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Article 13: Special Purpose Districts

¹13.010 Purpose

The special purpose districts are intended to accommodate development within areas with specific natural, historical, or locational features. The standards herein are intended to mitigate natural hazards, to protect natural or historical features, and/or to mitigate land use conflicts. The special district standards apply in addition to the standards of the underlying zoning district.

²13.020 General Provisions

The Special Purpose Districts shall encompass land areas that:

- (1) have slopes exceeding 15%.
- (2) are located within the boundaries of the 100 year flood plain.
- (3) are located in proximity to hospitals and that are appropriate for medical uses.
- (4) are recognized as historically significant.

³13.025 Special Purpose District Overlay Map. There shall be an overlay map to the Zoning Map that depicts boundaries of the special districts shown herein. These maps are incorporated into this Section by reference. The special purpose district maps may be amended as provided in Article 4 of this Code. The maps are general in nature. The applicant for a development shall verify the grades on lands or portions of lands that are the subject of any specific application.

13.100 Slope Hazard District

^{4,30}13.110 Purpose. The purpose of the Slope Hazard District is to designate and provide standards within the hillside of Grants Pass to allow for reasonable development while balancing issues such as tree removal and replacement, soil stability, erosion control, storm water runoff, grading, wildland interface areas and general aesthetics. It is recognized the hillsides are sensitive areas that require a distinct set of regulations. The following guidelines are established in order to development in the slope hazard area.

13.111 Applicable Areas. A slope hazard area contains slopes of at least fifteen 15% percent and is depicted on the Special Purpose District Map. Slope hazards shall be divided in two classes of slope steepness as follows:

- (1) Class A, 15% to 25%.
- (2) Class B, greater than 25%

13.120 Submittal Requirements for Development of Partitions, Subdivisions and Planned Unit Developments

The applicant shall meet the submittal requirements of the request (see Section 17.311 for Partition submittal; see Section 17.411 for Subdivision submittal; see Section 18.050 for Planned Unit Development Preliminary Plan submittal) in addition to the submittal requirements below:

13.121 Plans and Reports

The following plans and reports shall be submitted with the land use application: Reports for Class A Slopes shall be submitted and stamped by an engineer licensed to practice by the State of Oregon. Reports for Class B slopes shall be submitted and stamped by a Geo-Technical Engineer or Certified Engineering Geologist.

(1) Steep Slope Development Report, a written and illustrated report containing all of the following information:

- (A) Soils Analysis. The analysis shall include data regarding the nature, distribution and properties of existing soils, techniques grading and erosion control procedures, design criteria for corrective measures, and information covering the capacity of the sites to be developed in a manner imposing the minimum variance from the natural

condition. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(B) Geology Analysis. The analysis shall include a description of the geology of the site, information regarding the effect of geologic conditions on the proposed development, and how to best develop the sites being reviewed. Data and recommendations from the Soil Survey of Josephine County, Oregon may be included in the analysis.

(C) Hydrology Analysis. The analysis shall include a description of the hydrology of the site and surrounding area, including movement of soil moisture, groundwater (subsurface), surface flow and the drainage network of the site before and after construction and guidelines on how to properly handle existing and new surface/underground water if the development proceeds.

(2) Grading and Erosion Control Plans. A plan shall be stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

- (A) existing and proposed contours.
- (B) details of site and area drainage for proposed lots including elevations of proposed house pads, adjacent lots and streets.
- (C) direction of surface drainage flow and the approximate grade of drainageways.
- (D) limiting dimensions, elevations, or finish contours to be achieved by the grading, including per cent grades for all cut and fill slopes, proposed drainageways and related construction.
- (E) type of erosion control measures to be established prior to grading, during construction and post construction

13.130 Submittal requirements for a Building Permit on an Existing Lot

(1) Grading and Erosion Control Plans. The plan stamped by an Oregon licensed Engineer or Certified Engineering Geologist and shall include all of the following:

- (A) existing and proposed contours
- (B) details of site and area drainage for proposed lots including elevations of proposed house pads, adjacent lots and streets.
- (C) direction of surface drainage flow and the approximate grade of drainageways.
- (D) limiting dimensions, elevations, or finish contours to be achieved by the grading, including percent grades for all cut and fill slopes, proposed drainageways and related construction.
- (E) type of erosion control measures to be established prior to grading, during construction and post construction

(2) Retention Plan.

- (A) Location of existing trees or groups of trees to be removed or retained.
- (B) If trees are retained, indication of how the tree or group of trees will be protected out to the drip line.
- (C) A tree planting plan identifying general locations of where new trees will be planted. The plan shall include the number, height, caliper, and species of trees to be planted. The plan shall identify the vision clearance area at driveways and street intersections.

