

Article I — Introduction and General Provisions

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Article 1 — Introduction and General Provisions

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Chapter 1.1 — Introduction

The City of *Jacksonville* Development Code (“Code”) is administered by the Planning Director or his or her designee. The Code regulates land use and development within the City of Jacksonville, and is organized as follows:

Article 1 describes the title, purpose, authority, organization and general administration of the Code. Article 1 also explains how city officials interpret and enforce code requirements.

Article 2 contains the zoning regulations. Zones are designated by the City of Jacksonville Zoning Map, consistent with the City of Jacksonville Comprehensive Plan. The zoning regulations specify allowed land uses, and lot and development standards that are specific to particular land uses or zones. Before commencing a new use or development, changing an existing use or development, or applying for a building permit, the property owner shall complete a Zoning Clearance Sheet pursuant to Section 4.1.020.

Article 3 contains the City’s development design standards, including requirements for street access; pedestrian and vehicle circulation; parking; landscaping, screening, fences and walls; outdoor lighting; adequate transportation, water, sanitary sewer, and storm drainage facilities; and utility requirements. Article 3 applies to all development, including land divisions and projects for which no land use application or review is required; Article 3 is supported by the more detailed engineering design standards in the City’s design standards.

Article 4 contains the City’s application requirements and review procedures for land use and development decisions, including but not limited to procedures for land divisions, property line adjustments, conditional use permits, site design review, and variances.

Article 5 contains the City’s standards for the Downtown Historic District.

Article 6 contains definitions and other exhibits that the City uses in interpreting and administering the Code. For example, where Article 2 contains a general list of land uses allowed in each zone, Article 5 provides examples of uses that are consistent with each general category.

Chapter 1.2 — Title, Purpose, and Authority

Sections:

Section 1.2.010	Title
Section 1.2.020	Purpose
Section 1.2.030	Compliance and Scope
Section 1.2.040	Rules of Code Construction
Section 1.2.050	Development Code Consistency with Comprehensive Plan and Laws
Section 1.2.060	Development Code and Zoning Map Implementation
Section 1.2.070	Zoning Clearance Sheet and Coordination of Building Permits
Section 1.2.080	Official Action

1.2.010 Title

The official name of this Code is “The City of Jacksonville Development Code.” It may also be referred to as “Development Code,” “Code,” or “JDC.”

I.2.020 Purpose

This Code is enacted to promote the public health, safety, and welfare; and to encourage the orderly and efficient development and use of land within the City of Jacksonville, consistent with the City of Jacksonville Comprehensive Plan and the following principles:

- A. Compact Development**, which promotes the efficient provision of public services and infrastructure;
- B. Mixed-Use**, which places homes, jobs, stores, parks, and services within walking distance of one another;
- C. Full Utilization of Urban Services** (e.g., water, sewer, storm drainage, parks and transportation facilities), which maximizes the return on public investments in infrastructure;
- D. Transportation Efficiency**, or development of an interconnected street system supporting multiple modes of transportation, which yields more direct routes (shorter distances) between local designation, conserves energy, reduces emergency response times, and provides alternatives to the automobile for those who are unable or choose not to drive a car;
- E. Human-Scale Design**, or development in which people feel safe and comfortable walking from place to place because buildings, streetscapes, parking areas, landscaping, lighting and other components of the built environment are designed foremost with pedestrians in mind;
- F. Environmental Health**, which requires adequate light and air circulation, management of surface water runoff, and treatment and disposal of waste; and
- G. Efficient Administration of Code Requirements**, consistent with the needs of the City of Jacksonville, a small city with limited administrative capacity.

I.2.030 Compliance and Scope

- A. Compliance with the Development Code.** No structure or lot shall hereinafter be used, developed, or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or otherwise altered except as permitted by this Code. Furthermore, amendments to the Zoning Map, and amendments to the Development Code shall conform to applicable provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.
- C. Transfer of Development Standards Prohibited.** Except as otherwise specifically authorized by this Code, no lot area, yard, landscaping, or open space that is used to satisfy a requirement of this Code for one use shall be used to satisfy the same requirement for another use.

