONDITIONS RELATING TO CONDITIONS, COVENANTS & RESTRICTIONS (CC&R'S).

The following standard conditions shall be required in CC&Rs:

- (A) Individualized architectural compatibility requirements.
- (B) There shall be no minimum structural square-footages in the CC&Rs in order to allow for the architectural variety that is Jacksonville and to minimize topographic impacts.
- (C) There shall be a warning included in Hillside Residential zones, that roads may be subject to icing and that the City does not sand or provide other de-icing measures.
- (D) Where applicable, there shall be a recognition that storm waters may flow through pre-existing natural drainages and from common areas onto private property.
- (E) Where applicable, there shall be recognition that there is a landfill located nearby.
- (F) The CC&Rs (and/or Bylaws) shall establish a full administrative structure, such as Board of Directors, voting methodology, & meeting schedules.

(G) There shall be a common account and collection system established for the maintenance of all common property, utilities, and facilities.

(H) The City shall have discretionary power to enforce the CC&Rs, along with the power to take corrective measures and place liens on benefited properties for any resulting costs.

(I) There shall be no amendments to the CC&Rs without City Council ratification.

(J) There shall be no termination date to the CC&Rs.

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

CHAPTER 18.24: IMPROVEMENTS

Section

18.24.010	Agreement for improvements
18.24.020	Construction plans
18.24.030	Bond
18.24.040	Improvement by assessment
18.24.050	Approval of streets and ways
18.24.060	Improvement procedures
18.24.100	Improvement requirements

§ 18.24.010 AGREEMENT FOR IMPROVEMENTS.

Before the planning commission's approval is certified on the final plat, the developer shall either install the required subdivision improvements in accordance with the plans and specifications hereunder, or shall execute and file with the city recorder an agreement between themselves and the city, accompanied by a bond complying with Section 18.24.030 hereof, guaranteeing the installation of the said subdivision improvements and specifying a period within which the same shall be completed in accordance with the plans and specifications approved under Section hereof and providing that if they fail to complete such work within such period the city may complete the same and recover the full cost and expense thereof from the developer or their surety. The agreement shall also provide for reimbursement of the city by the developer for the cost of inspection by the city engineer, and for the placing of any required monuments which have been deferred until after improvements. Such agreement shall be in form approved by the city attorney and may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

§ 18.24.020 CONSTRUCTION PLANS.

Construction drawings certified by a licensed civil engineer prepared on twenty four (24") inches by thirty six (36") inch base material showing in detail all improvements required to be constructed including, but not limited to, streets, curbs and gutters, storm sewers, sanitary sewers, water distribution system, street tree locations, street lights and monuments, shall be submitted to the city engineer who shall examine the same prior to conditional approval of the final map under Section 16.16.070 hereof. Upon finding that the drawings conform to applicable city codes and other construction requirements for such improvements and are in accord with sound engineering principles and practices, the engineer shall submit the said plans to the planning commission for approval. No alteration or change of the construction drawings shall be made by the developer or the city without the express mutual consent of both parties. No construction shall be started prior to approval of said plans and specifications by the planning commission. On completion of the construction the developer shall submit to the city engineer a complete set of "as built" drawings, in the manner prescribed by law. (ORD. 547, passed 5-17-2005)

§ 18.24.030 BOND.

(A) To assure full and faithful performance of the improvement agreement, the developer shall file with the said agreement a personal undertaking signed by all persons having a beneficial interest in the subject property, which undertaking shall be approved in form by the city attorney and shall be one of the following:

1. Co-signed by at least one additional person who shall not be related to the developer by blood or consanguinity. The developer and co-signer shall submit evidence of financial responsibility in affidavit form which satisfies the city that the financial resources of the surety signing the bond provide reasonable assurance of the ability of the developer to proceed in accordance with the agreement; or
2. Co-signed by a surety company authorized to transact business in the state of Oregon, or,
3. Secured by the deposit of cash or cashier's check, governmental bearer bonds or other like cash security available to the city in case of default in the undertaking, the deposit to be in the penal amount of the bond or
4. A letter of assignment from an authorized financial institution. Letter of assignment shall be held in force by the city until improvements are deemed complete by the city. The city shall have access to funds guaranteed by the letter of assignment in case of default in the undertaking and said letter of assignment shall only be terminated with approval of the City.

(B) The undertaking shall be in an amount equal to one hundred ten (110%) percent of the estimated cost of performing the obligations of the improvement agreement which it secures. Estimated cost for that purpose shall be verified by the city engineer within fifteen (15) days from submittal of estimate by the developer.

(C) In the event the developer shall fail to complete all improvement work in accordance with the provisions of this code and the city shall have completed same, or if the developer shall fail to reimburse the city for the cost of inspection, engineering and incidental expenses, and to cover cost of replacement and repair of existing streets or other improvements damaged in the development of the project, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the city, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the city, the developer shall be liable to the city for such difference.

(D) Guarantee. The developer shall guarantee all materials and furnished equipment and work performed against any defect in materials and workmanship which becomes evident within three (3) years after the acceptance of the work by the city. A warranty bond shall be submitted to the City shall in the amount of twenty (20%) percent of total project cost and remain in full force and effect during the guaranty period and correction of any faulty work shall be promptly executed by the developer, or, if corrected by the city, shall be the responsibility of the surety. In the case of a cash deposit the city council may determine, upon completion of the improvement, whether all or a reasonable part of the deposit should be retained as a reasonable security for such guarantee.

§ 18.24.040 IMPROVEMENT BY ASSESSMENT.

When improvements along the perimeter of the development are included within a local improvement district that extends beyond the scope of the development, the developer may delete said improvements from the agreements providing the local improvement district has been approved and accepted by the council.

§ 18.24.050 APPROVAL OF STREETS AND WAYS.

Creation of streets.

1. The creation of a street shall be in conformance with the requirements for the development except that the planning commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to a development when the planning commission has sufficient assurance that the proposed street or enlargement thereof shall be improved to city standards and when the planning commission finds any of the following conditions exist:
 - (a) The establishment of the street, or, the extension or widening thereof, is initiated by the city council and declared essential for the purpose of general traffic circulation and the partitioning of land is of incidental effect rather than the primary objective of the street.
 - (b) The tract in which the street is to be dedicated is an isolated township of one (1) acre or less.
2. In those cases where approval of a street may be given without full compliance with the regulations applicable to developments, a copy of the proposed deed shall be submitted to the city at least five (5) days prior to the planning commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the planning commission and if not in conflict with the standards of Chapter 18.21 of these regulations, shall be approved with conditions necessary to preserve these standards. Upon approval, the planning commission shall forward the said deed to the city council with recommendations that the same be accepted, and with further recommendations as to the improvement requirements and assurance thereof which the planning commission recommends as a condition to acceptance of this street.

§ 18.24.060 IMPROVEMENT PROCEDURES.

In addition to other requirements, subdivision or development improvements installed by the developer shall conform to the requirements of this title and improvements standards and specifications adopted by the city, and where there is no requirement or specification expressly set forth in this code or adopted by the city relating to any such improvement or part thereof, the developer shall have the right to employ the standards and specifications prepared by the American Public Works Association. The improvements shall be installed in accordance with the following procedure:

(A) Work shall not begin until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision or development proposal, the plans shall be required before the approval of the final plat.

(B) Work shall not begin until the city has been notified in advance, and if work has been discontinued for any reason, it shall not be resumed until the city has been notified.

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

1. Require the developer to provide supervision of the improvements by a qualified engineer, or
2. Require the developer to deposit three percent of the anticipated construction costs to be applied to the retention of a supervising engineer. Said deposit shall be applied to the cost of the supervising engineer; if the cost exceeds three percent the developer shall pay the additional; if it is less than the three percent a refund will be made to the developer. When the developer's engineer performs the inspection, a certification of construction inspection shall be issued with the "as built" drawings.

(D) All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made. Storm sewers that are required as a result of a drainage study prepared by a registered professional engineer shall be installed by the developer.

(E) A reproducible map showing all public improvements as built shall be filed with the city upon completion of said improvements.

§ 18.24.100 IMPROVEMENT REQUIREMENTS.

Improvements to be installed at the expense of the developer are as follows:

1. **Streets.** All streets shall be graded for the appropriate development standard. The developer shall improve the extension of all streets to the centerline of existing streets with which subdivision or development streets intersect.
2. **Structures.** Structures specified as necessary by the city, shall be installed for drainage, access and public safety.
3. **Sidewalks.** Sidewalks and/or other pedestrian ways approved by the planning commission will be required to be constructed by the developer unless approval for deletion is given by the planning commission during the tentative plat review.
4. **Sewers.** Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve each lot. No septic tanks will be permitted within the city unless the lot is unserviceable or greater than five hundred (500') feet from a city main, in which case approval by the Jackson County Health Department shall be necessary. Storm water sewers shall be installed as required by the city.

5. **Water.** Water mains and fire hydrants of design, layout and at locations approved by the City of Jacksonville and conforming to the city standards shall be installed by the developer.
6. **Monuments.** Upon completion of street improvements, monuments shall be re-established and protected in monument boxes at every street intersection and all points of tangency of street centerlines in addition to the lot and block corners required.
7. **Street trees.** Street trees may be required by the planning commission and when required the planting shall conform to a city street tree plan. The improvement plans shall designate the location of each tree.
8. **Street lights.** Street lights shall be constructed as per approved standards and to the location approved by the city engineer.
10. **Street signs.** Two street name signs approved by the city administrator shall be installed at each street intersection by the developer.
11. All utilities required to serve the development shall be constructed underground.
12. Drawings of all improvements constructed within the development considered "As built". Said drawings shall define the exact location of all underground utilities and surface drainage as they were constructed. The location of such utilities shall be determined by the developer at the time of construction and independent of the utility company's records. When utilities cross permanent structures such as sidewalks or curbs the location of the utility shall be indicated on the permanent structure.
13. All construction plans and specifications shall be in agreement with the standard drawings hereto attached or adopted by the city council or in accordance with the provisions hereof, and, in all respects where there is no specific drawing or requirement herein or adopted by the city council, then in conformance with the standard specifications for public works construction as prepared by the Oregon chapter of the American Public Works Association.
14. **Off-site improvements.** Those off-site improvements required by the planning commission shall be constructed as per Sections 18.21.050 thru 18.21.100.
15. Mailbox Location.

CHAPTER 18.25 HOUSE AND BUILDING MOVING STANDARDS

Section

18.25.010	General provisions
18.25.020	Stay or removal standards
18.25.030	Removal of Landmark designation

§ 18.25.010 GENERAL PROVISIONS.

- (A) A Certificate of Appropriateness is required before a building can be moved or removed.
- (B) Application for permits for the movement of buildings shall first be referred, for review and recommendations, to the HARC Commission.
- (C) Considering the issuance of a Certificate of Appropriateness for the movement of a building, the HARC shall utilize the criteria, standards and procedures set forth in this chapter, including the applicable character criteria contained in Section 18.05.040.

§ 18.25.020 STAY OR REMOVAL STANDARDS.

Prior to the issuance of a Certificate of Appropriateness for the removal of any contributing building or structure, a stay of removal may be imposed by the HARC for one hundred eighty (180) calendar days in the case of primary buildings, or one hundred twenty (120) days in the case of secondary buildings beyond the normal review and action period for applications set forth in this chapter. During the stay of removal notice period, the HARC shall

1. Provide mailed notice of the intended removal to the Southern Oregon Historical Society and State Office of Historic Preservation to seek assistance in evaluating the significance of the proposed action and alternatives thereof.
2. Provide the current property owner with information relative to financial incentives available for the renovation of historic structures.
3. Use all available means to solicit broad public involvement.
4. Seek purchasers of the building, structure, or property which will result in structural renovation.
5. Conduct public hearings as necessary to determine alternatives to removal.
6. Prepare a thorough photographic and architectural record of the interior and exterior of the building.
7. Solicit funds for the acquisition of fee or less than fee ownership of the building or structure.

§ 18.25.030 REMOVAL OF LANDMARK DESIGNATION.

If a historic landmark structure is removed from the city, the resource is automatically removed from the Landmark List unless:

1. The landmark was part of an ensemble designated as a historic landmark.
2. The site itself was designated as a significant feature of a historic landmark.
3. Other buildings, structures, or objects on the property are historic landmarks.