13.140 General Provisions for construction in the Steep Slope Hazard Area.

- 1) Tree Removal. The removal of trees in areas proposed to be impacted by new roadways or other infrastructure shall occur first. Trees located within proposed lots shall be protected during

construction and remain until the construction of the home to the extent possible.

- 2) Front Yard Setback. The front yard setback for the new home can be reduced to ten (10) feet. Typically, the entrance for the garage/carport shall remain at the required twenty (20) foot setback. However, the minimum setback for a side-loaded garage may be reduced to ten (10) feet.
- 3) Timeframe for Construction. All construction work disturbing the soil or affecting the natural drainage and runoff shall be scheduled to begin not earlier than April 15 and shall terminate not later than October 15. The Director may extend starting and completion dates by no more than thirty (30) days based on the weather conditions prevailing at the time of the extension.
- 4) Retaining Walls. No cuts or fills may include retaining walls greater than 15 feet in height in a single wall from the finish grade or create any unretained slopes which are greater than 100%. No filling may result in a retaining wall within the required setback from a property not included in the development plan greater than 6 feet in height from the finish grade or create any slopes which are greater than 100%. Retaining walls shall also comply with the applicable standards of Article 23 of this Code.
- 5) Erosion Control Measures.
 - A) Revegetation and the use of other temporary erosion control measures shall protect the site, surrounding properties, streams and storm drain system from erosion through the winter months. Revegetation and all other temporary erosion control measures shall be fully in place and established by October 15 (13.170(3)) and shall be maintained after storms and at other regular intervals according to the approved plan. The City Engineer may mandate, based on adverse weather conditions, any reseeding installed after September 15 be installed in the form of a mat.
 - B) All construction work is planned to minimize the amount of time the soil is exposed and unprotected. All access points shall be protected with gravel or crushed rock.

13.150 Appeals

Appeals to the interpretations of this Article shall be undertaken as provided in Section 10.030 of this Code.

²⁷13.200 Flood Hazard District

13.210 Authorization, Findings of Fact, Purpose, and Objectives

13.211 Authorization.

The State of Oregon has, in the home rule provisions of the Oregon Constitution, Article XI Section 2, and in ORS 221.410, delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

13.212 Findings of Fact.

- (1) The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

13.213 Purpose. It is the purpose of the Flood Hazard District to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money and costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and

sewer lines, streets, and bridges located in areas of special flood hazard;

- (6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- (8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

13.214 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this Article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage;
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas; and
- (6) Coordinating and supplementing the provisions of the state building code with local land use and development ordinances.

13.220 Definitions

13.221 Interpretation of Terms. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application. In the event of a conflict between the definitions in this Article and Article 30 of this Code,

the definitions in this Article shall apply to the provisions of this Article.

13.222 Definitions

- (1) Appeal. "Appeal" means a request for a review of any provision of this Article or a request for a variance.
- (2) Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
- (3) Area of Special Flood Hazard. "Area of special flood hazard" or "special flood hazard area" (SFHA) means the land in the floodplain within a community subject to a one percent or greater chance of flooding in a given year. Designation on maps always includes the letters A or V.
- (4) Base Flood. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.
- (5) Basement. "Basement" means any area of the building having its floor subgrade (below ground level) on all sides.
- (6) Below-Grade Crawl Space. "Below-grade crawl space" means an enclosed area below the base flood elevation in which the interior grade of the crawlspace is lower than the adjacent exterior grade. (An at-grade crawl-space is one in which their interior grade is at or above the elevation of the exterior grade). For below-grade crawlspaces, these regulations specify that the interior grade is not more than two feet below the lowest adjacent exterior grade, and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.
- (7) Critical Facility. "Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which

produce, use or store hazardous materials or hazardous waste.

- (8) Development. "Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
- (9) Elevated Building. "Elevated building" means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundations walls, shear walls, post, piers, pilings, or columns.
- (10) Essential Facility. "Essential facility" has the meaning as defined in the State Building Code.
- (11) Existing Manufactured Home Park or Manufactured Home Subdivision. "Existing manufactured home park or manufactured home subdivision" means a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots (in a subdivision) or spaces (in a park) on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.
- (12) Expansion to an Existing Manufactured Home Park or Manufactured Home Subdivision. "Expansion to an existing manufactured home park or manufactured home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots or spaces on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- (13) Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:
 - (a) The overflow of inland or tidal waters; and/or
 - (b) The unusual and rapid accumulation of runoff of surface waters from any source.