I.2.040 Rules of Code Construction

- A. Provisions of this Code Declared to be Minimum Requirements.** The provisions of this Code, in their interpretation and application, are minimum requirements, adopted for the protection of the public

health, safety, and general welfare.

B. Highest standard or requirement applies. Whereas the requirement of this Code varies from another provision of this Code or with other applicable regulations, the highest standard or regulation shall govern. The City Planning Director or Planning Commission, as applicable, shall determine which Code provision sets the highest standard. Where the applicability of a Code provision is unclear, the Planning Commission may issue a formal interpretation pursuant to Chapter 1.4 Interpretation.

C. Tenses. Words used in the present tense include the future; the singular form includes the plural; and the plural includes the singular.

D. Requirements versus Guidelines. The use of the word “shall,” “must,” “required,” or similar directive terms, means the Code provision is a requirement. The use of the word “should,” “encouraged,” “recommended,” or similar terms, means the provision is a guideline, which may be imposed as a requirement but only where the applicable code criteria allow the City decision making body to exercise such discretion.

E. Interpreting Illustrations. This Code contains illustrations or code “graphics,” which are intended to serve as examples of development design that either meet or do not meet particular Code standards.

F. Severability. The provisions of this Code are severable; where any section, sentence, clause or phrase is judged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of the Code.

1.2.050 Development Code Consistency with Comprehensive Plan and Laws

A. City of Jacksonville Comprehensive Plan. This Code implements the City of Jacksonville Comprehensive Plan. Except as otherwise required by applicable State or Federal law, all provisions of this Code shall be construed in conformity with the Comprehensive Plan, including any Comprehensive Plan elements or public facility master plans, adopted pursuant to the Comprehensive Plan.

B. Compliance with Other Laws Required. In addition to the requirements of this Code, all uses and development must comply with all other applicable City, State of Oregon, and Federal rules and regulations.

C. References to Other Regulations. All references to other City, State, and Federal rules and regulations are for informational purposes only and do not constitute a complete list of such requirements. The references do not imply any responsibility by the City for enforcement of State or Federal regulations. Where a proposal, permit, or approval is subject to both City of Jacksonville requirements and State or Federal requirements, the property owner is responsible for contacting the applicable agencies and complying with their rules and regulations.

D. Current Versions and Citations. All references to the regulations of other jurisdictions refer to the most current version and citation for those regulations, except where this Code, City Council policy, or applicable law require otherwise. Where a referenced regulation has been amended or repealed, the City Planning Official, Planning Commission or, upon referral, the City Council, through shall interpret this Code and, based on adopted City policy, determine whether an equivalent standard applies. Such determinations, unless made through a legislative process, may be appealed to City Council.

1.2.060 Development Code and Zoning Map Implementation

A. Zoning of Areas to be Annexed. Concurrent with annexation of land to the City of Jacksonville, the City Council, upon considering the recommendation of the Planning Commission, shall enact an ordinance applying applicable zoning designation(s) to the subject land, pursuant to Chapter 4.6. The Comprehensive

Plan shall guide the designation of zoning for annexed areas.

B. Land Use Consistent With Development Code. Land and structures in the City of Jacksonville may be used or developed only in accordance with this Code, including all amendments thereto. A lawful use of land (“use”) is one that is permitted in accordance with this Code, or is allowed as a legal nonconforming use, pursuant to Chapter 1.4, provided State or Federal law does not prohibit the use.

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

D. Interpreting the Zoning Map. Except as otherwise specified by this Code, the City’s zoning boundaries are as designated on the Official Zoning Map, which is kept on file at City Hall. The City may adopt and publish supplemental zoning maps where it is impractical to illustrate all regulated features on one map; examples of regulated features include but are not limited to historical landmarks, special street setbacks, base flood (flood plain) elevation, local wetland inventories, and specific area plans. In addition, the City may require field verification and mapping (e.g., survey) of a regulated feature as part of a development application, where the feature is thought to exist on or adjacent to the subject property but its exact location is unknown.