If a historic landmark is removed to another location in the city, the landmark site is automatically relocated and re-described on the Landmark List.

CHAPTER 18.26: DEMOLITION STANDARDS

Section

18.26.010	Demolition of buildings
18.26.020	Stay of Demolition
18.26.030	Issuance of a Certificate of Appropriateness for demolition of a building
18.26.040	Destruction by fire or casualty
18.26.050	Removal of Landmark designation

§ 18.26.010 DEMOLITION OF BUILDINGS.

(A) A Certificate of Appropriateness is required before a building can be demolished.

(B) A photographic history of the resource is required prior to demolition. Specifications to be determined by the Historic Preservation Officer.

(C) Application for permits for the demolition of buildings shall first be referred, for review and recommendations, to the HARC Commission.

(D) In considering the issuance of a Certificate of Appropriateness for the demolition of a building, the HARC shall utilize the criteria, standards and procedures set forth in this chapter.

(E) Demolition of a structure may only be approved by the HARC when it finds the following to be true, in its opinion:

1. That the building in question is not designated on the Landmark List.
2. That the building in question is not structurally sound, or has been condemned and cannot, in the opinion of the HARC, be restored for costs comparable to a new building of the same size and value.
3. The existing configuration of the house and the uses permitted in the zone make the retention of the structure unfeasible and an unreasonable hardship on the property owner.

(Am. ORD 579, passed 3-4-2008)

§ 18.26.020 STAY OF DEMOLITION.

Prior to the issuance of a Certificate of Appropriateness for the demolition of any contributing building or structure, a stay of demolition may be imposed by the HARC for one hundred eighty (180) calendar days beyond the normal review and action period for applications set forth in this ordinance. During the stay of demolition notice period, the applicant shall:

(A) Provide mailed notice of the intended demolition or removal to the Southern Oregon Historical Society and State Office of Historic Preservation to seek assistance in evaluating the significance of the proposed action and alternatives thereof.

(B) Acknowledge that he/she is aware of information relative to financial incentives available for the renovation of historic structures.

(C) Utilize all available means to solicit broad public involvement in the preservation of the historic structure or property by posting notice in a newspaper of general circulation within Jacksonville, on the property and in prominent locations throughout the City.

(D) Seek purchasers of the building or structure which will result in structural renovation. This shall include:

1. Listing the property in both the Medford Mail Tribune and the Oregonian at least eight (8) times and at regular intervals.
2. Posting and maintaining a visible four (4') square foot "for sale" sign on the property.
3. Making a financial prospectus on the status of the property available to interested persons.
4. Listing the property in at least two preservation newspapers or magazines with sufficient time for response.

(E) Prepare a thorough photographic and architectural record of the building and site. This may include extensive photo documentation or measured architectural drawings of structure and additional graphic history, data, and commemorative materials. The documentation materials shall be the property of the city or its assignee.

(F) Solicit public funds for the acquisition of fee or less than fee ownership of the building or structure.

The applicant shall provide evidence that all of the above options have been adequately pursued.

§ 18.26.030 ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OF A BUILDING.

A Certificate of Appropriateness shall be issued at the expiration of the stay of demolition period provided in this chapter, provided:

(A) The stay of demolition period may be extended sixty (60) days for a total period not to exceed two hundred seventy (270) calendar days if the HARC determines that there is a program or project underway which could result in a public or private acquisition of the building or structure and that there is reasonable ground to believe that such program or project may be successful.

(B) If a valid written offer has been tendered to the property owner to move the building or structure, the property owner shall offer the structure, free from liens and encumbrances to that party free of charge and the party willing to move the structure shall thereafter be obligated to assume all costs associated with finding a suitable site and moving of the structure. Under these circumstances, a building or structure must be moved within ninety (90) days following the date the offer for moving the structure has been accepted by the property owner.

(C) A bond in the amount of the reconstruction value of a new building of the same size and value as the building proposed to be demolished is submitted to the city by the property owner. This bond will obligate the property owner to build a replacement structure within one year of the demolition.

(D) Any artifacts, architectural features, materials, or equipment that HARC requires to be saved from the building or structures are salvaged and proof of storage and/or delivery to an approved assignee provided to the city. The HARC may assign documentation and storage costs for no more than two years to the historic property owner.

§ 18.26.040 DESTRUCTION BY FIRE OR CASUALTY.

Any primary or secondary historic structure damaged by fire or casualty, or natural disaster, shall be entitled to receive a Certificate of Appropriateness for demolition within forty-five (45) calendar days following such damage or destruction, provided:

(A) Greater than fifty (50%) percent of the exterior wall area has been destroyed.

(B) The appraised value of the remaining structure has been reduced to less than fifty (50%) percent of the structure's true cash value immediately preceding such damage.

(C) Any damaged structure which does not meet the standards contained in Subsections A and B of this section, shall be subject to all demolition requirements contained in this chapter, or shall be restored, renovated or remodeled in accordance with the provisions of this chapter.

§ 18.26.050 REMOVAL OF LANDMARK DESIGNATION.

If a historic landmark is demolished, the landmark site is automatically removed from the Landmark List unless:

1. The landmark was part of ensemble designated as a historic landmark.
2. The site itself was designated as a significant feature of a historic landmark.
3. Other buildings, structures, or objects on the property are historic landmarks.

CHAPTER 18.30: EXCEPTIONS TO AND RELIEF FROM STANDARDS

Section

18.30.10.1 Exceptions to and relief from standards

§ 18.30.010 EXCEPTIONS TO AND RELIEF FROM STANDARDS.

The HARC and City Council may grant relief from strict compliance with standards contained in this title in cases where documented evidence proves that it is impossible or impractical to comply with the standard for one or more of the reasons set forth in the following Subsections.

The facts and conclusions relied upon to grant relief from a particular standard shall clearly be set forth in the FINAL ORDER of the HARC or City Council.

(A) Exceptional or extraordinary conditions applying to the subject property which do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control make strict compliance impossible or impractical.

(B) Relief from the standard for reasons set forth, will result in equal or greater compatibility with the architectural and/or site planning style and features which exist in adjacent and nearby contributing historical buildings.

(C) In the case of renovation or remodeling contributing historical buildings, a finding can be made that relief is necessary to allow a particular architectural or site planning feature to be restored or replaced in a way which is historically accurate.
(ORD. 547, passed 5-17-2005)

CHAPTER 18.35: THE LANDMARK LIST

Section

18.35.010	The Landmark List
18.35.020	The Powers of HARC in relation to the Landmark List
18.35.030	Historic Landmark List Designation - Criteria and Procedure
18.35.040	Zone Change

§ 18.35.010 THE LANDMARK LIST.

In order to provide locally reviewable process for the management of Jacksonville's resources which will aide in the protection of locally significant landmarks, the City has created a "Jacksonville Landmark List". Structures and sites included on the list, including view shed properties, shall be considered historic landmarks.

The initial basis for the Landmark List are the 1980 Jacksonville Survey of Historic and Cultural Resources prepared by Gail Evans, and the 1993 Historic and Cultural Resource Inventory prepared by George Kramer, including the Historic Context Statement as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch.

§ 18.35.020 THE POWERS OF HARC IN RELATION TO THE LANDMARK LIST.

(A) The Landmark List shall be under the review of the Jacksonville Historical and Architectural Review Commission (HARC). The HARC may amend the list by including sites and structures which, in its opinion, are a significant contribution to the historic character of Jacksonville and which deserve attention, recognition and protection.

(B) Adoption of any additions or deletions to such list shall be by resolution of the HARC. Prior to any additions to, or deletions from, the list, the Commission shall hold a public hearing to receive comments on the structures proposed for inclusion on or deletion from the list.

(C) The Historic Commission may place plaques, decals, present certificates, or make other official recognition of the structures on the Landmarks List on behalf of the Mayor and the City Council.

(D) The Commission may prepare, recommend and advocate state and local financial incentive programs for the preservation of buildings on the Landmark List.

(E) An interim list may be adopted to provide further review until the final list is completed.

§ 18.35.030 HISTORIC LANDMARK LIST DESIGNATION CRITERIA AND PROCEDURE.

(A) Initiation of Process.

The historic landmark designation, or removal from designation, process may be initiated by the HARC, or an owner of a proposed historic landmark. Any other person may initiate a historic landmark designation process if the proposed historic landmark is not the subject of a pending application for a building, moving, demolition or other development permit, and if a supporting petition signed by twenty residents of the city is submitted with the application.

A person may initiate the designation, or removal from designation, process by submitting an application in a manner prescribed by the planning director. If submitted ninety (90) days after the acknowledgment of Jacksonville's Goal 5 Historic Resources by the State of Oregon, the person shall pay whatever fee is required by the city at that time. Historic district, ensemble, or thematic group designation, privately initiated requests must be submitted by the owners of at least one-third of the privately owned property in the subject area sought to be designated. For purposes of this section, "owner" means, the legal owner of record, (or where there is a recorded land sale contract in force), the purchaser there under. If there are multiple owners in a parcel of land, each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in land bears in relation to the interests of the other owners.

(B) Notice, public hearing, and decision.

1. Within sixty (60) days of initiation by the city or the receipt of a complete application, unless the owner of the property agrees to a longer time period, the HARC shall conduct a public hearing to consider the proposed additions to or deletions from the historic landmark list. The notice of the hearing and procedures for the conduct of the hearing shall conform to the requirements for quasi-judicial hearings provided by State Law. The notice shall also inform the property owners of the process, the importance of the Landmark List, potential incentives, and ramifications of the property being placed on or removed from the Landmark List. The notice shall also ask for any pertinent information which may affect the decision to list the property. At least twenty (20) days prior to the hearing, the city shall mail a written notice of the hearing and nature of the application to the owner and occupants of the subject property, the applicant, and to owners and occupants of property located within three hundred (300') feet of the perimeter of the subject property. Failure to receive notice by mail shall not invalidate the proceedings.
2. Interim protection for properties being considered for historic designation. Once an application has been initiated or received and deemed complete, the full protective measures for historic properties afforded by this code shall be extended to the subject property until the final decision is rendered.
3. Within thirty-five (35) days of the close of the hearing and record, the HARC shall decide whether to designate, or remove from designation, the property, structure, landscape feature, object or site as a historic landmark. The HARC shall not designate a district, ensemble or thematic group if more than half of the owners of privately owned property in the area sought to be designated file written objections to the proposed designation. The decision of the HARC shall be in writing and contain findings and conclusions on the integrity, historic significance, and the conflicting use determinations set out below.

4. The HARC shall designate the property, structure, landscape feature, object or site as a historic landmark if it finds that:
 - (a) Designation is consistent with applicable historic preservation policies contained in the Jacksonville Comprehensive Plan.
 - (b) The proposed historic landmark has integrity of location, design, setting, materials or workmanship.
 - (c) The proposed historic landmark has historic significance.
 - (d) The value of preserving the property, structure, landscape feature, object or site as a historic landmark outweighs the value of using the property, structure, landscape feature, object or site for the identified conflicting use, taking into consideration the economic, social, environmental and energy consequences of each alternative.

If the owner of the proposed historic landmark supports the designation there is a rebuttable presumption that the value of preservation outweighs the value of using the proposed historic landmark for the identified conflicting use. Removal from designation may be approved if it is found that, in the case of the subject property, criteria 'b' and 'd' above are no longer true.

5. In determining whether the proposed historic landmark has integrity of location, design, setting, materials or workmanship, the HARC shall consider whether:
 - (a) The property is in its original setting and remains essentially as originally constructed or fabricated.
 - (b) Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period.
 - (c) The immediate setting of the property retains the planting scheme, plant materials or land uses of the relevant historic period or the landscaping is consistent with that period.
 - (d) The property contributes materially to the architectural continuity or scheme of the street or neighborhood.
6. In order to determine that the proposed historic landmark has historic significance, the HARC must find that the proposed historic landmark:
 - (a) Is associated with events that have made a significant contribution to the broad patterns of history. This association must be direct and the event or activities must have significantly affected past social behavior, historic trends or community, state or national development.
 - (b) Is associated with the life of a person significant in the past. The proposed landmark, through length of occupancy or coincidence of term of occupancy, must be the place most importantly associated with a person or persons significant in local, state, or national history.
 - (c) Embodies the distinctive characteristics of a type, period or method of construction that was used in the past. The property may be a prime example of a stylistic or structural type of construction or design, or representative or a rare type or a type which once was common and which, due to attrition, is among the few examples remaining locally or in the state.