- (14) Flood Insurance Rate Map (FIRM). "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- (15) Flood Insurance Study. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.
- (16) Floodway. "Floodway" means 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 foot.
- (17) Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed areas (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 the 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 this ordinance (provisions for fully enclosed areas below the lowest floor in Section 13.261(2) and for crawlspaces in Section 13.265).
- (18) Manufactured Home. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- (19) Manufactured Home Park or Manufactured Home Subdivision. "Manufactured Home Park or Manufactured Home Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots or spaces for rent or sale.
- (20) New Construction. "New construction" means structures for which the "start of construction" commenced on or after the effective date of adopted floodplain management regulations.

- (21) New Manufactured Home Park or Manufactured Home Subdivision. "New manufactured home park or manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots or spaces on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.
- (22) Recreational Vehicle. "Recreational vehicle" means a vehicle which is:
- (a) Built on a single chassis;
 - (b) 400 square feet or less when measured at the largest horizontal projection;
 - (c) Designed to be self-propelled or permanently towable by a light duty truck; and
 - (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
- (23) 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, reconstruction, placement, or other improvement was within 180 days of the permit date.

The actual start means either the first placement of permanent construction of a structure on a sit, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing grading and filling; nor does it include the installation of streets 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 or not part of the main structure.

For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

- (24) State Building Code. "State Building Code" means the combined specialty codes.
- (25) Structure. "Structure" means a walled and roofed building including a gas or liquid storage tank that is principally above ground.
- (26) Substantial Damage. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- (27) Substantial Improvement. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
- (a) Before the improvement or repair is started; or
 - (b) If the structure has been damaged and is being restored, before the damage occurred.

For the purposes 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 that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum 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.
- (28) Variance. "Variance" means a grant of relief from the requirements of this Article which permits construction in a manner that would otherwise be prohibited by this Article.

(29) Water Dependent. "Water dependent" means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

13.230 General Provisions

13.231 Lands to Which This Article Applies. The provisions of this article shall apply to all areas of special flood hazards within the jurisdiction of the City of Grants Pass, including any areas managed under Intergovernmental Agreement in accordance with the authority provided in Oregon Revised Statute Chapter 190.

13.232 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Flood Insurance Administration in a scientific and engineering report entitled "Flood Insurance Study, Josephine County and Incorporated Areas," dated December 3, 2009, with accompanying Flood Insurance Maps, and any revision, are hereby adopted by reference and declared to be part of this Code. The best available information for flood hazard area identification as outlined in Section 13.245(2) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 13.245(2).

The areas of special flood hazard shall be depicted on the Special Purpose District overlay maps of this Code. The Flood Insurance Study and Flood Maps are on file at the Department of Community Development, and are available for public review.

13.233 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Article and other applicable regulations, including all applicable requirements of the State Building Code, and all FEMA requirements, including requirements of the FEMA/FIA Technical Bulletins.

Failure to comply with any of the requirements of this Article, including violations of conditions and safeguards established in connection with the conditions, shall constitute a violation. Penalties for violations and noncompliance, and remedies to correct violations and noncompliance, are governed by the provisions of Article 1 of this Code and any and all other provisions of this Code, the Municipal Code, and laws of the City of Grants Pass.

13.234 Abrogation and Greater Restrictions. This Article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Article and another ordinance, state building code, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13.235 Interpretation. In the interpretation and application of this Article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed to neither limit nor repeal any other powers granted under state statutes and rules including the state building code.

13.236 Warning and Disclaimer of Liability. The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City of Grants Pass, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

13.240 Administration.

13.241 Development Permit Required. A Development Permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 13.232. The permit shall be for all structures including manufactured homes, as set forth in the Definitions section of this Article, and for all development including fill and other activities, also as set forth in the Definitions section of this Article.

13.242 Application and Submittal Requirements for Development Permit.

Application for a development permit shall be made on forms furnished by the Community Development Department and shall include the following. Actions which require a land use approval prior to a development permit shall include the required information as part of the land use application.

- (1) Plan drawn to scale showing the nature, location, dimensions and elevations of the area in question;
- (2) Existing and proposed structures, manufactured housing pads, fill, storage of materials, drainage facilities, and the location of the foregoing items;
- (3) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- (4) Elevation in relation to mean sea level of floodproofing in any structure;
- (5) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 13.262;
- (6) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development;
- (7) Existing and proposed roadways;
- (8) Area, location and finish elevations of all fill walls and rip-rap;
- (9) Location and elevation of stored materials;
- (10) Location and elevation of drainage facilities;
- (11) Location and elevation of utilities; and
- (12) Other plan requirements of this Code as applicable;

13.243 Elevation Certification. All required elevations shall be tied into known bench marks shown on the Flood Insurance Rate Map by a registered professional surveyor. Said surveyor shall attest to the procedure, bench marks used and accuracy of the required elevation over his

signature and seal upon the required plan displaying the elevation information.

