

# Top 10 Housekeeping Amendments (DCA-10-080)

2/14/11

LEGEND: language to be deleted = ~~strikethrough~~  
language to be added = **bold**

## 1. MINIMUM ACCESS EASEMENT DEFINITION CORRECTION

Section 10.012 Definitions, Specific

~~Street, minimum access. A private residential street upon which a maximum of three (3) dwelling units front and take access (See Section 10.430, Residential Street System).~~

**Easement, minimum access. See Section 10.430A (1), Minimum Access Easement. Also refer to Table IV-1, Medford Street Cross-Sections Dimensions.**

## 2. STREET VACATION APPLICATION & CRITERIA CLARIFICATION

Section 10.201 Application Form

~~Petitioners or persons requesting council initiation of a vacation shall file an application. A vacation application shall containing the following items:~~

(1) Vicinity Map drawn at a scale of 1" = 1,000' identifying the proposed area of vacation.

(2) Legal description of area proposed to be vacated in electronic form per the instructions of the City of Medford Planning Department.

~~(3) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.~~

**(4) A letter requesting City Council initiation, or, if initiated by petition rather than by Council, cConsent to vacate forms completed and signed by all consenting property owners of all abutting property and of not less than two-thirds in area of the real property affected within the abutting and/or affected area as defined in ORS 271.080.**

**(4) Assessor's maps of the proposed vacation area identifying abutting and affected properties. The assessor's maps shall identify those parcels for which consents to vacate have been acquired.**

(5) Names and addresses of **property owners within the area of a plat vacation or all abutting property and all attached real property within 200 feet laterally and 400 feet beyond the terminus of each right-of-way to be vacated**, ~~all abutting and/or affected property owners~~, including map and tax lot numbers typed on mailing labels.

(6) Findings ~~prepared by the applicant or applicant's representative~~ that address the approval criteria in Section 10.202, Vacation Criteria.

[Amd. Sec. 27, Ord. No. 7659, June 2, 1994; Amd. Sec. 10, Ord. No. 2008-236, Nov. 20, 2008.]

Section 10.202 Vacation Criteria

A request to vacate shall only be ~~favorably considered~~ **approved** by the approving authority (City Council) when the following criteria have been ~~addressed met~~:

- (1) Compliance with the Public Facilities Element of the Comprehensive Plan, **including the Transportation System Plan.**
  - (2) If initiated by petition under ORS 271.080, ~~the Council shall make~~ the findings required by ORS 271.120.
  - (3) If initiated by the Council, ~~the~~ applicable criteria ~~are~~ found in ORS 271.130.
- [Amd. Sec. 28, Ord. No. 7659, June 2, 1994.]

**3. CORRECTION OF FINAL PLAT SUBMITTAL REQUIREMENTS**

Section 10.280 Action and Decision Time: Final Plat

The approving authority (Planning Director) shall within a period of not more than twenty-five (25) working days after filing with the Planning Department, approve or disapprove the final plat and acknowledge compliance with all conditions of the tentative plat. If the final plat does not conform with all local code requirements applicable at the time of approval of the tentative plat and all rulings made there under, the approving authority (Planning Director) may disapprove said plat, or approve it; said approval to become unconditional at such time as said plat is made to comply with the approved tentative plat and such code requirements.

Upon disapproval of any final plat, the approving authority (Planning Director) shall return said plat to the applicant together with a written statement setting forth the reasons for such disapproval.

Upon approval by the approving authority (Planning Director) becoming unconditional, the Planning Director shall sign and have affixed the city seal to the approving authority certificate attached to said plat.

No land division will be recognized as complete until final plat is unconditionally approved by the approving authority (Planning Director) and no title to or interest in any property described in any offer of dedication on the final plat which is accepted by the approving authority (Planning Director) shall pass until recordation of said plat.

Within ten (10) days after recordation of the final plat, the applicant at his own expense shall furnish to the Planning Department one (1) mylar transparency and one (1) blue line print ~~and shall furnish to the City Engineer three (3) blue line copies of the recorded plat and approved improvement plans.~~

[Amd. Sec. 13, Ord. No. 6265, Dec. 15, 1988.]