- (d) Represents the work of a master, i.e., is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in local, state or national history.
- (e) Possesses high artistic values in its workmanship and materials.
- (f) Yields, or may be likely to yield, information important in prehistory or History.
- (g) Is listed on the National Register of Historic Places.

A significant and distinguishable entity under any of the above criteria may be designated even if its components lack individual distinction.

7. The identified conflicting use for a proposed historic landmark shall be the actual use planned for the property by its owner or owners. In the absence of a development proposal, the identified conflicting use is the highest and best generic use (i.e. commercial, industrial, high density residential, etc.) of the property, as improved with the most Intensive development and structures allowed by the currently applicable zoning and comprehensive plan designation. "Highest and best use" means the reasonable and probable use that is physically possible and financially feasible that supports the highest present value of the land.
8. A notice of the HARC's decision shall be mailed within five days of the decision to the owner and occupants of the subject property, the applicant, and persons who have requested notification. Unless appealed, the HARC's decision is effective on the eleventh day after notice of the decision is mailed.

(C) Appeals.

Within ten (10) days of the date that notice of the HARC's decision is mailed, the decision may be appealed to the council by the owner, applicant, a party, an adversely affected person, or a person entitled to notice under subsection (b) 1, of this section. The appeal shall be made by filing a statement of issues on appeal and other information on a form prescribed by the city. The appeal shall be based on the record, shall state specifically how the HARC erred in its decision or decision-making and shall be limited to the issues raised at the evidentiary hearing that are set out in the filed statement of issues.

(D) Action on appeals.

1. Unless the applicant and appellant agree to a longer time period, the council shall hold a public hearing to allow oral argument on an appeal within sixty (60) days of its receipt. At least ten (10) days prior to the hearing, the city shall mail notice thereof to the applicant, appellant, owner, and persons who requested notice of the HARC's decision or the appeal hearing.
2. Unless the applicant and appellant agree to a longer time period, the council may, by order and findings and conclusions therein, affirm, reverse, or modify in whole or in part, any decision or determination of the HARC.

The council shall reverse or modify the decision of the HARC if it finds that the HARC failed to follow the procedures applicable to the matter before it in a manner that prejudiced the substantial rights of the appellant, make a decision not supported by substantial evidence in the days of the decision, notice of the decision shall be mailed to the applicant, owner, appellant, and persons requested notice of the council decision.

(E) Reapplication.

When an application for historic landmark status or removal there from has been denied, no new application for the same purpose shall be filed within one (1) year of the date of that denial unless the HARC or council, whichever was responsible for denial, grants permission upon a showing of good cause.

§ 18.35.040 ZONE CHANGE.

An application for Special Protection zoning as specified in this code may be considered following historic landmark designations.

CHAPTER 18.36: ENCOURAGEMENT OF AFFIRMATIVE MAINTENANCE

Section

18.36.010	Encouragement of affirmative maintenance
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§18.36.010 ENCOURAGEMENT OF AFFIRMATIVE MAINTENANCE.

(A) No owner or custodial manager of property may permit a structure listed on the City's Landmark List to degrade through neglect to the point where its structural or historical integrity is or may be threatened. It shall be the duty of the owner or person in charge of the property to maintain the structure as often as needed to prevent the degradation of its integrity.

DEMOLITION BY NEGLIGENCE: "Demolition by neglect" means neglect in maintaining, repairing, or securing an historic landmark or a building or structure listed on the City's Landmark List that results in deterioration, potentially beyond the point of repair, so as to threaten the historic character of the property or the district, the structural integrity of the structure or its relevant architectural detail such that the structure and its character may potentially be lost to current and future generations.

(B) The owner of an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 shall comply with all applicable codes, laws, and regulations governing the maintenance of property. It is the intent of this section to preserve from deliberate or inadvertent neglect the exterior features of buildings and structures designated as contributing or significant and the interior portions thereof when such maintenance is necessary to prevent deterioration and decay of the exterior. All such buildings or structures shall be preserved against such decay and deterioration and free from structural defects through prompt corrections of any of the following defects:

1. Facades which may fall and injure persons or property.
2. Deteriorated or inadequate foundation, defective or deteriorated flooring or floor supports, deteriorated walls or other vertical structural supports.

3. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
4. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations, or floors, including broken windows or doors.
5. Defective or insufficient weather protection for exterior wall covering, including lack of paint or weathering due to lack of paint or other protective covering.
6. Any fault or defect in the building which renders it not properly watertight or structurally unsafe.

(C) Any owner who fails to maintain their building or structure in compliance with this section shall be subject to the remedial procedures of section I. Remedial work and Compliance as well as the penalties under section M. Enforcement and Penalties.

(D) Upon a finding by an Agent of the City that an historic landmark or a contributing building or structure within a Historic Character Units (HCU), Section 18.01.010 or within a proposed Historic Character Units (HCU), Section 18.01.010 is threatened by demolition by neglect, the Agent of the City may do either of the following:

1. Require the owner to repair all conditions contributing to demolition by neglect.
2. If the owner does not make repairs within a reasonable period of time the Agent of the City may enter the property and make such repairs as are necessary to prevent demolition by neglect. The costs of such work shall be charged to the owner, and may be levied by the City of Jacksonville as a special assessment against the property. The Agent of the City may enter the property for purposes of this section upon obtaining an order from the City of Jacksonville.

The following procedures are incorporated to identify and protect resources from potential demolition resulting from the deliberate or inadvertent neglect of the owner or owners.
(Ord. 584, passed 12-2-2008)

§ 18.36.020 PURPOSE.

All resources as defined in Title 18 Historic Protection And Design Regulations of the City of Jacksonville within an Historic Character Units (HCU), Section 18.01.010 or historic overlay zone, including the exterior features of any building or structure (inclusive of, but not limited to, walls, fences, light fixtures, steps, pavement, paths, or any other appurtenant feature), or any type of outdoor advertising sign either designated as an historic resource or found to have significance, or any archeological resource shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property; or features if they are found to be deteriorating, or if their condition is contributing to deterioration, including but not limited to any of the following defects:

1. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

2. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling.
3. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.
4. Deterioration or crumbling of exterior plasters or mortars or the deterioration or crumbling or spalling of exterior bricks.
5. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
7. Rotting, holes, and other forms of decay.
8. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes de-lamination, instability, loss of shape and form, or crumbling.
9. Heaving, subsidence, or cracking of sidewalks, steps or pathways.
10. Deterioration of fences, gates, and accessory structures.
11. Deterioration that has a detrimental effect upon the historic character of the district or overlay zone as a whole or the unique attributes and character of the resource.
12. Deterioration of any exterior feature so as to create or permit the creation of any hazardous or unsafe conditions to life, health, or other property.
13. Any other deficiencies or defects that may constitute or contribute to the decay or deterioration of any resource or property.

§ 18.36.030 INVESTIGATION AND INSPECTION.

(A) Any citizen who believes demolition by neglect is occurring with respect to any particular property in the Historic Character Units (HCU), Section 18.01.010 may make a written complaint to the Planning Department. Such a complaint must include a clear description of the property and the nature of the deterioration claimed to constitute demolition by neglect.

(B) If the condition of any resource as contemplated in paragraph A above is suspected of being destroyed, damaged, or lost through or by neglect of the owner of the resource, the City Building Inspector shall conduct an investigation and inspection of the resource.

(C) Prior to the issuance of a written notice, the Historical and Architectural Review Commission (HARC) may request the Historic Preservation Officer establish a record of demolition by neglect. Such a record may include dated materials such as photographs and/or written reports of the condition of the property so as to record and/or measure the deterioration.

Prior to conducting any investigation or inspection, the City Building Inspector shall:

1. Request, within fifteen (15) days of the identification of any suspected defects, permission from the owner of the resource to have full access to the resource.
2. Consult with the Historic Preservation Officer about any suspected deficiencies or defects outlined in paragraph A above.

§ 18.36.040 FINDINGS.

The City Building Inspector shall prepare, within fifteen (15) days of the completion of his investigation and inspection, a written report of his findings on the condition of the resource which report may identify, but is not limited to, the following:

1. That there is no action required by the owner or owners.
2. That minimum maintenance of the resource is required to protect, preserve, and/or stabilize the resource.
3. That the resource is being demolished by neglect.
4. That the resource may be demolished, vacated, or stabilized. Reference Chapter 18.26, Demolition Standards.

§ 18.36.050 NOTICE OF REPORT.

A copy of any report shall be sent by certified mail, return receipt requested, to the owner of the resource and a copy provided to the HARC and may include any recommendations including a time frame to remedy minimum maintenance or other work necessary to stop the demolition by neglect, stabilize the resource, vacate the property, or demolish the resource. The notice shall provide that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a time defined by the HARC in consultation with the property owner. The notice shall state that the owner(s) of record of the property or any person(s) of record with any right, title or interest therein, may, within ten (10) days after the receipt of the said notice, request a hearing on the necessity of the items and conditions contained in said notice. In the event a public hearing is requested, it shall be held by the HARC upon thirty (30) day's written notice being mailed to all persons of record with any right, title or interest in the property and to all citizens and organizations which the HARC determines may have an interest in the proceedings. If, after the public hearing, the HARC determines that the corrective actions remain necessary, the HARC may request the City Council to issue a Final Notice to be mailed to the owner(s) of record and all parties of record with any right, title or interest in the subject property, advising them of the items of repair and maintenance necessary to correct or prevent further deterioration. The owner(s) shall institute corrective action to comply with the Final Notice within thirty (30) days of receipt of the revised notice. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action(s) specified in the Final Notice, within the time allotted, the HARC may request that the City Council institute any of the remedies and penalties provided by section M. Enforcement and Penalties.

§ 18.36.060 HEARING AND NOTICE OF HEARING.

Upon receipt of any written report in which the City Building Inspector has found that there is minimum maintenance required, demolition by neglect, or the resource can or should be demolished, the Historic Preservation Officer shall cause to be scheduled a hearing before the HARC to review and take action based on the report from the City Building Inspector. The owner of the resource shall be served with written notice of the time and date of the hearing not less than ten (10) days prior to the hearing.

§ 18.36.070 LEGAL NOTICE REQUIREMENT.

Any notice required herein shall be considered delivered if sent by certified mail, return receipt requested and mailed to the last known address of the record owner or owners as listed on the city and/or county tax rolls or by other methods allowed by law.

§ 18.36.080 HEARING ON REPORT.

At the hearing the HARC shall receive evidence on the issue of whether the subject resource should be repaired, vacated, stabilized, or can be demolished. The owner or owners may present competent evidence in rebuttal thereto. At the conclusion of the hearing, the HARC may make, but shall not be limited to, one of the following determinations:

1. That there is no action required by the owner or owners.
2. That minimum maintenance is required and requiring the owner to present a plan to the Historic Preservation HARC within thirty (30) days from the receipt of notice of the HARC's determination as to the steps the owner must undertake to correct minimum maintenance issues. The owner or owners or their agents may be required to submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all such applications before the issuance of a building permit. All work shall be completed within ninety (90) days of the approval from the HARC. The HARC may grant up to two (2) extensions of ninety (90) days each due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the Historic Preservation HARC may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.
3. Demolition by neglect is occurring and requiring the owner to present a preliminary plan including a timetable to the HARC within thirty (30) days generally identifying the work necessary to abate the demolition by neglect. The owner or owners or their agents shall submit an application for a Certificate of Appropriateness and/or Project Approval for all proposed work. The HARC must review and act on all applications and must also approve all timetables for work required to abate the demolition by neglect before issuance of a building permit. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not pursued the necessary repairs with reasonable diligence; the HARC may request that the City cause the required work to thereto attach to the property as a tax lien.
4. Condemnation of the resource and allow for its demolition in compliance with all local, state, and federal laws, rules, and regulations, reference Chapter 18.26, Demolition Standards. Within thirty (30) days the owner shall present a plan to the HARC identifying the necessary recordation which, along with the demolition shall be completed within ninety (90) days. Recordation must be reviewed and acted upon by the HARC before a demolition permit is issued. The HARC may grant up to two (2) ninety (90) day extensions due to inclement weather or other unforeseen difficulties. Should the HARC find that the owner or owners have not undertaken recordation and demolition with reasonable diligence, the HARC may request that the City cause the required work to be completed with any costs associated thereto attached to the property as a tax lien.