13.244 Designation of Local Administrator. The Community Development Director is hereby appointed to administer and implement this Article by granting or denying development permit applications in accordance with its provisions.

13.245 Duties and Responsibilities of Director. The duties of the Director shall include, but not be limited to, the following:

(1) Permit Review.

(a) Review all development permits to determine that the permit requirements and conditions of this article have been satisfied.

(b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

(c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 13.270 are met.

(2) Use of Other Base Flood Data (in A and V Zones). When base flood elevation data has not been provided as required by this article, the applicant shall obtain and the Director shall review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer this article.

(3) Information to be Obtained and Maintained by the Director.

(a) Where base flood elevation data is provided through the Flood Insurance Study, Flood Insurance Rate Maps, or as required in Section (2) above: Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

- (b) For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section (2) above:
 - (i) Verify and record the actual elevation (in relation to mean sea level); and
 - (ii) Maintain the floodproofing certifications required in Section 13.242(5).
 - (c) Maintain the records of all appeal actions and variances, and report any appeal actions or variances to the Federal Insurance Administration upon request.
 - (d) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- (4) Alteration of Watercourses.
- (a) Notify adjacent communities, the Oregon Department of Land Conservation and Development (the State's NFIP Coordinating Agency), the Oregon Water Resources Department, and any other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- (5) Interpretation of FIRM Boundaries. Make interpretations and determinations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). If the location of a boundary is contested, the person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation or determination as provided in this article. Such appeals shall be reviewed consistent with the standards of this code and Section 60.6 of the Rules and Regulations of the National Flood Insurance Program (44 CFR 59-76).
- (6) Location of FIRM Boundaries and Elevations.

- (a) Make all information relating to the 100-year flood plain and floodway location and elevations available to the applicant, including the Flood Insurance Study with flood sections, the Flood Insurance Rate Maps showing flood elevations and elevation data reference points, and other floodplain development surveys in the immediate vicinity.
- (b) Certify that the location of the floodway and 100-year flood plain, and existing and proposed elevations, have been made for the applicant by a professional land surveyor registered in Oregon, and that the signature and seal are affixed certifying the accuracy of such determination.
- (c) Certify that the finished floor elevations, and other finished elevations of the proposal affecting the floodway or 100-year flood plain have been constructed or developed to the approved elevations, as certified by a registered professional surveyor over his signature and seal.
- (d) Upon request, provide the information in this Section to the applicant, applicant's lender and/or insurance agent.
- (e) Should an applicant pursue a change in floodplain or floodway designation from the Federal Emergency Management Agency, assist the applicant with information about the process.

13.246 Variances. Variances to the provisions of this Article shall be processed in accordance with the procedures of Article 2 and the provisions of Article 6 of this Code. Any variance to the Flood Hazard provisions of this Article shall include a recommendation of the City Engineer as specified in Section 6.060(B)(11) and shall address the additional provisions of this Section, except as provided in Subsection (3) of this Section.

- (1) Factors to Consider. The review body shall consider all technical evaluations, all relevant factors, and standards specified in this Article, and the following:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;

- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and occupants;
- (d) The importance of the services provided by the proposed facility to the community;
- (e) The necessity to the facility of a waterfront location, where applicable;
- (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (g) The compatibility of the proposed use with existing and anticipated development;
- (h) The relationship of the proposed use to the comprehensive plan and floodplain management program;
- (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
- (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

(2) Additional Guidelines and Requirements for Variances to the Provisions of this Article. In addition to the variance criteria in Article 6, the review body shall address the provisions of this Section.

- (a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the items in Subsection (1) of this Section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.
- (b) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (d) Variances to the provisions of this Article shall only be issued upon findings of:
 - (i) A showing of good and sufficient cause;
 - (ii) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - (iii) A determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud on or victimization of the public in consideration of the factors of Subsection (1) of this Section; or conflict with existing local laws or ordinances.

(e) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

(f) Variances may be issued for non-residential buildings in very limited circumstances to allow a lesser degree of flood-proofing than watertight or dry-proofing, where it can be determined that such action will have low damage potential, comply with all other provisions of this Subsection other than (a), and otherwise comply with the provisions of Section 13.252 (Anchoring) and 13.253 (AH Zone Drainage).

