

ARTICLE I - GENERAL PROVISIONS

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10.012 Definitions, Specific.

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

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Condominium. A type of ownership of units, and common ownership of open space and other facilities, and which is regulated by ORS Chapter 100.

Condominium unit. A part of the property condominium consisting of a building or one or more rooms occupying one or more floors of a building or a part or parts thereof, intended for any type of independent ownership, the boundaries of which are described pursuant to ORS 94.029(1,e) Chapter 100.105 and with direct exit to a public street or to a common area or areas leading to a public street.

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Pad Lot Development. A type of land division that ~~provides~~ creates ~~tax~~ lots within and/or adjacent to a common area where the lot-lines of ~~such tax pad~~ -lots are located near and/or adjacent to common or exterior building walls, shared or private open spaces, patios, porches yards, eaves and other building projections.

Pad/pad lot. An individual unit of land created from a pad lot development, not the parent parcel. Pad lots are not considered condominium’s per ORS Chapter 100.

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Parent Parcel. The lot or parcel from which individual condominiums, cottages or pad lots are created, including the common element areas for which the individual condominiums, cottages or pad lots share common space or ownership.

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ARTICLE II - PROCEDURAL REQUIREMENTS

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Table 10.108-1. Land Use Review Procedures				
Land Use Review Type	Procedural Type	Applicable Standards	Approving Authority	Subject to 120 Day Rule (ORS 227.178)?
*	*	*	*	*
<u>Tentative Plat, Pad Lot Development</u>	<u>II</u>	<u>10.171</u>	<u>Planning Director</u>	<u>Yes</u>
Tentative Plat, Partition	II	10.170	Planning Director	Yes
Tentative Plat, Subdivision	III	10.202	Planning Commission	Yes

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10.110 Designation and Duties of Approving Authorities.

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(Q) Planning Director Authority. The Planning Director is hereby designated as the approving authority for Type I and II land use reviews as well as issuance of the Development Permit. This

includes the following land use reviews:

Land Use Review

De Minimis Revision(s) to Approved PUD Plan

Final PUD Plan

Final Plat, Pad Lot Development, Partition, ~~&~~ Subdivision

Major Modifications to Site Plan and Architectural Review

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Site Plan and Architectural Review (SPAR) – Type II

Sign Permit

Tentative Plat, Pad Lot Development

Tentative Plat, Partition

Wireless Communication Facilities in Public Right-of-Way

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10.142 Type I Land Use Actions.

Type I land use actions comprise the following land use reviews:

Type I Land Use Actions

De Minimis Revision(s) to an Approved PUD Plan

Final PUD Plan

Final Plat, Pad Lot Development, Partition, ~~&~~ Subdivision

Minor Historic Review

Minor Modification to Conditional Use Permit

Minor Modification to a Park Development Review

Minor Modification to a Site Plan and Architectural Review

Nonconformities

Pre-Application

Property Line Adjustment

Riparian Corridor Reduction or Deviation

Sign Permit

Wireless Communication Facilities in Public Right-of-Way

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10.162 Pad Lot Development, Subdivision and Partition Final Plats.

(A) Final Plat Approval Required.

No person shall cause or permit the sale or development of any real property under their ownership or control, nor shall any development permit be issued for such development, until final approval therefor has been granted by the Planning Director in accordance with this chapter, and an approved final plat has been recorded with the Jackson County Recorder. The requirements of this section shall not be applicable to any of the following which are exempt from such provisions:

- (1) Where final plat approval for the identical lot or site has been previously obtained from the City within 10 years prior to the date of application for a building permit, in accord with such ordinance requiring plat approval which was in effect at that time, and such final plat is of record evidencing such plat approval;
- (2) Developments made solely for the purpose of opening or widening a public street or alley, or those involving conveyance, transfer, access, sewer, water, or public utility, provided that no partitions or parcels of land are created other than those directly caused by such action.
- (3) Developments made solely because of the acquisition of lands by government agencies for freeways, parks, public buildings, flood control channels, or other public purposes, or for the sale of minor remnant parcels by such agencies to adjacent property owners where such land involved in the sale is not designated in the City's Comprehensive Plan as a recreational facility. In connection with the sale of any such minor remnant parcel, the person acquiring the property shall consolidate the acquired remnant parcel with his existing contiguous ownership;
- (4) Developments involving land dedicated for cemetery purposes; or
- (5) Developments caused by a conveyance for the purpose of adding land to one parcel by deducting it from another contiguous parcel, where such does not reduce the area of the parcel from which such portion is taken below the minimum area, frontage, width or depth prescribed for the zoning district in which said parcel is located, nor reduce any of the required yard spaces surrounding any structure or use on such parcel below the minimum prescribed for such zoning district.

(B) Final Plats, General.

The form and content of a final plat shall be in accord with the provisions of ORS 92.050 through 92.080, and this code. Final plats not submitted in accord with this code shall not be considered for approval.

(C) Form of Final Plat and Data to Appear Thereon.

Where identified by an "X" in table 10.162-1, the final plat of subdivisions, pad lot developments and partitions shall conform to the following provisions:

Final Plat Form and Data – Table 10.162-1		
Final Plat Provisions	Include on <u>Pad Lot Development & Subdivision Final Plat</u>	Include on Partition Final Plat
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10.168 Type II Land Use Actions.

(A) Type II actions comprise the following land use reviews:

Land Use Actions

Partition, Tentative Plat

Pad Lot Development, Tentative Plat

Portable Storage Containers

Major Modifications to a Site Plan and Architectural Review

Site Plan and Architectural Review (SPAR)

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10.171 Pad Lot Development, Tentative Plat

(A) Application

The land division associate with a pad lot development is a Type II administrative decision with notice and the Planning Director is the approving authority. If a pad lot development includes a cottage cluster development it shall be reviewed as a Type III quasi-judicial decision as identified in Section 10.818A. Final plat for pad lot development is a Type I ministerial action which complies with the requirements established at the time of tentative plat approval, and the requirements set forth in Section 10.162 (B-E).

(B) Application for Pad Lot Development Tentative Plat. The application for each proposed pad lot development tentative plat shall be filed with the Planning Department.

(C) Form of Tentative Plat and Accompanying Data. The tentative plat shall comply with the requirements of 10.202(C).

(D) Pad Lot Development Tentative Plat Approval Criteria.

The Planning Director shall not approve any tentative plat for a pad lot development unless they can determine that the proposed land division, together with the provisions for its design and improvement meet the following:

(1) Is consistent with the standards as outlined in Section 10.703 and as required in the underlying zoning district.

(2) Is consistent with the Comprehensive Plan, any other specific plans applicable to the proposed land division, including Neighborhood Circulation Plans, and all applicable development standards set forth in Articles IV and V of Chapter 10;

(3) Will not prevent development of the remainder of the property under the same ownership, if any, or of adjoining land or of access thereto, in accordance with this chapter;

(4) If it includes the creation of streets or alleys, that such streets or alleys are laid out to be consistent with existing and planned streets and alleys and with the plats of land divisions already approved for adjoining property, unless the approving authority determines it is in the public interest to modify the street pattern;

(5) If it has streets or alleys that are proposed to be held for private use, that they are distinguished from the public streets or alleys on the tentative plat, and reservations or restrictions relating to the private streets or alleys are set forth;

(6) Will not cause an unmitigated land use conflict between the land partition and adjoining agricultural lands within the EFU (Exclusive Farm Use) zoning district.

(E) Expiration of Pad Lot Development Tentative Plat Approval.

Approval of a tentative pad lot development plat application shall take effect on the date the Planning Director's decision is signed, unless appealed, and shall expire two years from the effective date. If a request for an extension of a tentative pad lot development plat application approval is filed with the Planning Department within two years from the date of the Planning Director's decision, an extension not to exceed one additional year shall be granted.

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10.202 Subdivision Tentative Plat.

(A) Application.