§ 18.36.090 NOTICE OF HARC ACTION.

The Historic Preservation Officer shall notify the owner in writing of the determination of the HARC and the action required of the owner within ten (10) days of the hearing. Such notice shall identify and provide clear instructions to the owner as to the remedial work required by the HARC.

§ 18.36.100 REMEDIAL WORK AND COMPLIANCE.

Upon the completion of any minimum maintenance work, recordation work, or other work required by the HARC, the owner shall notify the Historic Preservation Officer of the completed work. The City Building Inspector, along with the Historic Preservation Officer, and any other professional deemed necessary by the Historic Preservation Officer shall inspect, within fifteen (15) days of notification, the completed work and shall cause, within fifteen (15) days of the inspection, the issuance of a written report to be submitted to the owner and the HARC to determine if the work completed is in compliance with City codes and ordinances and meets the requirements of the HARC. The HARC must review and act upon all such reports. All remedial work required by the HARC must be completed in compliance with such plans approved by the HARC.

§ 18.36.110 INTENTIONAL NEGLECT.

Intentional neglect shall be defined as willful actions perpetrated by the owner or owners or their agents that result in damage to a resource. Such actions may include, but are not limited to, intentional running of water taps, hoses, or other man-made water devices resulting in flooding, erosion, or other water damage to the resource; intentional exposure of the resource to natural elements of wind, rain, snow, or other precipitation through the opening of windows, doors, skylights, or other moveable features of a resource; intentional drilling, boring, or cutting of holes in the roof, exterior walls or supporting members of a resource. In the event any resource shall be damaged by intentional neglect by the owner or owners or their agents; penalties, as defined in section M. Enforcement and Penalties, may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

§ 18.36.120. PUBLIC SAFETY EXCLUSION.

In the event any resource shall be damaged by flood, fire, or other catastrophe or unforeseen event that results in damage or possible loss of a resource, and the City Building Inspector, with the concurrence of the Historic Preservation Officer, deems the resource to present an immediate threat to public safety, the Historic Preservation Officer shall call an emergency meeting before the City Council, which shall take place within seventy-two (72) hours of the event. At such meeting, evidence shall be presented regarding the seriousness of the damage and the threat to public safety and any evidence in rebuttal thereto may also be presented. In the event the danger to public safety is imminent, the owner or owners shall stabilize and protect the resource pending consideration by the City Council. The City Council shall, based on the evidence presented, determine the course of action to be taken.

§ 18.36.130 SAFEGUARDS FROM UNDUE ECONOMIC HARDSHIP.

(A) Undue economic hardship is defined as the property owner's financial inability to make the repairs specified in section A. A claim of undue economic hardship must be made, in writing, by filing a request for such a determination with the Planning Department within the time period specified for in section D. The determination of undue economic hardship will be made by the HARC on a case by case basis.

(B) When a claim of undue economic hardship is made owing to the effects of this article, Planning Department staff shall notify the HARC within five (5) business days following the Planning Department's receipt of the written request for a determination of undue hardship. The HARC shall, at its next regular meeting, schedule a hearing on the request within the limitations of its procedures for application deadlines. The petitioner shall present the information provided under subsection (a) below to the HARC at or prior to the hearing. The HARC may require that an owner and/or parties in interest furnish such additional information as the HARC may reasonable conclude is relevant to its determination of undue economic hardship, and allow the owner or party in interest a reasonable period of time (to be established by the HARC) to furnish the requested additional information.

(C) The HARC may direct its staff to furnish additional information, as the HARC believes is relevant. The HARC shall also state which form of financial proof it deems relevant and necessary to a particular case.

In the event that any of the required information is not reasonably available to the owner and/or parties in interest and cannot be obtained by the owner, the owner shall describe the reasons why such information cannot be obtained.

1. When a claim of undue economic hardship is made owing to the effects of this article, the owner and/or parties in interest must provide evidence during the hearing upon the claim, describing the circumstances of hardship. The minimum evidence shall include for all property:

- (a) Nature of ownership (individual, business, or nonprofit) or legal possession, custody, and control.
- (b) Financial resources of the owner and/or parties in interest.
- (c) Cost of repairs.
- (d) Assessed value of the land and improvements.
- (e) Real estate taxes for the previous two (2) years.
- (f) Amount paid for the property, date of purchase, and party from whom purchased, including a description of the relationship between the owner and the person from whom the property was purchased, or other means of acquisition of title, such as by gift or inheritance.
- (g) Annual debt service, if any, for previous two (2) years.
- (h) Any listing of the property for sale or rent, price asked, and offers received, if any.

For income-producing property:

- (i) Annual gross income from the property for the previous two (2) years.
- (j) Itemized operating and maintenance expenses for the previous two (2) years, including proof that adequate and competent management procedures were followed.
- (k) Annual cash flow, if any, for the previous two (2) years.

2. Within sixty (60) days of the HARC's hearing on the claim, the HARC shall make a determination of undue or no undue economic hardship and shall enter the reasons for such finding into the record. In the event of a finding of no undue economic hardship, the HARC shall report such finding to the Planning Department staff, and the Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified.
3. In the event of a finding of undue economic hardship, the finding shall be accompanied by a recommended plan to relieve the economic hardship. This plan may include, but is not limited to, property tax relief as may be allowed under Oregon law, loans or grants from the City, the County, or other public, private, or nonprofit sources, acquisition by purchase or eminent domain, building code modifications, changes in applicable zoning regulations, or relaxation of the provisions of this article sufficient to mitigate the undue economic hardship. The HARC shall report such finding and plan to the Planning Department staff. The Planning Department staff shall cause to be issued an order for such property to be repaired within the time specified, and according to the provisions of the recommended plan.

§ 18.36.140 ENFORCEMENT AND PENALTIES.

The following penalties may be imposed upon those persons, firms, or corporations found to have violated requirements or prohibitions contained within this chapter.

1. Failure to institute corrective action in compliance with the Final Notice shall result in the City levying fines totaling one hundred (\$100.00) dollars per day for each day of non-compliance.
2. Any person who constructs, alters, relocates, or demolishes any building or resource in violation of this chapter or causes any building or resource to be constructed, altered, relocated, or demolished in violation of this chapter may be required to restore the building or resource to its appearance or setting prior to the violation. Failure to restore the building or resource to its appearance or setting prior to the violation will result in a fine of one thousand (\$1,000.00) dollars for the first offense, five thousand (\$5,000.00) dollars for a second offence, and ten thousand (\$10,000) dollars for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any action to enforce this provision shall be brought by the City. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
3. If demolition of a building or resource occurs without a Certificate of Appropriateness, or Project Approval, this shall be considered malicious intent and the violation will result in a fine of one thousand (\$1,000.00) dollars for the first offense, five thousand (\$5,000.00) dollars for a second offence, and ten thousand (\$10,000) dollars for each offence thereafter. Fines shall be allocated to the Historic Preservation Fund. Any permits on the subject property, with the exception of a permit to restore the building or resource as set forth above, may be denied for a period of ten (10) years. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

3. If any other undertaking or project other than the demolition of a building or resource occurs without a required Certificate of Appropriateness or Project Approval, then any permits on the subject property, with the exception of a permit to restore the building or resources as set forth above, may be denied for a period of five (5) years. If a neglect situation reaches a point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.
5. If any resource found to be in a state of demolition by neglect as outlined in section A should be allowed by the owner or owners to remain in a state of demolition by neglect, then any permits for any property issued to the owner or owners, with the exception of those permits expressly for the necessary repairs to restore the resource to a safe and sound condition, may be denied for a period of ten (10) years or until such time as the resource has been returned to a safe and sound condition, whichever is shorter. If a neglect situation reaches point where its structural or historical integrity is, or may be, threatened and the HARC adopts findings to that effect, the city has power to rectify the situation, bill the owner for the direct and indirect costs of repair, and place a lien against the property for those costs.

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

CHAPTER 18.37: PRESERVATION EDUCATION

Section

18.37.010 Preservation education

§ 18.37.010 PRESERVATION EDUCATION.

The Historical and Architectural Review Commission (HARC) will maintain a preservation educational program to help residents, business owners, and the private and public educational systems understand the purpose of HARC and the importance of historical preservation to the City of Jacksonville. A commitment to accomplish this goal would include:

(A) HARC, with the cooperation of the City's staff, shall maintain a viable Historic Preservation Reference Library for the benefit of all citizens. The designated librarian could be made available at regular times to provide technical assistance to prospective applicants.

(B) Members of HARC, at the request of the chair, shall conduct educational presentations explaining the special resources that the City has to offer and what HARC is attempting to accomplish for the benefit of schools and service clubs of Jacksonville.

(C) Members of HARC, at the request of the chair, will hold informal discussions with the business community on the decision-making procedures of HARC, and how and why decisions are made.

(D) Members of HARC, at the request of the chair, will periodically review approvable design elements such as lettering styles, lighting equipment, and paint colors in light of changing technology and market availability.

(E) The HARC shall establish a program that recognizes excellence in preservation, which may include rehabilitation and restoration projects, as well as new commercial and residential projects which display sensitivity to their historic context.

(F) Conduct other educational functions as designated by a resolution of the City Council.

CHAPTER 18.38: DEFINITIONS

Section

18.38.010 Definitions

§ 18.38.010 DEFINITIONS.

ACCESS: A legally and physically defined area available and practical for motor vehicle ingress and egress to a parcel or lot. In determining practicality, the topography, drainage, potential for erosion, and other factors may be considered.

ACCESSORY BUILDING, STRUCTURE, OR USE: A building, structure, or use which is necessary for the operation or enjoyment of a lawful use, and appropriate and subordinate to such lawful use. A use which involves an increase in the number of dwelling units in a building, or on a lot, beyond that which is permitted outright in the district, or which constitutes, in effect, the conversion of a use to one not permitted in the district, shall not be considered an accessory use.

ADJACENT: Adjacent means that which is next to, touching or contiguous, including sites, structures and parcels which are directly across and on the opposite side of a public street right-of-way.

ADVERTISING STRUCTURE: Any notice or advertisement, pictorial or otherwise, and any structure or three dimensional form used as, or for the support of, any notice or advertisement for the purpose of making anything known about goods, services or activities, or for simply attracting visual attention to a business.

AESTHETIC(S): The perception of design elements or elements in the natural or created environment pleasing to the eye. For the purposes of architectural and design review, approvable aesthetics are those which complement the neighborhood characteristics defined in the Historic Element of the Jacksonville Comprehensive Plan, resources identified in the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, and Jacksonville's built environment between 1850 and 1940.

AGGREGATE RESOURCES: Sand, gravel, rock, stone, loam and dirt.

ALTERATION: The word shall mean the addition to, removal of or from, or physical modification or repair of any exterior part or portion of a site or structure governed by this Title. Sign changes shall be considered a form of alteration.

ALTERATIONS: Any change in size, shape, method of illumination, position, location, construction or supporting structure.

AMUSEMENT, COMMERCIAL: Any amusement enterprise, in an indoor or outdoor setting, offering entertainment or games of skill to the general public, for a fee or charge; this term includes, but is not limited to, a golf driving range, archery range and miniature golf course, bowling alley, movie theater, or pool hall.

ANCILLARY UNIT: A detached accessory building or unit attached to the main structure that is designed, constructed and used to provide long term accommodations, (may also contain kitchen facilities and may be rented).

ANTIQUÉ SHOP: An establishment offering for sale articles such as glass, china, furniture, or similar furnishing and decorations, which have value and significance as a result of age, design, or sentiment; and, when there is not outside display of such items offered for sale.

APARTMENT UNIT: Three or more contiguous dwelling units, under common ownership, each unit being occupied by not more than one family.

APARTMENT ACCESSORY USES: Permitted uses accessory to an apartment building shall include a recreation room, employees' washroom, manager's office, and laundry facilities for tenants only.