**4. CLARIFICATION OF SPAC APPLICATION SUBMITTAL REQUIREMENTS FOR LANDSCAPE PLANS**

Section 10.287 Application Form

The application for Site Plan and Architectural Commission review shall contain the following information:

Landscape Plan: Three (3) copies of the landscape plan scaled 1" = 10' or 1" = 20' or 1"=30' and a reduced copy on an 8-1/2 x 11 inch sheet, that are legible, indicating the following:

(1) existing natural features **that are** on site including ~~location and species~~ of all existing trees; with a trunk six (6) inches in diameter or greater at four (4) feet in height above the ground, **by location and tree species,**

(2) landscaping required by this code, (e.g. frontage landscaping, parking area planter bays and bufferyards),

(3) type of covering for all ground surfaces, (e.g. bark mulch, gravel, paving, native grasses),

(4) proposed tree, shrub, and living ground cover: **locations, size, common and scientific name with genus, species and cultivar, for each proposed plant. A list indicating an alternate species for each proposed landscape plan shall be submitted on a separate 8 1/2" x 11" paged to facilitate the replacement of plants that are unavailable during construction. List shall describe for all plants one primary plant followed by one alternate (i.e. Primary plant name, Alternate plant name).**

~~(a) Locations and number.~~

~~(b) Common and scientific names including genus, species and cultivar. An alternate tree species list, by location, to allow flexibility during installation.~~

(5) type of automatic irrigation system to be installed, **including the manufacturer, model and location of the backflow prevention device.**

~~(6) manufacturer, model and location of the~~ **The** backflow prevention device ~~which~~ shall be selected from the Medford Water Commission's list of approved **backflow prevention** devices. Revisions to the landscape plan during installation may be allowed to accommodate the artistic nature of the plan or to allow replacement of plants that are unavailable. Replacement species shall be taken only from the alternate plant species identified on the plan approved by the Site Plan and Architectural Commission. The overall character of the landscape plan shall be maintained. The quantity of shrubs may be adjusted in response to planting size or species type, but shall not be reduced in number by more than ten percent (10%). In no case shall the quantity of shrubs be reduced below the minimum number required by the code or less than is necessary to cover eighty-five percent (85%) of the planter area within eight (8) years as specified in Section 10.780(1).

Applicants are encouraged to develop their landscape plans consistent with the *City of Medford Landscape Guidelines*.

Building Construction: Seventeen (17) copies of a site plan and three (3) sets of the architectural plans clearly and legibly drawn to scale, with directional labels and indicating with full dimensions the following information:

(1) Site Plan:

- (a) Lot dimensions.
- (b) All proposed and existing buildings and structures: location, size, height, proposed use.
- (c) Public and private yards and open space between buildings.
- (d) Walls and fences: location, height and material.
- (e) Existing and proposed off-street parking: location, number, type and dimensions of spaces, parking area, internal circulation pattern.
- (f) Access: pedestrian, vehicular, service, points of ingress and egress.
- (g) Loading: location, dimension, number of spaces, type of space (A or B), internal circulation.
- (h) Lighting: location and general nature, hooding devices.
- (i) Street dedication and improvements.
- (j) Drainage plan.
- (k) Location of existing public improvements including streets, curbs, sidewalks, street trees, utility poles, light fixtures, traffic signs and signals, and such other data as may be required to permit the Site Plan and Architectural Commission to make the required findings.
- (l) Location and screening of mechanical equipment.
- (m) Location and screening of outdoor trash bins.

(2) Architectural Plans:

- (a) Roof plan.
- (b) Floor plan.
- (c) Architectural elevations.

(d) Materials and Colors.

(3) A conceptual stormwater facility plan with associated landscape plan, if applicable, pursuant to Sections 10.486(B) and 10.729(B).