The subdividing of land shall be subject to the application requirements as herein set forth and shall include both the tentative and final platting requirements. The approval of a tentative plat is a ~~Type II Type III~~ procedure, with the ~~Planning Director Planning Commission~~ being the approving authority for Partitions and Pad Lot Developments. The approval of a tentative plat is a Type III procedure, with the Planning Commission being the approval authority for Subdivisions. Final plat approval is a Type I ministerial procedure which relies on compliance with the requirements established at the time of tentative plat approval, and on the requirements set forth in Section

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ARTICLE V – SITE DEVELOPMENT STANDARDS

10.702 Lot Area and Dimensions.

Each lot shall have an area, width, frontage, and depth consistent with that prescribed in this Article for the housing type, or commercial or industrial district in which the development, or the portion thereof, is situated, except in the following situations:

(1) Within a planned unit development, a condominium project, as defined by ORS 100.005, or a pad lot development, as defined herein, the approving authority ~~(Planning Commission)~~ may permit ~~tax~~ lots and common areas to be of an area, width, frontage, or depth different from such prescribed minimum or maximum lot area or dimensions of the underlying zone.

(2) For a condominium project, as defined by ORS 100.005, the minimum lot area and dimensions shall apply to the parent parcel only.

(3) A new residential lot may exceed the maximum lot area only under the following circumstances:

(a) When an existing residence and associated yard area, containing improvements and established landscaping, occupy a larger area; or,

(b) When a portion of the lot is unbuildable for a reason beyond the control of the developer (i.e., due to creeks, oversized easements, etc.), the additional acreage, or fraction thereof, may not exceed the amount of unbuildable area.

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10.703 Pad Lot Development.

~~(A).~~ Purpose. It is the purpose of this Section to provide a process for the creation of lots within a common area ~~for non-residential uses and for certain residential uses~~ as specified below. This Section is not intended to provide relief from the strict standards elsewhere established in this Code.

~~(B).~~ Development Standards.

Pad lot developments shall include a parent parcel from which pad lots and common area are platted.

(1) A residential pad lot development shall only be permitted for the following development types:

(a) Commercial and Industrial development, including mixed-use buildings, pursuant to Section 10.721

(b) Duplex Dwellings pursuant to Section 10.713

(c) Multi-family Dwellings pursuant to Section 10.714.

(d) Cottage Cluster Development pursuant to Section 10.818A.

(2) **For non-residential uses, duplex dwellings, multi-family dwellings and mixed-use buildings only:**

~~(a) a~~All lot-lines created within the ~~common are~~parent parcel shall be located along a common or exterior building wall, or within ~~four (4)~~ ten (10) feet of an exterior building wall, ~~, unless T~~the approving authority (~~Planning Commission~~) ~~allows~~shall allow a greater distance for special purposes due to development constraints related to environmental resources, existing structures and physical improvements.

(b) Pads, at a minimum, shall include building walls, patios, porches, and any private open space associated with the commercial or dwelling unit.

(3) For residential dwellings only; each pad shall contain a minimum of 60 square feet of private open space, excluding the area associated with the roof eaves.

(4) For Cottage Cluster Developments only: where the cottage units will be owned in fee simple, all pad lots created within the ~~common are~~parent parcel shall include the building footprint, roof eaves, and any required private open space area.

(C) Common Ownership Required

~~(4) All pad lot developments shall obtain Site Plan and Architectural Review approval prior to the tentative plat application being accepted for review by the Planning Commission.~~

~~(5)~~ A pad lot development shall be identified as such on both the tentative and final plats, and on the site plan submitted for the project. At the time of recording of the final plat, Covenants, Conditions, and Restrictions (CC&Rs) shall be approved by the City and recorded. The recorded CC&Rs shall provide:

(a) That the owners are jointly and severally responsible for the continued maintenance and repair of the common elements of the development, such as common portions of buildings, parking areas, access, landscaping, etc., and share ~~equitable~~equitably in the cost of such upkeep.