APPLIANCE: Large or small household goods including washers, dryers, refrigerators, freezers, ranges, TVs, toasters, electric irons, and the like.

APPLICATION: The term shall mean an application for a Certificate of Appropriateness or Development Permit.

ARBORIST: a person who has met the criteria for certification from the International Society of Arboriculture or American Society of Consulting Arborists, and maintains his or her accreditation.

AREA OF SPECIAL FLOOD HAZARD: The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year.

ARCHITECTURAL SIGNIFICANCE: The term shall mean that the building or structure: (1) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style; (2) embodies those distinguishing characteristics of an architectural-type specimen; (3) is the work of an architect or master builder whose individual work has influenced the development of the city; or, (4) contains elements of an architectural design, detail, materials or craftsmanship which represent a significant innovation.

AWNINGS: A roof like cover that is temporary or portable in nature and that project's from the wall of a building for the purpose of shielding a doorway or window from the elements.

BALCONY: A platform projecting from the exterior wall, enclosed by a railing, supported by brackets or columns or cantilevered out.

BANNER: a two-dimensional sign whose length exceeds its width by more than two times and is made of flexible material.

BARBER AND BEAUTY SHOP: A facility, licensed by the state, where haircutting, hairdressing, shaving, trimming beards, facials, manicures, and/or related serves are performed.

BASE COURSE: A course of specified aggregate material of planned thickness placed upon the sub grades.

BASE FLOOD: The flood having a one (1%) percent chance of being equaled or exceeded in any given year, i.e., the 100year flood.

BASE FLOOD ELEVATION: The crest elevation, in relation to mean sea level, expected to be reached by the base flood, also known as the regulatory flood elevation.

BERM: An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

BICYCLE PATH: A path that is physically separated from the roadway and designed exclusively for non-motorized traffic.

BIKEWAY: Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

BILLBOARD: The same as "advertising structure."

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind, but not including swimming pools, fences, and patios.

BUILDING REGISTER SIGN: A sign which identifies four or more businesses contained within a single building structure or complex.

BLACKSMITH SHOP: See machine or welding shop.

BOARDING OR ROOMING HOUSE: A residential building, other than a hotel or motel, where lodging or meals are provided to three or more persons, and for which a fee is charged.

BUFFER: A combination of physical space and vertical elements, such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.

BUSINESS OR PROFESSIONAL OFFICE: An office of a professional providing a service to the public, including but not limited to medical or dental offices, architectural, engineering or surveying office; certified public accountant or tax preparer's office, realty or insurance office; business or computer consultant.

BULLETIN BOARD: A sign of a permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events, conducted upon or products or services offered upon, the premises upon which the sign is located.

BUSINESS: A commercial or industrial enterprise.

BUSINESS FRONTAGE: The lineal front footage of the building or a portion thereof, devoted to a specific business or enterprise, and having an entrance/exit opening to the general public.

CABINET, CARPENTRY AND WOODWORK SHOP, CUSTOM: Shop for the repair or creation of individual items of furniture and wooden home furnishings on a custom basis; not a factory, planing mill, or similar woodworking plant.

CAMPING OR RECREATIONAL VEHICLE: Vacation trailer, park trailer, self-propelled vehicle, or structure equipped with wheels for highway use which is designed for human occupancy and is being used for temporary vacation/recreational or emergency purposes, as allowable by this ordinance but not for residential purposes, and may be equipped with plumbing, sink, or toilet.

CARTOON: A caricature of an animate or inanimate object intended as humorous.

CEMETERY: Land dedicated for burial purposes, including mortuary, crematory, mausoleum, and columbarium, when operated within the boundary of a cemetery.

CERTIFIED ARBORIST: An arborist having been certified by the International Society of Arboriculture.

CHURCH: A place of worship and religious training.

CITY RECORDER: The term shall mean the City Recorder for the City of Jacksonville or designee.

CLINIC MEDICAL, DENTAL OR OPTICAL: Facility for examining, consulting with, and treating patients, including offices, laboratories, and outpatient facilities, but not including hospital beds for overnight care or treatment.

COMMON OPEN SPACE: An open area within a development designed and intended for the use or enjoyment of all residents of the development, or for the use and enjoyment of the public in general.

COMMUNITY CENTER: A facility owned and operated by a governmental agency or a nonprofit community organization, for the purpose of public assembly.

COMPATIBILITY: Aspects of buildings and other constructed features which, by material, shape, scale, and architectural detail, tend to support the ambient historical quality of the City of Jacksonville. The term principally relates to the overall context of Jacksonville, the specific contexts and characteristics of each Historic Character Unit as described in the Jacksonville Comprehensive Plan, and most specifically in relationship to the individual historical resources identified in the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch. Compatibility may be achieved through building design, setbacks, screening, materials choices, building orientation, site design, or other design solutions.

CONDOMINIUM: An apartment building in which the apartments are owned individually.

CONSOLIDATION: The act of aggregating two or more tax lots or tracts of land into one or more parcels.

CONSTRUCTION SIGN: A sign stating the names, addresses or telephone numbers of those individuals or businesses directly associated with a construction project on the premises.

CONTIGUOUS: Lots, parcels, or lots and parcels that have a common boundary. "Contiguous" includes, but is not limited to, lots, parcels, or lots and parcels separated only by an alley, street, or other right of way or flagpole. Lots or parcels are not contiguous if their common boundary is an arterial or collector street.

CONTRACT ANNEXATION: A binding agreement between a city and county which requires the parties to accomplish specified tasks prior to and/or after property identified in the contract is annexed by City action into city jurisdiction.

CONTRIBUTING: Properties that date from the period of significance (1850's to 1950) and retain physical integrity of materials, design, and setting, so as to convey a sense of their history. This category would encompass all properties previously ranked "primary" and "secondary", some properties ranked "compatible," and a few "non-compatible" properties from the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch.

COURTYARD – A SECONDARY STREET ATTACHED TO SINGLE, PRIMARY, STREET; however, unlike a cul-de-sac, is generally horseshoe-shaped and has two entry points rather than one.

CURVILINEAR: means represented by curved lines.

D.B.H.: Circumference of the tree's trunk(s) at four and a half (4.5') feet above grade/ground level, and dividing by 3.14.

DAY: Unless otherwise specified by this ordinance or statute, all references to days shall mean calendar days. References to days involving deadlines apply to normal department business hours. When a deadline falls on a holiday or weekend, it shall be presumed to be extended to the next working day of the department.

DAY CARE CENTER: An institution maintained under public or private auspices and licensed by the state, for which care is provided on a daily basis for five or more children less than sixteen years of age. Note Day care centers providing care for more than six children result in an educational ("E" occupancy) status for the structure under the Uniform Building Code and the National Electrical Code. (See "Family Day Care Providers' Home").

DEAD TREE- A LIFELESS TREE: Such evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches, or lack of any growth during the growing season.

DECIDUOUS: A plant with foliage that is shed annually.

DEMOLISH OR DEMOLITION: The words shall mean to raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a primary or secondary structure or any structure within the Jacksonville Historic Landmark District.

DEMOLITION PERMIT, HISTORIC: To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of a historic landmark.

DENSITY: The number of dwelling units, expressed in a ratio to land area. Density is computed by dividing the number of dwelling units by total gross acreage of the site. (Example twenty dwelling units divided by five acres, equals a density of four units per acre.)

DEVELOPER: A person or other legal entity who subdivides or partitions land, or constructs on more than one parcel of land.

DEVELOPMENT: Any manmade change to improved or unimproved tracts of land, including, but not limited to, construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area.

DEVELOPMENT PERMIT: Any permit or authorization issued by the city as a prerequisite for undertaking any development. It includes permits and authorizations customarily known as certificates of appropriateness, building permits, zoning or rezoning permits, variances, conditional use permits, street plans, plat approvals, subdivision or planned unit development permits.

DIAMETER AT BREAST HEIGHT OR DBH: means the diameter of the trunk, at its maximum cross section, measured fifty-four (54") inches, four and one half (4.5') feet above mean ground level at the base of the trunk.

DIRECT ILLUMINATION: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

DIRECTOR: The Planning Director of the City of Jacksonville, or a designee.

DIVIDE: To separate land into two (2) or more parcels or lots for the purpose of transferring a substantial interest in land.

DIVISION: The act or process of dividing land or a tract that has been divided.

DOWN SLOPE: Of or having ten (10%) percent or greater slope from an adjoining property line to point of setback.

DOUBLE FRONTAGE: A term used to describe a lot or parcel which has road access and frontage at each end. Corner lots are not considered to have double frontage unless they front roads on three sides. Alley access is not considered "frontage" in this definition.

DRINKING ESTABLISHMENT: An establishment, the primary activity of which is the sale and consumption on the premises of beer, wine, or other liquors, and where food service, if any, is secondary to the sale of beer, wine, or other liquors. Synonymous with bar, lounge, or tavern.

DRIP LINE: The area on the ground below every tree that would be affected if water were dripping off of the tree's leaves and branches on a calm day. From a plan view, the area on the ground covered by the tree canopy.

DRIVEWAY: A legally and physically defined area available and practical for motor vehicle ingress and egress to the building site from a road.

DRUG STORE OR PHARMACY: Facility for preparing, preserving, compounding, and dispensing drugs and medicines; and, may include the display and sale of other merchandise, such as cosmetics, notions, fountain service, and similar items.

DRY CLEANER OR LAUNDRY, COMMERCIAL: A plant for cleaning garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

DRY CLEANING OR LAUNDRY SHOP, SMALL CUSTOM: An establishment for custom cleaning only of individual garments, fabrics, rugs, draperies, or other similar items, and not a bulk or commercial type plant.

DWELLING: A building or portion thereof designed or used for human occupancy as a residence for one (1) or more persons, not including vehicles, travel trailers, or recreational/camping vehicles.

DWELLING UNIT: One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of the occupants maintaining the household.

DWELLING, MULTIPLE FAMILY: A building containing two (2) or more dwelling units, including units that are located one over the other.

DWELLING, SEASONAL: A dwelling unit not used as a principal residence that may be occupied weekends and for brief periods during the year.

DWELLING, SINGLE FAMILY: A building, on a separately platted lot, designed or used for residential purposes by not more than one family, although potentially including one ancillary dwelling unit. Each single-family dwelling must have separate utility services.

DWELLING, TOWNHOUSE: A single family dwelling unit, on a separately platted lot, with use and occupancy identical to all other single-family dwellings, except without the required yard setbacks in the side yard. Fire separations are required between each townhouse, and such required fire separation may be obtained by two (2) separate one-hour fire resistive walls, or a single masonry common wall, having a two-hour fire resistive rating. Said fire walls shall have no penetrations whatsoever. Each townhouse must have separate utility services. However, general utility services, on that land owned and maintained by a homeowner's association, will be allowed. Each common wall shall be covered by a set of deed restrictions.

EATING ESTABLISHMENT: Synonymous with restaurant, but does not include drinking establishment.

EQUIPMENT, HEAVY: Farm, forestry, or construction machinery weighing in excess of ten thousand (10,000) pounds.

EMERGENCY MEDICAL FACILITY: A first aid station or headquarters for an ambulance service, which offers emergency outpatient treatment only.

EMERGENCY WATER STORAGE FACILITY: A facility for the storage of water used for fire protection and suppression. Such facility may consist of a storage tank, whether elevated, above ground, or underground, a swimming pool, or other reasonable means to store an emergency water supply on the premises.

ENGINE OR MOTOR REPAIR SHOP: A shop for the repair of engines or motors. Term includes electric or fuel power motors.

EVERGREEN: A plant with foliage that persists and remains green year-round.

FAMILY: An individual or two or more persons related by blood, marriage, adoption or legal guardianship using one kitchen, and providing meals or lodging to not more than two additional persons, excluding servants, or a group of not more than five unrelated persons, living together as one housekeeping unit, using one kitchen. The maximum occupancy allowed in special group homes that permitted outright by State Law in single or multifamily zones shall not exceed the number of persons allowed by State statute.

FARMERS MARKET: an event held where produce or plant stock is sold. The sale of processed food is prohibited with the exception of limited processing of agricultural products such as jams, jellies, and honey. Craft merchandise is not permitted to be sold.
(ORD. 584, passed 12-2-2008)

FEED STORE, RETAIL (NO MILL): Facility for the sale of grain, prepared feed, and forage for pets, livestock, and fowl, but not involving the grinding, mixing, or commercial compounding of such items.

