ORDINANCE NO. 1997

AN ORDINANCE AMENDING PORTIONS OF CENTRAL POINT MUNICIPAL CODE CHAPTER 16 SUBDIVISIONS IN REGARDS TO STRUCTURES OVER CITY EASEMENTS

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. Chapter 16.08 Definitions is to be amended to include "City Utility Easement" and "Structure".

C. Chapter 16.24.030 Blocks – Easements will be amended to further clarify what is allowed in a city utility easement.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 16.08 Definitions is hereby amended to read as follows:

Chapter 16.08
DEFINITIONS

Sections:

16.08.010 Definitions.

16.08.010 Definitions.

As used in this title the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall have the meanings assigned to them.

1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

2. "Applicant" means the owner or contract purchaser of the property sought to be subdivided, partitioned or developed, or the person duly authorized in writing by such person or persons to act as agent to seek subdivision, partition or development, and in connection therewith, to bind the property to any conditions thereof.

3. "Building line" means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

4. "City" means any representative of the city of Central Point authorized to make the decision in question, including but not limited to the public works director, the city manager, the planning commission or the city council.

5. "City Utility Easement" is an easement that is dedicated or granted for City water, sewer or storm drain.

6.~~5~~. "Cul-de-sac" (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turn-around.

7.~~6~~. "Development plan" means any plan as defined in Central Point Municipal Code Section 15.16.010.

8. ~~7~~. "Easement" means a grant of the right to use a strip of land for specific purposes.

9. ~~8~~. "Final plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision, and where applicable, includes a partition plat prepared by a registered professional land surveyor.

10. ~~9~~. "Flag lot" means a lot or parcel surrounded by other parcels on all sides and connected to the public right-of-way by a privately owned driveway or easement for ingress and egress.

11. ~~10~~. "Half street" means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

12. ~~11~~ "Lot" means a parcel of land intended as a unit for transfer of ownership or for development.

13. ~~12~~ "Major partition" means a partition which includes the creation of a road or street.

14. ~~13~~ "Minor partition" means a partition which does not include the creation of a road or street.

15. ~~14~~. "Partition" means either an act of partitioning land or an area or tract of land partitioned as defined by this chapter.

16 ~~15~~. "Partition plat" means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor land partition.

17 ~~16~~. "Partitioned land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partitioned land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving the state or intestate succession; and "partitioned land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

18 ~~17~~. "Pedestrian way" means a right-of-way for pedestrian traffic.

19 ~~18~~. "Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.

20 ~~19~~. "Planning commission" means the planning commission of the city.

21 ~~20~~. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

22. ~~21~~ "Right-of-way" means all areas conveyed or dedicated to the public or city, or in actual use by the public or city, for vehicular, pedestrian or utility use.

23 ~~22~~. "Road" or "street" means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

24 ~~23~~. "Roadway" means the portion or portions of street rights-of-way developed for vehicular traffic.

25 ~~24~~. "Sidewalk" means a pedestrian walkway with permanent surfacing.

26 ~~25~~. "Street" means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and includes the terms road, highway, avenue, alley or other similar designations.

27. "Structure" means anything 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. This includes, but is not limited to, carports, swimming pools, hot tubs, permanent signs, above ground gas or liquid storage tanks, fences, railings, sheds, manufactured homes, antennae, satellite dishes, well pump houses, mechanical equipment, and portable buildings. It also includes tents, awnings, stands, carts, and tables, except those used temporarily for an itinerant use. It does not include portable items solely for sale or temporary storage on the premises, including manufactured homes, portable buildings, and vehicles.

28 ~~27~~. "Subdivide land" means to divide a parcel of land into four or more parcels within a year.

29 ~~28~~. "Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this chapter.

30 ~~29~~. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

31 ~~30~~. "Tentative plan" means the diagram and text containing all of the descriptions, locations, specifications, provisions and information concerning a proposed subdivision or partition.

32 ~~31~~. "Underground utilities" include all public and private services including but not limited to electrical power, television cable, gas, telephone, sewer, water and storm sewer.

SECTION 2. Chapter 16.24 Blocks and Lots – Design Standards is hereby amended to read as follows:

Chapter 16.24
BLOCKS AND LOTS--DESIGN STANDARDS

Sections:

16.24.010 Blocks--Length, width and shape.
16.24.020 Blocks--Sizes.
16.24.030 Blocks--Easements.
16.24.040 Lots--Uses.
16.24.050 Lots--Size and determination.
16.24.060 Through lots.
16.24.070 Lot side lines.