(b) An association for the purpose of governing the operation of the common interests.

(c) Maintenance access easements on individual lots where necessary for the purpose of property maintenance and repair.

(d) The specific rights of, or limitations on, individual lot owners to modify any portion of a building or lot, including the provision that no common elements be modified without the consent of the association.

(2) Ownership shall include fee simple lots (i.e. pad lots) with an association of unit owners, as provided for under ORS Chapter 100.405 holding real property interest in the common areas.

(D) Land Use Review

(1) Pad lot developments shall not be exempt from other applicable land use processes as established by the MLDC, including but not limited to:

(a) Cottage Cluster Development – Type III

(b) Exception – Type III

(c) Historic Reviews – Type I, II & III

(d) Site Plan and Architectural Review (SPAR) Type II

(e) Site Plan and Architectural Commission (SPAC) Review – Type

(2) Tentative plat application and approval shall be in accordance with Section 10.171.

(3) Final plat approval shall be in accordance with Section 10.162

(E) Planned Unit Developments (PUD). Pad lot developments considered as a part of a PUD (see sections 10.190-10.198) shall not be subject to the standards of 10.703.

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10.714 Multiple-Family Dwellings.

The following standards apply to the development of multiple-family dwellings within the various residential districts. See Article III, Sections 10.308 through 10.312 for detailed descriptions of each residential zoning district and density factors, and Section 10.314 for conditional, special, and permitted uses.

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Special Standards	See sections 10.715A – 10.719 for Multiple-Family Dwelling Special Development Standards			
Minimum and Maximum Density Factor Range (See 10.708)	6.0 to 10.0 dwelling units per gross acre	10.0 to 15.0 dwelling units per gross acre	15.0 to 20.0 dwelling units per gross acre	20.0 to 30.0 dwelling units per gross acre
Minimum Lot Area (Square Feet)	5,400 <u>15,000</u>	94,000	5,000	8,000
Maximum Coverage Factor (See 10.707)	50%	60%	65%	70%
Minimum Interior Lot Width	80-36 Feet	55 feet	60 feet	
Minimum Corner Lot Width	90 feet			
Minimum Lot Depth	120-90 feet	100 <u>85</u> feet		
Minimum Lot Frontage	30 feet			
Minimum Front Yard Setback	20 <u>10</u> feet EXCEPT 15-20 feet IF vehicular access to the garage <u>or carport</u> is parallel to the street			
Minimum Street Side Yard Setback	15 feet EXCEPT 20 feet for vehicular entrances to garages or carports 10 feet EXCEPT 20 feet for vehicular entrances to garages or carports			
Minimum Side Yard Setback	10-8 feet	4 feet PLUS 1/2 foot for each foot in building height over 15 feet		

MULTIPLE-FAMILY DWELLINGS Three or more attached dwelling units.				
Development Standards	SFR-10	MFR-15	MFR-20	MFR-30
Minimum Rear Yard Setback	20 <u>8</u> feet	<u>4 feet for 0–15 feet building height</u> <u>6 feet for 16–20 feet building height</u> <u>8 feet for 23–26 feet building height</u> <u>10 feet for 27– 30+ feet building height</u> 4 feet PLUS 1/2 foot for each foot in building height over 15 feet EXCEPT 10 feet IF the rear property line abuts a collector or arterial street		
Maximum Height (See 10.705)	35 feet	<u>45 feet</u>	<u>55 feet</u>	
<u>Maximum Height Standard</u>	<p><u>EXCEPT 35 feet for the portions of a structure within 150 feet of the following residential zoning districts – SFR-00, SFR-2, SFR-4, SFR-6 and SFR-10 zone.</u></p> <p><u>When proposed development is adjacent to a lot with the SFR-00 zoning and the underlying General Land Use Plan designation of the lot is Commercial (CM), Service Commercial (SC), General Industrial (GI), Heavy Industrial (HI), Urban Medium Density Residential (UM) or Urban High Density Residential (UH) the above maximum building height restrictions shall not apply.</u></p>			

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