E. Boundary Lines. Zoning district boundaries are determined pursuant to Section 2.1.030.

F. Changes to Official Zoning Map. Proposed changes to the Official Zoning Map are subject to review and approval under Chapter 4.6 Amendments.

1.2.070 Zoning Clearance Sheets and Coordination of Building Permits

A. Land Use Approvals and Building Permits. Land use and building approvals are processed by two city officials: The Building Official administers building codes, ~~including floodplain regulations,~~ and issues building permits; and the Planning Director administers the Development Code, processes land use approvals, ~~administers floodplain regulations,~~ and coordinates with the Building Official on development and building projects to ensure compliance with the Development Code.

B. Zoning Compliance Required for Building Permits. A building permit shall not be issued until the Planning Director has confirmed that all applicable requirements of this Code are met, or appropriate conditions of approval are in place to ensure compliance.

C. Zoning Clearance Sheet. Where a Zoning Clearance Sheet is required prior to issuance of a building permit, pursuant to Section 4.1.020, the Planning Director through a Type I procedure shall review the project proposal. The Building Official shall not issue any building permit without an approved Zoning Clearance Sheet for the project. If in reviewing the project proposal the Planning Director determines that other permits or approvals are required before development may commence, or a building permit may be issued, the Planning Director shall advise the applicant in writing, accordingly. See Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.

1.2.080 Official Action

A. Official Action. The City of Jacksonville Planning Director is vested with authority to issue permits and grant approvals in conformance with this Code, pursuant to Article 4 Application Requirements,

Administrative Procedures, and Approval Criteria. City officials shall issue no permit and grant no approval for any development or use that violates or fails to comply with conditions or standards imposed to carry out this Code.

B. Void Future Actions. Any permit or approval issued or granted in conflict with the provisions of this Code shall be void, unless the City modifies it in conformance with the Code. The Planning Director shall determine when an approval is void and, as applicable, he or she shall refer it back to the decision body for modification to ensure Code compliance.

C. Referral to Planning Commission. In addition to those actions that require Planning Commission approval, the Planning Director may refer any question or permit request to the Planning Commission, who then shall take action on the request pursuant to the applicable provisions of this Code. See also, Chapter 1.53 Code Interpretations and Article 4 Application Requirements, Administrative Procedures, and Approval Criteria.

D. Notices, Filing, and Validity of Actions. The failure of any person to receive mailed notice or failure to post or file a notice, staff report, or form shall not invalidate any actions pursuant to this Code, provided a good faith effort was made to notify all parties entitled to such notice report, or form. See Chapter 4.1 General Review Procedures.

Chapter 1.3 — Code Interpretations

Sections:

1.3.010 Code Interpretations

1.3.010 Code Interpretations

Some terms or phrases within this Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

A. Authorization of Similar Uses. Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Director may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Director finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure of Chapter 4.1.030. The Planning Director may refer a request for a similar use determination to the Planning Commission for its review and decision.

B. Code Interpretation Procedure. Requests for code interpretations, including but not limited to similar use determinations, shall be made in writing to the Planning Director and shall be processed as follows:

1. The Planning Director, within 14 days of the inquiry, shall advise the person making the inquiry in writing as to whether the City will make a formal interpretation.
2. Where an interpretation does not involve the exercise of discretion, the Planning Director shall advise the person making the inquiry of his or her decision within a reasonable timeframe and without public notice.
3. Where an interpretation requires discretion, the Planning Director shall inform the person making the request that an application for code interpretation is required and advise the applicant on how to make the request. At a minimum, an application for code interpretation shall include a letter citing the nature and reasons for the request, and, as required, a City fee. The Planning Director then shall review relevant background information, including but not limited to other relevant Code sections and previous City land use decisions, and follow the Type II review and decision making procedures in Section 4.1.030.