(3) Exceptions for Historic Properties. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties in accordance with Article 6, without regard to the additional provisions of Subsections (1) and (2) of this Section. In such case, the variance shall be part of the review and approval by the Historic Buildings and Sites Commission required in Article 13.400 of this Code. In addition:

(a) Such variances shall be only the minimum deviation from NFIP criteria that is necessary to assure that

the historic character and design is not destroyed;
and

- (b) The variance must not preclude the continued designation of the structure as an historic structure.

Any measures that can be taken to reduce future flood damage consistent with this Subsection shall be required, such as elevating an air conditioner or using flood-resistant materials.

- (4) Conditions Attached to Variances. Upon consideration of the factors in Subsection (1) and the purposes of this Code and Article, if a variance is granted, the review body may attach conditions to the variance as it deems necessary to further the purposes of this Code.
- (5) Notification of Effect on Flood Insurance Rates. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation.
- (6) Record-Keeping. The Director shall maintain the records of all variances and shall report any variances to the Federal Insurance Administration upon request.

13.247 Appeals. Appeals to interpretations of the provisions of this Article or determinations regarding the application of the provisions of this Article shall be undertaken in as provided in Article 10 of this Code. The Director shall maintain the records of all appeal actions and shall report any appeal actions to the Federal Insurance Administration upon request.

13.250 Provisions for Flood Hazard Reduction.

13.251 General Standards. In all areas of special flood hazards, the standards set forth in this Article are required.

13.252 Anchoring.

- (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

- (2) All manufactured homes shall likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

13.253 AH Zone Drainage. Adequate drainage paths are required on slopes to guide floodwaters around and away from proposed structures.

13.254 Construction Materials and Methods.

- (1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (3) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

13.255 Utilities and Services.

- (1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;
- (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters;
- (3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the requirements of the Oregon Department of Environmental Quality.

13.256 Subdivision and Development Proposals, Partitions, and Planned Unit Developments.

No proposed subdivision or partition of land or planned unit development plan, or other development located within an area of special flood hazard shall be approved without meeting the requirements of this article. All of the applicable mapping and certification requirements of this article shall be met at the Tentative Map, Plat or Plan stage of review for subdivisions, partitions, and planned unit developments (See also Article 17, Lots and Creation of Lots, and Article 18, Planned Unit Development.)

- (1) All development proposals, including subdivision proposals, shall be consistent with the need to minimize flood damage;
- (2) All development proposals, including subdivision proposals, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- (3) All development proposals, including subdivision proposals, shall have adequate drainage provided to reduce exposure to flood damage; and
- (4) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for development proposals, including subdivision proposals, which have the potential for 5 dwelling units or more or contain 1 acre or more, whichever is less.

13.257 Review Where Elevation Data Not Available. Where elevation data is not available through the Flood Insurance Study FIRM, or another authoritative source, applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above grade in these zones may result in higher insurance rates.

13.260 Specific Standards.

In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 13.232 (Basis for Establishing the Areas of Special Flood Hazard) or Section 13.245(2) (Use of Other Base Flood Data), the following provisions are required.

13.261 Residential Construction.

- (1) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall provided.
 - (b) The bottom of all openings shall be no higher than one foot above grade.
 - (c) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

13.262 Non-Residential Construction.

- (1) New construction and substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
 - (a) Be floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water to a level of one foot above the base flood elevation;

- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall also provide that the provisions of 13.254 are satisfied. Such certifications shall be provided to the Director as set forth in Section 13.245(3)(b).

The certification by a registered professional engineer or architect shall specify that the floodproofed methods for any commercial or industrial structure are adequate to withstand the flood depths, pressures, velocities, impacts and uplift forces and other factors associated with the base flood.

- (2) Non-residential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 13.261(2).
- (3) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below that level).

13.263 Manufactured Homes.

- (1) All manufactured homes to be placed or substantially improved on sites listed below shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement:

(NOTE: See 2002 Oregon Manufactured Dwelling and Parks Specialty Code, Chapter 3 *Manufactured Dwelling Installations* and Chapter 10 *Manufactured Dwelling Park Construction*. That code also includes the following provisions: 3-2.4.1.(b)1 requires that the top of the dwelling stand be at least one foot above base flood elevation unless openings are provided per FEMA Technical

Bulletin 1-93. 10-2.2(d) specifies that manufactured dwelling parks or park expansions shall not be permitted in a flood hazard area unless the stands are elevated above the base flood elevation).