FLAG LOT: A "panhandle" shaped lot or parcel with its widest area set back some distance from a road, and having a thin strip of land connecting to the road to provide legal access.

FLAGPOLE: The thin strip of land connecting the widest area of a flag lot to a road. The flagpole shall be considered a part of the tax lot for purposes of calculating total lot area.

FLASHING SIGN: A sign incorporating intermittent electrical impulses to a source of illumination, or revolving in a manner which creates the illusion of flashing, or which changes color or intensity of illumination.

FLOOD OR FLOODING: A general temporary condition or partial or complete inundation of normally dry land areas from one (1). The overflow of inland waters, and/or two (2). The unusual and rapid accumulation of runoff of surface waters from any source.

FLOOD HAZARD BOUNDARY MAP: An official map of a community issued by the Federal Emergency Management Agency where the boundaries of the flood, mudslide (i.e. mudflow), and related erosion areas having hazards have been designated as Zone A, M, and/or E.

FLOOD INSURANCE: The insurance coverage provided under the federal flood insurance program.

FLOOD INSURANCE RATE MAP (FIRM): An official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk premium zones applicable to the community.

FLOODPLAIN 100 YEAR: The land within the County subject to a one (1%) percent chance of flooding in any given year, including the floodway and floodway fringe.

FLOOD PRONE: Areas likely to be flooded by virtue of their location adjoining a river, stream, or other water course or water body to the extent where the level of hazard exceeds acceptable designated floodplain, floodway, and approximate method floodplain, torrential flood hazard area identified by the Department of Geology and Mineral Industries, and other areas both within or outside of FEMA mapped areas which are either known to be flood prone or where flood hazard conditions may be more extreme than indicated by FEMA and development would jeopardize life or property.

FLOOD PROOFING: Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1') foot.

FLOOR AREA: Finished enclosed livable floor space (excludes garages).

FLOOR AREA: The maximum horizontal area of living space, to include guest house and/or ancillary unit, not to include decks, balconies, porches, exterior stairways, garages, carports, and storage.

FLOOR AREA RATIO (FAR): The gross floor area of all buildings or structures on a lot divided by the total lot area.

FLUORESCENT COLORS: Extra bright and glowing type colors; includes "day glow" orange, fluorescent green, etc.

FLUORESCENT LIGHTING: means light provided by tubes.

FOOD STORE, RETAIL SALE: An establishment where diversified foods and associated items are kept and displayed for retail sales. Synonymous with grocery store, supermarket, and convenience grocery.

FOSTER HOME: A home licensed by the state and providing shelter and food to not more than five persons in addition to the primary owner or occupant of the home.

FOUNDATION: Primary support for a structure through which the imposed load is transmitted to the footing or earth.

FRATERNAL OR LODGE BUILDING: A building for a chartered private service organization, club, society, or order.

FRONTAGE: The single wall surface of a building facing a given direction.

FUEL ALCOHOL PRODUCTION: The distillation of fuel alcohol from agricultural products, byproducts, or waste.

FUEL BREAK: An area maintained around buildings and structures for fire protection, which is cleared of dry brush and grass. The fuel break may contain ornamental shrubbery, specimen trees, lawn, or other plants used as ground cover, provided the plant material does not provide a means of rapidly transmitting fire from native growth to buildings and structures, or from development to surrounding rural lands.

GARAGE: An attached or accessory structure, designed primarily for storage of the family automobile(s).

GARDEN SHOP AND PLANT SALES, DISPLAY, OR GREENHOUSE: Facility for the growing, display, and sale of garden and/or flower seeds, plants, nursery stock, and related items, which may include a glassed enclosure for the cultivation or protection of tender plants.

GRADE (NATURAL): The elevation of the ground level in its natural state, before construction, filling, or excavation.

GROCERY STORE: See food store.

GROSS FLOOR AREA (GFA): The gross floor area of a building is the same (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores, and offices, that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections. Included are all stories or areas that have floor surfaces with clear standing head room (six (6') feet, six (6'') inches, minimum) regardless of their use. Where a ground level area, or part thereof, within the principal outside faces of the exterior wall is left unenclosed, the gross floor area of the unenclosed portion is said to be considered as a part of the overall square footage of the building. All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from the area calculations. Any roofed-over areas with three or more sides and used for storage of materials or goods shall be included in the gross floor area.

GROUP HOME: A licensed home maintained and supervised by adults for the purpose of providing care, food, and lodging for children under the age of eighteen (18) years, unattended by parent(s) or guardian(s), where the number of unrelated persons living together as one household commonly exceeds five. The maximum occupancy allowed in group homes shall not exceed the number of persons allowed by State statute.

GUEST HOUSE: Living quarters within an accessory structure, located on the same tax lot as the main dwelling, and occupied solely by members of the owner's family or temporary guests. A guest house contains no kitchen or kitchen facilities. A guest house must conform to the dwelling density and standards of the zoning district.

HABITABLE FLOOR: Any floor which is or can be made suitable for living purposes. These areas may be walled and are suitable for use as a place of working, sleeping, cooking, recreation, or the like. As used in this ordinance, the area beneath the lowest habitable floor may only be crawl space or unenclosed carport.

HALF STREET: a portion of the standard width of a street (1/2 + 10 feet + shoulder) along the boundary of a development, where the remaining portion of the street width could be provided from the adjoining property.

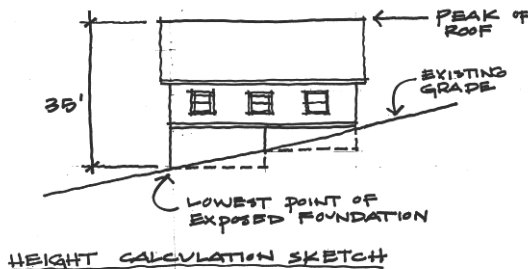
HANDCRAFT, CERAMIC SCULPTURE OR SIMILAR ART WORK STUDIO OR FACILITY: Facility to create custom, artistic or decorative objects such as leather goods, jewelry, oven-fired nonmetallic mineral products, or carved, three-dimensional works of art. Synonymous with studio art.

HAZARDOUS WASTE: Discarded, useless, or unwanted materials or residues in solid, liquid, or gaseous state and their empty containers which are classified as hazardous pursuant to ORS 459.410, OAR 34063100 to 135, and these rules. A hazardous material is a substance this same definition applies to except that it is not a waste.

HEALTH RELATED CENTER OR SPA: A facility which offers health related treatment, education, recreation, not including long-term or emergency care.

HEARINGS OFFICER: The Hearings Officer appointed by the Board to carry out functions described in this ordinance.

HEIGHT OF BUILDING: The height of all structures measured vertically from the natural grade at the lowest exposed portion of the foundation to the uppermost point of the roof edge or peak, wall, parapet, mansard, or other feature perpendicular to that grade.



HERITAGE TREE: Any tree listed on the official City of Jacksonville Heritage Tree list adopted by the City Council. All broadleaf trees (except poplar trees) equal or greater than two (2') feet DBH (for multi-stem trees, if the sum of the areas of all stems four (4") inches in diameter or larger at DBH is greater than four hundred fifty-two (452") square inches, it is a heritage tree). All conifers equal or greater than three (3') feet DBH. Also any documented historically significant trees or trees that are rare or of outstanding size and/or form for their species, as noted in the adopted Community Forestry Plan.

HISTORIC REHABILITATION: The act or process of returning a property to a state of utility through repair or alteration, which makes possible an efficient, contemporary use, while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

HISTORICAL SIGNIFICANCE: The term shall mean that the site or structure (1) has character interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; (2) is the site of an historic event with an effect upon society, (3) is identified with a person or group of persons who had some influence on society; (4) exemplifies the cultural, political, economic, social or historic heritage of the community; or, (5) has been identified as a primary or secondary building, structure, site or resource by the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch.

HISTORIC RESOURCE: Any buildings, structures, or sites having historic or architectural significance as these terms are herein defined.

HOME OCCUPATION: An accessory use, usually of a nonresidential nature, carried on in a dwelling unit except where otherwise allowed by this ordinance, and which

- (a) Is incidental to the primary occupancy of the home as a dwelling,
- (b) Is for gainful employment involving the manufacture, provision or sale of goods and/or services.
- (c) Does not take on an outward appearance or manifest any characteristics of a business or operation of a retail nature; and conforms to the standards specified for home occupations.

HOTEL OR MOTEL: A temporary abiding place, containing guest rooms or units, furnishing customary hotel services such as linen, maid service, and the use and upkeep of furniture.

ILLUSTRATION: means a line drawing or silhouette of a realistic object.

INCOMPATIBILITY OF LAND USES: An issue arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

INTENSITY: The floor area ratio (FAR).

JACKSONVILLE HISTORICAL SURVEY: The survey of historical resources in the city of Jacksonville, prepared by Allen, McMath, Hawkins, Architects, dated April 1980, or as updated by the Jacksonville Landmark List and the 1993 Historic Resource Inventory Update prepared by George Kramer, as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch.

KENNEL: A facility. 1) In which dogs are given training for which a fee is charged. 2) Operated, not for profit, and intended to provide temporary care for lost, strayed, or abandoned animals. 3) Where dogs, that are not licensed under ORS 609.100 (1), are kept, (when such dogs are kept for farm use, breeding or sale). 4) A business conducted for the purpose of boarding and/or sale of dogs or cats.

KINDERGARTEN: Public or private school or class for children usually from four (4) to six (6) years old.

LABORATORY, MANUFACTURING: Operations involving the compounding of products such as perfumes and pharmaceuticals, and the development and assembly of instruments and similar items.

LABORATORY, SCIENTIFIC TESTING PRECISION: Facility which performs scientific tests or analysis or experimental studies.

LANDSCAPE OR PLANT NURSERY: Facility for raising and marketing plants, trees, shrubs, bulbs, and related materials.

LIGHT FABRICATION AND ASSEMBLY PROCESS: Manufacturing which does not involve the generation outside the property of noise, odor, vibration, dust or hazard. The term includes, but is not limited to, the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item.

LIVE TREE REMOVAL PERMIT: written authorization from the City for a tree removal to proceed as described in an application, such authorization having been given in accordance with Title 18 Section 18.20.020.

LOCAL UTILITIES: The usual electric power, telephone, gas, water, sewer drainage lines, and those inline facilities such as gas regulating stations and water pumping stations.

LOT: A unit of land that is created by a subdivision.

LOT AREA: The total area of a lot or parcel within the lot boundary lines, measured in a horizontal plane.

LOT CORNER: A lot, parcel, or portion thereof, situated at the intersection of two (2) or more streets.

LOT DEPTH: The average horizontal distance between the front lot or parcel line and the rear lot or parcel line.

LOT LINE: The property line bounding a lot or parcel.

LOT LINE, FRONT: The property line separating the lot or parcel from the road or street, other than an alley. In the case of a corner lot, parcel or lot with double frontage, the shortest property line along a street or road which has been improved and for which addresses have already been assigned, other than an alley. In the case of a flag lot or other parcel or lot, where the majority of the lot or parcel does not front on a road, the front lot or parcel line shall be one of the shortest lines, if a rectangular lot or parcel.

LOT LINE, REAR: A property line which is opposite and most distant from the front lot or parcel line. In the case of an irregular, triangular, or other shaped lot or parcel, a line ten (10') feet in length within the lot or parcel, parallel to, and at a maximum distance from, the front lot or parcel line.

LOT LINE, SIDE: Any property line, not a front or rear lot or parcel line.

LOT WIDTH: The average horizontal distance between the side lot or parcel lines, calculated by dividing the lot area measured in square feet by the length of the lot (e.g., the distance between the front and rear property lines excluding the flag strip) measured in feet.

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 area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of title 15.

LUMBER YARD: Facility for stocking and selling lumber and other materials needed for building. Term includes hardware and building materials and supplies.

MACHINE SHOP: Facility in which material is processed by machining, cutting, grinding, welding, or similar processing. Term includes blacksmith shop, electric motor repair, and gun shop.