16.24.080 Large lot subdivision.

16.24.010 Blocks--Length, width and shape.

The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type and use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography.

16.24.020 Blocks--Sizes.

Blocks shall not exceed twelve hundred feet in length except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is three hundred feet.

16.24.030 Blocks--Easements.

A. Utility Lines. Easements for electric lines or other non-city owned public utilities may be required, and shall be a minimum of ten feet in width located on the exterior portion of a single property. Easements for city utilities (i.e., water, storm drain and sanitary sewer mains) shall be a minimum of fifteen feet in width located on the exterior portion of a single property. Tie-back easements six feet wide by twenty feet long shall be provided for utility poles along lot lines at change of direction points of easements.

1. Structures Located Within a City Utility Easement.

a. Except for public utilities and for signs when developed in accordance with Chapter 15.24 (Sign Code) of this Code, no person shall locate, construct, or continue to locate a Structure (as defined in chapter 16.08 of the Central Point Municipal Code) within a City Utility Easement (as defined in chapter 10.08 of the Central Point Municipal Code), except as provided in subsections 1(b) and 2 below.

b. Notwithstanding the foregoing, the City may approve fencing, concrete block walls/fencing, retaining walls, and similar fencing/wall structures that are otherwise in compliance with the Building Code, and with the clearance provisions noted herein, over an easement subject to the following requirements:

i. Said fencing or wall structures that interfere with the installation, maintenance, access, or operation of a public utility or City utility

may be removed by the utility provider or the City at the sole cost of owner.

ii. Any replacement or relocation of the fencing or wall structures shall be at the sole cost of the property owner or occupant.

iii. Owners and occupants of property shall not be entitled to compensation for damages related to removal of the fencing or wall structures.

2. Grass, Asphalt, and Concrete Installed Within a City Utility Easement

a. Subject to the limitations of the Building Code, lawful owners and occupants of property may install grass, asphalt and concrete within a City Utility Easement.

b. In the course of installing, accessing, maintaining, or operating its facilities in a City Utility Easement, a public utility or the City as the case may be, may move or remove any asphalt, concrete, or vegetation located within said easement. After the same are moved or removed and after completion of the necessary work, the grass, asphalt or concrete shall be repaired and replaced in a reasonable manner at the sole cost of the public utility or City.

c. Owners and occupants of property shall not be entitled to compensation related to damages to grass, asphalt, or concrete so long as the repairs and replacement are done in a reasonable manner and in a reasonable time frame.

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there may be required a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Streets, parkways or access roads parallel to major watercourses may be required.

C. Pedestrian Ways. In any block over seven hundred fifty feet in length a pedestrian way may be required. The minimum width of the pedestrian right-of-way must be at least six feet in width which shall be hard surfaced through the block and curb to curb in order to provide easy access to schools, parks, shopping centers, mass transportation stops or other community services. If conditions require blocks longer than twelve hundred feet, two pedestrian ways may be required for combination pedestrian way and utility easement. When essential for public convenience,

such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety

16.24.040 Lots--Uses.

A. The city may, in its discretion, deny approval for the creation of any lot by any manner if the effect of such creation of lot would be to facilitate perpetuation of a nonconforming use.

B. No lot shall be created unless it is in compliance with all applicable provisions of this code.

16.24.050 Lots--Size and determination.

Lot sizes shall conform with the zoning ordinance and shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the case of irregular lots, the width shall be measured along the front building line. In no case shall the average depth be more than two and one-half times the width. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

A. In areas that cannot be connected to sewer lines, minimum lot sizes shall be sufficient to permit sewage disposal by an engineered system in accordance with Department of Environmental Quality, Jackson County environmental quality section, and public works standards. Such lot sizes shall conform to the requirements of the Jackson County environmental quality section.

B. Where property is zoned and planned for business or industrial use, other widths and areas may be required, at the discretion of the city. 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.

16.24.060 Through lots.

Through lots shall be avoided except where essential to reduce access to primary or secondary arterial streets or streets of equivalent traffic volume, reduce access to adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet may be required along the line of lots abutting such adjacent street. There shall be no right of access across such planting screen easements.

16.24.070 Lot side lines.

The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curbed streets they shall be radial to the curve.

16.24.080 Large lot subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that the resubdivisions may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets or other utilities. Restrictions of building locations in relationship to future rights-of-way shall be made a matter of record if the city considers it necessary.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 4. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this 23rd day of October, 2014.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. 1997, (100914)