- (a) Outside of a manufactured home park or manufactured home subdivision;
 - (b) In a new manufactured home park or manufactured home subdivision;
 - (c) In an expansion to an existing manufactured home park or manufactured home subdivision;
 - (d) In an existing manufactured home park or manufactured home subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.
- (2) Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or manufactured home subdivision within Zones A1-30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions shall be elevated so that either:
- (a) The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 cm) above the base flood elevation; or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

13.264 Recreational Vehicles. Any recreational vehicle placed on a site within Zones A1-30, AH, AE shall either:

- (1) be on the site for fewer than 180 consecutive days;
- (2) be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, with no permanently attached additions;
- (3) meet the requirements of 12.263 above and the elevation and anchoring requirements for manufactured homes; or

- (4) be stored within a fully enclosed building that is floodproofed or elevated in accordance with the requirements of Section 13.262.

Nothing in the Section is intended to authorize the use of a recreational vehicle in a manner otherwise prohibited by this Code or other laws.

13.265 Crawlspaces and Below-Grade Crawlspaces. At-grade crawlspaces are the preferred method of crawlspace construction within flood hazard areas. However, below-grade crawlspaces are permitted, and are not considered basements, if all of the following are satisfied. See *Figures 13-1, 13-2 and 13-3.*

Otherwise, below-grade crawlspaces are considered basements and subject to applicable requirements for basements. A basement floor is considered the lowest floor (see definition) and must meet requirements for the lowest floor.

- (1) Except as provided in this paragraph, because of hydrodynamic loads, the velocity of floodwaters at the site shall not exceed 5 feet per second where a below-grade crawlspace is used. For velocities in excess of 5 feet per second, other foundation types shall be used, or the design shall be approved and stamped by a qualified registered architect or professional engineer. Other types of foundations are recommended for these areas.

The determination of velocity shall be based on the mean floodway velocity in Table 6 of the Flood Insurance Study for Josephine County and Incorporated Areas with a December 3, 2009 effective date where that information is available.

In areas where the mean floodway velocity may exceed 5 feet per second and flood velocity information is not available, such as for the floodway fringe, flood velocity at the building site shall be determined by an engineer knowledgeable in hydraulics and hydrology who is qualified to determine flood velocities at the building site, unless the Building Official determines flood velocities at the building site do not exceed 5 feet per second based on accepted practices or presumptive determinations in accordance with NFIP standards.

- (2) The building must be designed and adequately anchored to resist or eliminate flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and

hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings described in Subsection (3) of this Section.

- (3) Below-grade crawlspaces (and other crawlspaces designs) are enclosed areas below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening shall be no more than 1 foot above the lowest adjacent exterior grade.
- (4) For all crawlspaces, portions of the building below base flood elevation shall be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that are below the base flood elevation. If flood-resistant materials are not used for building elements, those elements shall be elevated above base flood elevation. The recommended construction practice is to elevate the bottom of joists and all insulation at least one foot above base flood elevation. Most types of insulation are not flood-resistant materials.

Flood-resistant materials shall be determined and where used, shall be in accordance with *FEMA Technical Bulletin 2, Flood Damage-Resistant Materials Requirements, August 2008*, or as revised.

- (5) Any building utility systems within a crawlspace shall be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the base flood elevation or sealed from floodwaters.

FEMA Bulletin 348, *Protecting Building Utilities from Flood Damage*, provides detailed guidance on designing and constructing flood-resistant utility systems.

(NOTE: Section R324.1.5 of the residential Building Code also addresses mechanical and electrical systems. Section 7 and Table 7-1 of ASCE Standard 24-05, *Flood Resistant Design and Construction*, also address utility requirements and may include requirement for elevation higher than base flood elevation for certain situations).

- (6) The interior grade of a below-grade crawlspace below the base flood elevation shall not be more than 2 feet below the lowest adjacent exterior grade as shown in Figure 13-3.
- (7) The height of a below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall shall not exceed 4 feet at any point as shown in Figure 13-3. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- (8) The drainage system shall be designed to remove floodwaters from the interior area of the crawlspace in a maximum time of 72 hours. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Options include, but are not limited to, natural drainage through porous, well-drained soils, drainage systems such as perforated pipes, drainage tiles, or gravel or crushed stone drainage by gravity or mechanical means. The drainage system shall be a system approved by the Building Official or shall be designed and stamped by the applicant's engineer.

(NOTE: Buildings that have below-grade crawlspaces will have higher flood insurance premiums than buildings that have the preferred crawlspace construction with the interior elevation at or above the lowest adjacent grade, even when the crawlspace meets the requirements of this section and FEMA Technical Bulletin 11-01. Buildings with below-grade crawlspaces currently cannot be rated by an insurance agent using the NFIP Flood Insurance Manual. They must be submitted for a special rating under the "Submit-to-Rate" process by underwriters knowledgeable in this type of construction).