D. Written Interpretation. Following the close of the public comment period on an application for a code interpretation, the Planning Director shall mail or deliver the City's decision in writing to the person requesting it, to any other person who specifically requested a copy of the decision, and to those who provided public testimony on the application. The decision shall become effective when the appeal period for the decision expires.

E. Referral to City Council. Where a code interpretation may have significant citywide policy implications, the Planning Director may bypass the procedure in subsection 1.53.010.B and refer the request directly to the City Council for its legislative review in a public hearing; such public hearings shall be conducted following Type IV procedure of Chapter 4.1.050.

F. Interpretations On File. The City shall keep on file a record of its code interpretations.

Chapter 1.4 — Enforcement

Sections:

1.4.010	Violation
1.4.020	Other Remedies

1.4.010 Violations

Except as provided under Subsection 1.4.020, any person violating or causing the violation of any of the provisions of this Code who fails to abate said violation has committed an infraction, which, upon conviction thereof, is punishable as prescribed in Title 8.04 of the Jacksonville Municipal Code. Such person is guilty of a separate violation for each and every day during any portion of which a violation of this Code is committed or continued. A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation.

A. Classification of Violation. Violations shall be identified by the Planning Director under one of the following classifications:

1. Type I - Violations which represent a serious threat to public health, safety, and welfare, or those unapproved actions deemed potentially to create serious adverse environmental or land use consequences as the result of continued development activity; or
2. Type II - Violations which do not pose a serious threat to public health, safety, and welfare, but do violate provisions of this code, including any conditions of approval.

B. Notice of Violation

1. Type I - After receiving a report of an alleged Type I violation, the Planning Director determines whether the violation requires that a citation be issued immediately or whether to provide notice of the violation prior to the issuance of a citation. Notice shall be in writing and shall be provided to the owner of record for tax purposes or to the person in charge of the property. Such a notice shall indicate the following:
 - a. Location and nature of the violation; and
 - b. Provision or provisions of this Code or conditions of approval which allegedly have been violated; and
 - c. Whether immediate enforcement will be sought or if a specified time period will be allowed to correct or remove the violation.
2. Type II - After receiving a report of an alleged Type II violation from the Planning Director, the City Attorney shall, if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:
 - a. Location and nature of the violation;

- b. Provision or provisions of this Code or conditions of approval, which allegedly have been violated;
- c. Whether immediate enforcement shall be sought or if fifteen (15) days will be allowed to correct or remove the violation; and
- d. The date when the notice was personally served or, if the notice was sent by first-class mail, the date three (3) days after mailing if the address to which it was mailed is within this state and seven days after mailing if the address to which it was mailed is outside this State. However, a defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this code.

C. City Attorney to Pursue Enforcement. When the compliance deadline expires, the City Attorney shall proceed with any action deemed appropriate, unless:

- 1. The City Attorney finds that the violation has been corrected, removed, or will not be committed; or
- 2. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

D. Penalties. Code violations may be subject to criminal, civil, or other sanctions authorized under ordinance of the City.

- 1. Criminal Penalties - Unless specified otherwise, every violation of the terms of this Code is a Class A infraction, punishable by a fine ~~of up to~~ in an amount established by Council Resolution. Each day such violation continues, it shall be considered a separate offense.
- 2. Civil Penalties and Remedies - In addition to, or in lieu of, criminal actions, a violation of this code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.
- 3. Fines shall not exceed the limits established in ORS Chapter 161.

1.4.020 Other Remedies

The City, in addition to finding a Code violation is ~~an infraction or a misdemeanor~~, it may use any of the other remedies available to it, including but not limited to the following:

A. Stop Work Order. The City may issue a stop work order.

B. Public Nuisance. The City may find a violation of this Code is a public nuisance and take enforcement action pursuant to Title 8.04.

C. Mediation. The City and property owner may agree to engage in mediation.