[Amd. Sec. 1, Ord. No. 7786, Dec. 15, 1994; Amd. Sec. 2, Ord. No. 1998-75, Apr. 16, 1998; Amd. Sec. 18, Ord. No. 2008-236, Nov. 20, 2008; Amd. Sec. 5, Ord. No. 2009-240, Nov. 5, 2009.]

**5. ADDITION TO USES NOT CLASSIFIED TABLE & EXEMPTION OF PUBLIC PARKS FROM LOCATIONAL REQUIREMENTS WITHIN THE RESIDENTIAL ZONES**

Section 10.337 Uses Permitted in Commercial and Industrial Zoning Districts

INDEX TO COMMERCIAL AND INDUSTRIAL USES

**O. BUSINESS OFFICES USES NOT CLASSIFIED**

~~O. BUSINESS OFFICES~~ This major group includes offices and office functions for all other uses whether such uses are permitted, conditional, specifically prohibited, or not elsewhere classified (nec), except where the use is itself an office specifically listed as such.

**O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.**

		<b>C-S/P</b>	<b>C-N</b>	<b>C-C</b>	<b>C-R</b>	<b>C-H</b>	<b>I-L</b>	<b>I-G</b>	<b>I-H</b>
001	Business Offices, nec – no material or equipment storage	P	P	P	P	P	P	X	X
<b>002</b>	<b>Public Parks, Recreation, and Leisure Facilities and Services</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>X</b>	<b>X</b>

10.817 Community Buildings, Social Halls, Lodges, Fraternal Organizations, and Clubs in an "R" District.

(1) All buildings shall be set back a minimum of thirty (30) feet from the side and rear property lines. All setbacks shall be landscaped as required to buffer adjacent properties.

(2) There shall be no external signage, advertising or other evidence of any incidental commercial activities taking place within the building.

(3) All such uses, **except Public Parks Recreation and Leisure Facilities and Services and appurtenant buildings and structures**, shall be located on an arterial or collector street and be able to provide access without causing traffic congestion on local residential streets, and any such use shall prove that there will be no harm to adjacent existing or potential residential development due to excessive traffic generation, noise, or other circumstances.

## **6. CORRECTION OF CLEAR VIEW DISTANCE TABLE**

### Section 10.735 Clear View of Intersecting Streets

Table 10.735-1 Intersection Site Distance

Posted Speed Limit	Intersection Sight Distance (ft.)
20	<del>225</del> <b>115</b>
25	<del>280</del> <b>155</b>
30	<del>335</del> <b>200</b>
35	<del>390</del> <b>250</b>
40	<del>445</del> <b>305</b>
45	<del>500</del> <b>360</b>
50	<del>555</del> <b>425</b>
55	<del>610</del> <b>495</b>

## **7. CORRECTION TO NOISE ORDINANCE**

### Section 10.756 Octave Bands and Audible Discrete Tones

When the Planning Director has reasonable cause to believe that the requirements of Section 10.753(a), (b), or (c) do not adequately protect the health, safety or welfare of the public as provided for in ORS Chapter 467, the Planning Department may require the noise source to meet the following standards:

(1) Octave Bands: No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median octave band sound pressure level which, as measured at an appropriate measurement point, specified in Section 10.758 (b) exceeds applicable levels specified in ~~Table V-510~~ **of OAR 340-35-035**.

(2) One-third Octave Bands: No person owning or controlling an industrial or commercial noise source shall cause or permit the operation of that noise source if such operation generates a median one-third octave band sound pressure level which, as measured at an appropriate measurement point, specified in Section 10.758(b) and in a one-third octave band at a preferred frequency, exceeds the arithmetic average of the median sound pressure levels of the two adjacent one-third octave bands by: (a) 5 dB for such one-third octave band with a center frequency from 500 Hertz to 10,000 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or:

(b) 8 dB for such one-third octave band with a center frequency from 160 Hertz to 400 Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band, or:

(c) 15 dB for such one-third octave band with a center frequency from 25 Hertz to 125

Hertz, inclusive. Provided: such one-third octave band sound pressure level exceeds the sound pressure level of each adjacent one-third octave band.