Figure 13-1. Preferred Crawlspace Construction

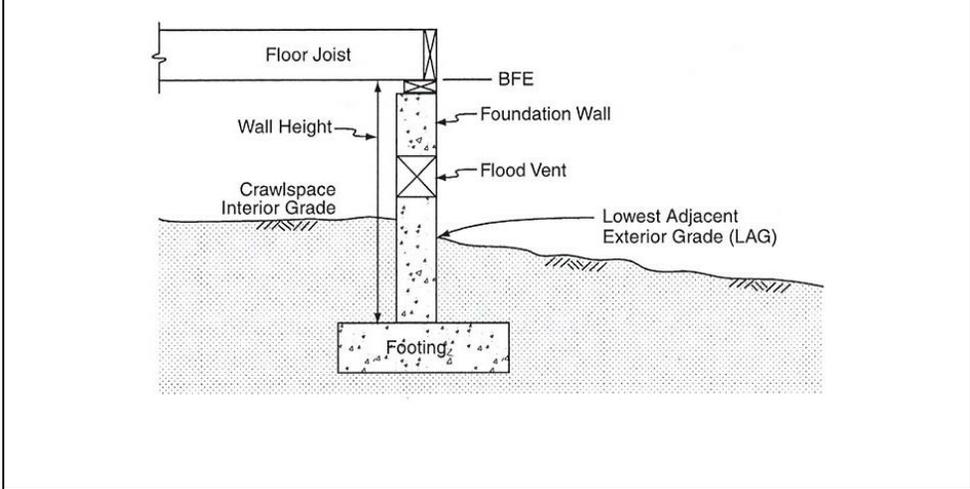


Figure 13-2. Below-Grade Crawlspace Construction

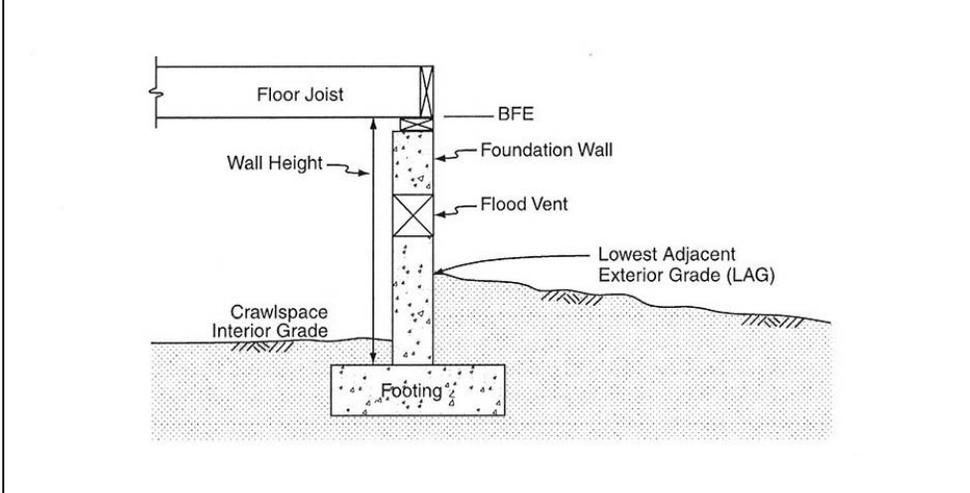
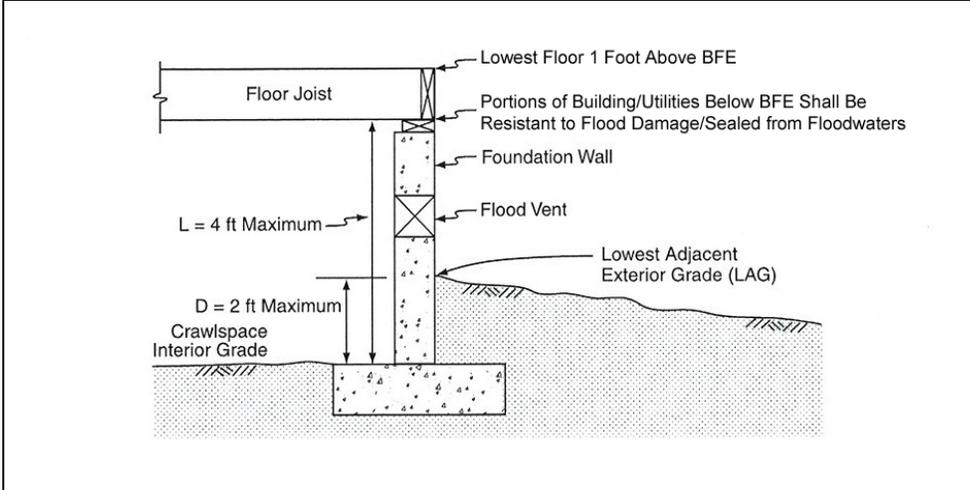


Figure 13-3. Requirements for Below-Grade Crawlspace Construction



13.270 Floodways.

Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the provisions of this Section apply.