MACHINERY SALES AND SERVICE: Facility for repairing equipment and selling and/or servicing machinery.

MAN: As used by this ordinance the word man refers generally to humans and is inclusive of both the masculine and feminine, unless the context otherwise requires.

MARQUEE: A permanent, roofed, non-enclosed structure projecting over an entrance to a building and not separately attached to the ground surface.

MASSING OR BUILDING MASS: The height, width, and depth of a structure. Often used in comparison to the relative masses of the buildings around the subject structure, hence "massing".

MINERAL RESOURCES: Precious metals and other earth or natural materials other than aggregate resources.

MOBILE HOME: A structure or vehicle fabricated on a permanent chassis that is transportable in one (1) or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities, has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for human occupancy or is being used for residential purposes. Although Oregon Administrative Rules (OAR) Chapter 814, Division 23 separately define and distinguish between "manufactured home" and "mobile home" according to federal or state construction codes for such dwellings, the term "manufactured home" shall be considered a "mobile home".

MOBILE HOME PARK: Any place where four (4) or more such homes are located within five hundred (500') feet of each other on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is one (1). To rent or lease space for mobile homes for a charge or fee paid or two (2). To be paid for the rental, lease, or use of facilities for mobile homes; or three (3). To offer space free for location of mobile homes in connection with securing the trade or patronage of such person, but not including those used exclusively for farm labor or recreational camps.

NATURAL STATE: and undisturbed area either in a wild, primitive state that is untouched by civilization or an area that has not been reconfigured topographically within the last fifty (50) years.

NEGOTIATE: Activity preliminary to the execution of a binding agreement.

NEIGHBORHOOD IDENTIFICATION: A sign located at the entry point to a single-family subdivision comprising not less than two (2) acres, or a sign identifying a multiple-family development.

NEON LIGHT: A form of illumination using inert gases in glass tubes. Includes "black light" and other neon lights.

NON-CONFORMING LOTS OR PARCELS: Lots or parcels legally created prior to the effective date of a land division or zoning regulation and not meeting the minimum lot area, width, or access requirements of those regulations.

NON-CONFORMING STRUCTURE: A building, structure, or portion thereof, which lawfully existed prior to adoption of a zoning regulation with which the structure does not conform. Such structures may be nonconforming as to height, setback, lot coverage, or similar requirements of the zone.

NON-CONFORMING USE: A use lawfully made prior to adoption of a zoning regulation with which the use does not conform.

NON-CONTRIBUTING: The word refers to buildings, structures, or devices which do not contribute with the ambient historical quality of the City of Jacksonville as determined by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch. The term can also relate to preexisting structures classified as "Non-compatible" by the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer.

NURSING HOME OR CONVALESCENT HOME: Facility providing care, rehabilitation services, and minor treatment for more than five persons under the direction of a physician, licensed by the state. May furnish basic provisions of food and laundry. Term includes rest home, home for the aged, and sanatorium.

OPEN SPACE: The word shall mean any portion of a building lot not covered by a building, and shall more specifically include parks, landscaped view sheds, natural areas, former orchards or groves, outdoor parking areas, covered and partially enclosed patios, terraces, and courtyards provided such areas have at least one side open, and are available for public use and enjoyment in conjunction with commercial use of the premises.

ORNAMENTAL TREE: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

OVERBURDEN: Soil, rock, sand, and similar materials that lie above natural deposits of minerals.

OWNER/LANDOWNER: Person(s), partnership, or corporation possessing fee title to a tract of land, or shown as owner of record on the latest tax rolls or deed records of the County, or purchasing a parcel of property under written contract.

PARCEL: Includes a unit of land created

- (a) By partitioning land as defined in ORS 92.010 in compliance with all applicable planning, zoning, and partitioning ordinances or regulations, or
- (b) By deed or land sales contract, if there were no applicable planning, zoning or partitioning ordinances or regulations.

The term parcel does not include a unit of land created solely to establish a separate tax account.

PARK OR PLAYGROUND: A recreation area or park owned or operated by a private entity, public agency, or school district, and available to the general public.

PARTITION LAND: To divide land into two (2) or three (3) parcels within a calendar year, but does not include a division of land that creates a road or results from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance. Partitioning of a lot or parcel or a portion thereof into more than three (3) parcels in a calendar year results in a subdivision.

PEDDLER: includes any person, whether a resident of the city or not, traveling by foot, wagon, automotive vehicle or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, sells or offers the same for sale from a wagon, automotive vehicle, railroad car or other vehicle or conveyance; or who solicits orders and as a separate transaction makes deliveries to purchasers.

PET SHOP: Facility for the display and sale of small animals, fish, and birds as pets, but not involving commercial boarding or treating of any animal, fish, or bird.

PLACE OF PUBLIC ASSEMBLY: A structure or area in which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, or awaiting transportation.

PLANNED COMMUNITY: A development, as provided for in the Jacksonville Zoning Regulations, of residential, commercial, industrial, or a mixture of residential, commercial, industrial, and semi public units grouped in a fashion not customarily allowed by zoning or subdivision regulations, and providing for variety and diversification in the relationship between buildings and open spaces. Planned unit developments should each be planned as an entity, grouping dwellings units, allowing an area for open space, mixing housing types, including mobile homes, land uses, and should be designed to preserve natural features.

PLANNING DIRECTOR: The Planning Director of Jacksonville, Oregon, and his designated representatives.

PLAT: A diagram, drawing, re-plat, or other writing concerning a partition or subdivision

- (a) **"Preliminary plat":** A plat submitted prior to actual application and intended only for department review or discussion.
- (b) **"Tentative plat":** A plat submitted as a part of an application for a partition or subdivision, also referred to as a Tentative Plan.
- (c) **"Final plat":** A plat that has been prepared for recordation after approval of the tentative plat.
- (d) **"Re-plat":** An alteration of a previously recorded plat. A property line adjustment is not a re-plat. A partition of an existing lot is not a re-plat.

PRESERVATION, HISTORIC: The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure, or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.

PRIMARY: The word refers to all buildings built before 1884 regardless of presently existing architectural or historical integrity, and buildings built between 1884 and 1920 which are of exceptional architectural or historical value or significance. The term principally relates to historical resources classified as "Primary" by the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer, as modified by the 1999 Jacksonville Historic Inventory Update prepared by Evans-Hatch.

PRIMARY REVENUE SOURCE: No less than seventy-five (75%) percent of gross total principal income derived from a business.

PROTECTED AREA: That portion of a lot which is buildable, not in the required setback areas, and may be used for the location of a solar collector.

PUBLIC RIGHT-OF-WAY: The area commonly shared by pedestrians and vehicles for right of passage. An easement for public travel or access including street, alley, walkway, driveway, trail or any other public way; also, the land within the boundaries of such easement.

QUALITY MATERIAL: Materials appropriate to make temporary window signs, including poster board, heavy bond paper or wood. All temporary signs will be lettered using the approved lettering styles. Brown paper or brown bags, ragged edges or lightweight paper are not allowed.

RADIO, TELEVISION, OR MICROWAVE TOWERS: Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial installations for home use of radio or television.

RECLAMATION: The employment in a mining operation of procedures designed to provide for rehabilitation of the earth's surface by plant cover, soil stability, water resources, and other measures appropriate to the subsequent beneficial use of the reclaimed lands.

RECLAMATION PLAN: A written and graphic proposal for rehabilitation of the mined area, further defined as being one of the below: 1) Natural Reclamation Plan A reclamation and/or rehabilitation process in which the primary purpose is to restore the land to a natural appearing landscape consistent with surrounding terrain. Rehabilitation to an agricultural use is considered a natural reclamation plan. 2) Second Use Plan "A" reclamation and/or rehabilitation process that involves development of the land to a specific use.

REAL ESTATE SIGN: A sign indicating that the property on which the sign is located, or any portion thereof, is for sale, lease or rent.

RECREATION CLUB OR AREA, PRIVATE: A building, park, or recreation area, the use of which is restricted to private membership such as by a church, neighborhood association, fraternal or social organization, and which may contain the facilities as normally provided in a public park or playground.

RECREATIONAL VEHICLE: (See "Camping or Recreational Vehicle).

RECREATIONAL VEHICLE PARK OR CAMPGROUND: An area where facilities are provided to accommodate temporary recreational trailers, motor homes, campers, and/or tents.

RECTORY: A place of residence for the pastor of a church.

RECYCLING DROP BOX: An enclosed and covered container for the depositing and temporary storage of recyclable materials, including but not limited to paper, glass, metal cans, or other recoverable material.

RESIDENCE HOME FOR AGED: A facility for the care of six (6) or more persons suffering from infirmities of age or illness where care is provided on a prolonged or permanent basis.

RESIDENTIAL HOME: As provided by Oregon Revised Statutes, a residence licensed by the State for the care of five or fewer physically or mentally handicapped persons, including staff personnel, is permitted in residential or commercial zones (excluding resource lands) subject to the normal requirements for a residence. Residents and staff need not be related to each other or any other home resident. Handicapped means that a person suffers from a functional limitation in one or more major life activities.

RESIDENTIAL OR DAY TREATMENT FACILITY: A facility licensed by the State for the care of five or more related or unrelated persons who are physically or emotionally handicapped by functional limitations in one or more major life activities. Term includes shelter care facility.

RESOURCE LAND: Any land that has been identified and designated on the Jackson County Comprehensive Plan and Zoning Map(s) as Forest Resource, Woodland Resource, Open Space Reserve, Exclusive Farm Use, or Aggregate Resource is considered resource land. This definition shall not be construed to exclude from protection under the provisions of city, state or county law other identified resources which have not been zoned, such as riparian habitat, natural areas, critical winter deer and elk range, historic sites, structures, corridors, or scenic areas.

RESOURCE TREE: All trees equal or greater than one (1') foot DBH (for multi-stem trees, the sum of the areas of all stems four (4") inches in diameter or larger at DBH) must be greater than one hundred thirteen (113") square inches.
(ORD. 584, passed 12-2-2008)

RETIREMENT HOME: A facility providing living quarters, either owned or rented to persons sixty-two (62) years of age or older. Such facility may be a single structure or a group of structures, and may include limited medical, recreational, and commercial services if such services are limited to the residents and their guests. This type of facility should be developed as a planned unit development.

ROADS: The following definitions apply to roads (none of these definitions is intended to supersede ORS 368.001):

- (a) **Road:** "Road" means the entire right-of-way of any public or private way that provides ingress to or egress from property by means of vehicles or other means or that provides travel between places by mean of vehicles. "Road" includes, but is not limited to: Ways described as streets, highways, throughways or alleys, Road related structures that are in the right of way such as tunnels, culverts or similar structures: and structures that provide for continuity of the right of way such as bridges.
- (b) **Alley:** A narrow street, with a sixteen (16') to twenty (20') foot right-of-way and the minimum of a twelve (12') foot travel lane, through a block primarily for vehicular access to the back or side of properties.
- (c) **Arterial:** A road which carries traffic through and between major centers of activity in urban, suburban, and rural areas.
- (d) **Collector:** A road which is used primarily as a connector from local roads to one or more arterials.
- (e) **County Road:** A public road under the jurisdiction of a county that has been designated as a county road under ORS 368.016.
- (f) **Cul-de-sac:** A local or limited local road having only one outlet with a turnaround at the opposite end, and which is not intended to be extended or continued.

- (g) Dead-end: Street A road or street with no outlet to other roads or streets.
- (h) Frontage Road: A road which is parallel to and adjacent to an arterial or other limited access road or a railroad right-of-way, and which provides access to abutting properties.
- (i) Public Road: A road over which the public has a right of use that is a matter of public record.
- (j) Public Street: A physical transportation structure that has been accepted by the City for maintenance either through the Comprehensive Plan or by City ordinance and that is located in a public right-of-way.
- (k) Stubbed Road: A road having one outlet intended to be extended or continued.
- (l) Through Street: A road or street that connects to another road. Not all "through streets" are arterials.

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

ROAD APPROACH PERMIT: A formal agreement between the developer/land owner and either the state, county or city concerning the private use of public right-of-way and facilities for access to adjoining property. The terms "road approach permit" and "approach road permits" are interchangeable in the context of this title, and includes both driveways and intersecting roads.