This code shall not apply to audible discrete tones having a one-third octave band sound pressure level 10 dB or more below the allowable sound pressure levels specified in Table 10 of **OAR 340-35-035** for the octave band which contains such one-third octave band.

## **8. CORRECTION TO FLAMMABLE LIQUIDS SECTION**

### Section 10.771 Flammable Liquids

The storage of flammable liquids in auto fueling stations ~~shall be exempt from the quantity limitations described below and~~ shall be in accordance with the City Fire Code.

## **9. CORRECTION TO SERVICE STATION SECTION**

### Section 10.812 Service Stations

In addition to other standards of this code, service stations shall comply with the provisions of this section. Service stations shall be excepted from applicable district regulations only where provisions of this section are more prohibitive. Service stations shall comply with the following development standards:

(1) Site and location.

(a) The minimum area for a service station site shall be 15,000 square feet in zones ~~C-L~~ C-N and C-S/P districts; 22,500 square feet in zones C-C, ~~C-G~~ C-R, I-L, I-G, and I-H.

(b) The maximum area for a service station site shall be 30,000 square feet in zones ~~C-L~~ C-N and C-S/P.

(c) The minimum street frontage for a service station site on a corner lot shall be 150 feet.

(d) The minimum street frontage for a service station site on an interior lot shall be 200 feet.

(e) No part of any service station building located within a C-S/P or ~~C-L~~ C-N district shall hereafter be constructed within 1,500 feet of any part of a building housing another service station, except where such other service station is an abandoned, nonconforming use or subject to removal under Section 10.812(3, ~~d~~ c). This shall not prevent remodeling of a structure already in existence.

(2) Exterior Lighting.

(a) Freestanding lighting fixtures shall not exceed a height of 20 feet in the commercial districts; and not more than one fixture shall be permitted for each driveway approach.

(b) All lighting shall be of such illumination, direction, color, and intensity as not to create a nuisance on adjacent property or to create a traffic hazard.

(c) Lighting fixtures on station sites abutting property in the residential district shall be shielded as to reflect light away from residentially zoned areas.

(3) Other required conditions.

(a) Sales and storage and display of merchandise shall be conducted within a building except for gasoline, oil, and windshield wiper blades and other accessories of like size.

(b) No outside storage, sale, rental of boats, campers, or trailers shall be permitted on the service station premises in C- S/P, ~~C-N~~ C-N and C-C.

(c) Abandoned station premises shall be maintained in a safe and businesslike manner and shall not be allowed to deteriorate and become a nuisance or safety hazard. After the effective date of this amendment, whenever a service station ceases operation as such for a continuous period of more than two years, the building shall be removed by the owner or other person in control of the property; the occupancy of premises for less than 30 days shall not be deemed to interrupt the two-year vacancy unless such occupancy is accompanied by actual operation of a service station with normal and adequate inventories of gasoline and oil.

## **10. CLARIFICATION OF SIGNAGE FOR BED & BREAKFAST FACILITIES**

### Section 10.828 Bed and Breakfast Service

The intent is to provide temporary travelers' accommodations and breakfast in a single family residence for a fee, on a daily or weekly room rental basis, not to exceed fourteen (14) consecutive days.

(1) Standards.

(a) Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the area or neighborhood and the intent of the zoning district in which it is located.

(b) Off street parking shall be provided. The front yard shall not be for off-street parking for temporary guests unless the parking area is screened, not visible from the street, and found to be compatible with the neighborhood.

(c) The number of guests shall generally be limited to six persons at any one time, except where sanitation facilities and neighborhood standards would otherwise allow more. Health and sanitation facilities shall be inspected annually by Jackson County.

(d) ~~One~~ **Two (2)** on-premise signs may be approved by the approving agency (Planning Commission) provided that such **each** sign is compatible with residential uses and is not more than ~~five (5)~~ **six (6)** square feet in size **and not exceeding an overall height of six (6) feet.**

(e) All necessary state and county permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service.