ROOT ZONE: Any area within the drip line of any tree and any area within twenty (20') feet of any resource tree trunk, whichever is further from the trunk of the tree.

SCALE: The relationship of a particular project or development, in terms of size, height, bulk, intensity, and aesthetics, to its surroundings.

SCHOOL BUSINESS: A business enterprise, not a public or private school, offering instruction and training in a service or art, such as secretary, barber, commercial artist, but not including commercial trades or crafts.

SCHOOL, COMMERCIAL, TRADE OR CRAFT: A business enterprise, not a public, private, or business school, offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.

SCHOOL, (PUBLIC/PRIVATE): An educational institution, licensed or regulated by the state, which has a curriculum, including kindergarten, elementary, secondary, or higher education; or, one that provides special training and/or care suitable to persons with above average intelligence, or defective, delinquent, or dependent persons such as retarded, dyslexic, autistic, or brain damaged persons, but does not include business, commercial, trade, or craft schools.

SCREEN: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

SECOND HAND STORE, USED FURNITURE OR RUMMAGE SHOP FACILITY OR PAWNSHOP: Facility for the sale of second hand or used items. No outside display is permitted.

SECONDARY: The word refers to buildings constructed between 1884 and 1920 which are of routine architectural value, or which suffer a substantial loss of interior or exterior historical or architectural integrity, or have within them intrusions which substantially impair or detract from the historical or architectural integrity or ambient historical quality of the property. The term principally relates to historical resources classified as "Secondary" by the Jacksonville Landmark List, the 1980 Historical Survey prepared by Gail Evans or the 1993 Historic Resource Inventory Update prepared by George Kramer.

SENSITIVE FISH AND/OR WILDLIFE HABITAT: Areas important to the survival of a species, or group of species, and habitats with a limited area.

SERVICE STATION: Commercial facility which offers petroleum products and limited accessory sales of products for motor vehicle use, including limited vehicle repair service to the public.

SETBACK: The distance from a right-of-way or easement boundary of a public or private road, other easement, or from a lot line to any point of a building.

SHADE TREE: Usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy.

SHADOW CASTING PORTION: That portion of a building which actually casts a shadow under the sun, is at an altitude of twenty-five (25°) degrees, and is due south. For a building with a roof pitch of 5:12 or less, the shadow casting portion is the height from the northernmost projection above the natural grade. If the roof pitch is greater than 5:12, the shadow casting portion is the height from the roof peak to the natural grade.

SHELTER CARE FACILITY: A home licensed by the state to provide for short term emergency care for no more than nine (9) children at any one time. See also halfway house or residential/day treatment facility.

SHRUB: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, may be deciduous or evergreen.

SIDEWALK: Hard surface strip within a street right-of-way to be used for pedestrian traffic.

SIGN: Any notice or advertisement, pictorial or otherwise, used as an outdoor display for the purpose of advertising a property or the establishment or enterprise, including goods and services, upon which the signs are exhibited. This definition shall not include official notices issued by a court or public body or officer, or directional, warning or information signs or structures required by or authorized by the law or by federal, state, county or city authority.

SIGN, AREA OF: In determining whether a sign is within the area limitations of this title, the area of the total exterior surface shall be measured and computed in square feet; provided, that where the sign has two or more faces, the area of the total exterior surface shall be measured and divided by the number of faces; and provided further, that if the interior angle between the two (2) planes of two (2) faces exceeds one hundred thirty-five (135°) degrees, they shall be deemed a single face for the purposes hereof. Measurement shall be made at the extreme horizontal and vertical limit of a sign.

SITE (as it relates to project study areas for determining development impacts and mitigation measures): In most cases, the entire subject property. However, it may be reduced to relevant portions of a property if deemed appropriate by the City Planner.

SLOPE: Percentage of vertical rise over horizontal run measured over a horizontal distance of thirty (30') feet, a building envelope or other delineated area of development that represents the greatest degree of rise measured perpendicular to the contour lines.

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

SLOPE EASEMENT: An area adjoining a road which is affected by the road fill or cut, but is not within the road easement or right-of-way.

SOLAR ORIENTATION: The layout and design of parcels and siting of a structure on building lots to take advantage of solar insolation for optimal utilization of the sun as an energy source.

SPECIMEN TREE: A particularly impressive or unusual example of a species due to its size, shade, age, or any other trait that epitomizes the character of the species.

START OF CONSTRUCTION: Start of construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction repair, construction or placement of other improvement was within one hundred eighty (180) days of the permit date. The actual start of construction is either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the installation of columns or any work beyond the stage of excavation; or the placement of a mobile home on a temporary or permanent foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of street and/or walkways, nor does it include excavation for a basement, footings, piers or foundations, 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 for residential purposes and not part of the main structure.

STORY: A story is any area that can be reasonably considered habitable and has floor surface with clear standing head room (six (6') feet, six (6") inches, minimum) regardless of their use.

STREAMS, CLASS I AND II

- (a) Class I Stream: Waters which are valuable for domestic use, are important for angling or other recreation, and/or used by significant numbers of fish for spawning, rearing, or migration routes as designated by the State of Oregon. Stream flows may be perennial or intermittent.
- (b) Class II Stream: Any headwater streams or minor drainages that generally have limited or no direct value for angling or other recreation as designated by the State of Oregon. They are used by only a few, if any, fish for spawning or rearing. Their principal value is their influence on water quality or quantity downstream in Class I waters. Stream flow may be perennial or intermittent.

STREET FRONTAGE: The lineal dimension in feet of the property upon which a structure is built, each frontage having one street frontage.

STREET TREE: Any trees within twenty (20') feet of the edge of the traveled portion of the road or the edge of pavement, and/or any tree whose drip line extends into the traveled or paved portion of the street.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as the foundation, bearing walls, columns, beams, girders, floor or ceiling joists, or rafters.

STRUCTURE: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For land use regulatory purposes, the term structure shall also include gas or liquid storage tanks but shall exclude fences less than six (6') feet in height and uncovered patios.

STUDIO ART, MUSIC, CERAMICS, DRAMA, PHOTOGRAPHY, SPEECH, DANCE, OR SIMILAR SKILLS: The instructing, coaching, or counseling in art, music, ceramics, drama, photography, speech, dance, martial arts, gymnastics or similar personal skills or arts.

STUDIO, BROADCASTING AND/OR RECORDING: Facility for broadcasting live or prerecorded programs by radio and/or television and/or recording on records, tapes, video tapes or other suitable media. Such facility may perform activities necessary for recording programming and receiving of radio and/or television signals. Such facility shall not engage in production of consumer products.

SUBDIVIDE LAND: To divide an area, parcel, or tract of land into four or more lots within a calendar year.

SUBDIVISION: The act of subdividing land, or an area or a tract of land subdivided as defined above.

SUB GRADE: That portion of the graded roadbed upon which the base, surfacing, or pavement is to be placed.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either,

- (a) Before the improvement, reconstruction or repair is started; or,
- (b) If the structure has been damaged and is being repaired, reconstructed or improved before the damage occurred. For the purpose of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

SURFACE MINING: All or any part of the process of removal, by extraction of minerals from the surface of the earth. Removal of overburden or diversion of water necessary to expose the deposit of minerals is considered part of the process. Leveling, grading, filling, or removing earth materials in conjunction with farm use, or onsite construction projects are not considered surface mining.

SWIMMING POOLS PRIVATE: A swimming pool, constructed for the exclusive use of the residents and guests of single-family, duplex, townhouse, or apartment dwellings.

TAX LOT: A parcel, lot or other unit of land as created by the County Assessor for the purpose of taxation. A tax lot may also be a lot or parcel when created at a property owner's request for the purpose of land division consistent with applicable planning and zoning regulations in effect at that time.

TELEPHONE EXCHANGE, SWITCHING AND TRANSMITTING EQUIPMENT: Non-attended switching or transmitting telephone service, but not including business office facilities, storage or repair shops or yards.

TEMPORARY: Temporary shall mean twenty-seven (27) days or less in any twelve (12) month period, unless otherwise specified by a provision of this ordinance.

TEMPORARY FIELD OR CONSTRUCTION OFFICE: Temporary office and temporary material storage use in connection with the property. This use may be permitted for a specified period of time in accordance with a permit issued by the Building Official.

TEMPORARY MOBILE HOME: A mobile home which is utilized as an additional dwelling on the same parcel for an infirm or disabled person who requires twenty- four (24) hour care or the person providing that care, according to a certification by an Oregon licensed medical doctor or responsible state licensed medical agency.

TENT: A fabric shelter supported by poles or rope, designed for human occupancy. To be used temporarily for recreational or emergency purposes, and not for permanent or residential purposes.

TOP COURSE: A course of specified aggregate material of planned thickness placed immediately below the pavement or surface.

TOPPING: the severe cutting back of a tree's limbs to stubs three (3") inches or larger in diameter within the tree's crown to such a degree so as to remove the natural canopy and disfigure the tree.

TRANSIENT: An individual who occupies a site for a period of twenty-seven (27) days or less, counting portions of days as full days, and cannot demonstrate the intention and legal ability to construct a permanent dwelling upon that site.

TREE: any mature woody plant having a trunk six (6") caliper inches or larger in diameter at breast height (DBH). If a tree splits into multiple trunks above ground, but below four and one half (4.5') feet, the trunk is measured at its most narrow point beneath the split, and is considered one (1) tree if greater than six (6") inches DBH. Plants commonly planted as shrubs, including but not limited to English laurel, photinia, arborvitae, poison oak, English holly, and English ivy shall not be considered a "tree". Trees specifically planted and maintained as a hedge not taller than fifteen (15') feet shall also not be considered a "tree".

TREE IN IMMEDIATE DANGER OF COLLAPSE: meaning that the tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fall and cause damage. "Immediate danger of collapse" does not include hazardous conditions that can be alleviated by pruning or treatment.

TREE REMOVAL: to cut down a tree, or remove twenty-five (25%) percent or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. "Removal" includes topping. "Removal" includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. "Removal" does not include normal trimming or pruning of trees.

UNPROTECTED AREA: That area of a lot which could not be used for the location of a solar collector. This area includes all required setback areas, parking lots, street, alley and other public rights-of-way and easements, and the northern half of lots which are less than twice the minimum lot size of the zone in which they are located.

URBAN GROWTH BOUNDARY: A site specific line imposed on the Official Comprehensive Plan and Zoning map of Jackson County, which identifies and encompasses urban and urbanizable lands in or adjacent to each incorporated city in the County.

USE: The purpose for which land, roadways or a structure is designed, arranged, or intended, or for which it is occupied or maintained, whether on a permanent or temporary basis.

UTILITY FACILITY: Those necessary appurtenances including related rights-of-way for the transmission of electric power, gas, water, sewerage, telephone and other inline facilities needed for the operation of such facilities, such as gas regulating stations, pumping stations, power or communication substations, dams, reservoirs, and related power houses. Additionally, a utility facility means all energy devices and/or systems that generate energy from renewable energy resources including solar, hydro, wind, bio-fuels, wood, geothermal, or similar sources.

VIOLATION: An act of any person which is prohibited or prevented by the Jacksonville Comprehensive Plan, Land Development Regulations or other state or county law, or the failure of any person to act as required by the Comprehensive Plan, Land Development Regulations or other state or county law.

WILDLIFE: Wild mammals, birds, reptiles, and amphibians.

WINERY, COMMERCIAL: A facility for the preparation, processing, marketing, and distribution of wines. May include a tasting room and sales area.

WIND SIGN OR DEVICE: Any sign or device in the nature of a series of one (1), two (2) or more banners, flags or other objects, fastened in such a manner as to move upon being subject to pressure by wind or breeze.

WINDOW: All the glass included with one (1) casement.

WOODLANDS, EXISTING: Existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

YARD, FRONT: A yard between side lot lines, measured horizontally at right angles from the front lot line, to the nearest point of a building or other structure. (See also lot line, front.)

YARD, REAR: A yard between side lot lines, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

YARD, REQUIRED: Open space on a lot, which is unobstructed from the ground upward, except as otherwise provided in this ordinance.

YARD, SIDE: A yard between the front and rear yards, measured horizontally at right angles from the rear lot line, to the nearest point of a main building.

(Am. ORD 579, passed 3-4-2008)