13.271 Designated Floodways.

- (1) Except as provided in Section (3) below, encroachment, fill, new construction, substantial improvements or other development shall not occur within a floodway designated by Flood Insurance Study or Flood Insurance Rate Maps unless a technical evaluation is performed and certified by a registered professional civil engineer, and demonstrates through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that encroachments, including any surrounding property modifications or improvements, shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If subsection (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this code.
- (3) Projects for stream habitat restoration may be permitted in the floodway provided:
 - (a) The project qualifies for a Department of the Army, Portland District *Regional General Permit for Stream Habitat Restoration* (NWP-2007-1023); and
 - (b) A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county, or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood level as close to zero as practically possible given the goals of the project; and
 - (c) No structures would be impacted by a potential rise in flood elevation; and
 - (d) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity

remains unchanged is included as part of the local approval.

- (4) New installation of manufactured dwellings is prohibited, except as provided in this Section (as regulated by the 2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
- (a) If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 - (b) A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public, and it meets the following criteria:
 - (i) As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood elevation;
 - (ii) The replacement manufactured dwelling and any accessory buildings or accessory structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 cm) above the base flood elevation as identified on the Flood Insurance Rate Map;
 - (iii) The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the Community Development Department;
 - (iv) The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory structures, or property improvements (encroachments) do not displace

water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;

- (v) The location, use, and improvements of a replacement manufactured dwelling complies with all provisions of this Code, other applicable Codes, and any conditions of approval; and

13.272 Floodways Not Designated.

- (1) In areas where a regulatory floodway has not been designated in the Flood Insurance Study or on the Flood Insurance Rate Maps, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Flood Insurance Rate Map, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (2) Development shall not occur on any floodplain lands, where a floodway has not been designated for that reach of a stream or river in the Flood Insurance Study referenced in Section 13.232 of this Code unless:
 - (a) The Director has evidence which in his judgment would indicate the proposed development site is located in an area of shallow flooding, and the proposed development complies with the provisions of Section 13.280 and will not divert the flood or cause a rise in the level of the discharge above the base flood elevation; or
 - (b) A technical study is completed which establishes the probable location of the floodway as defined in this Code, and the proposed development complies with the applicable provisions of this Code, whether it is within the floodway or the floodway fringe.
- (3) If a technical study is completed under the requirements of this section, demonstrating that the encroachment will not increase the flood levels, any permitted construction or substantial improvements shall comply with all other applicable standards of this Code.

13.280 Standards for Shallow Flooding Areas (AO Zones).

Shallow flooding areas appear on Flood Insurance Rate Maps as AO zones with depth designations. The base flood depths in these ones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) Residential Structures. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, a minimum of one foot above the depth number specified on the Flood Insurance Rate Map, or at least two feet above the highest grade adjacent to the building if no depth number is specified.
- (2) Nonresidential Structures. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - (a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, a minimum of one foot above the depth number specified on the Flood Insurance Rate Map, or at least two feet above the highest grade adjacent to the building if no depth number is specified; or
 - (b) Together with attendant utility and sanitary facilities, be completely floodproofed to a minimum of one foot above the depth number specified on the Flood Insurance Rate Map, or at least two feet above the highest grade adjacent to the building if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 13.262.

13.290 Critical Facilities and Essential Facilities

13.291 Critical Facilities.

- (1) It is recommended that construction of new critical facilities is, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) also known as the 100-year floodplain.
- (2) It is recommended that construction of new critical facilities occur within the SFHA only if no feasible alternative site is available.
- (3) The following are recommended when Critical Facilities are constructed within the SFHA. Recommendations in this Section do not affect other mandatory provisions of this Code or other applicable codes.
 - (a) It is recommended that Critical Facilities constructed within the SFHA have the lowest floor elevated a minimum of three feet or to the height of the of the 500-year flood, whichever is higher.
 - (b) It is recommended that access to and from the critical facility should also be protected to the height utilized above. When those heights are not feasible, it is at least recommended that access routes be elevated to or above the level of the base flood elevation to all critical facilities to the extent possible.
- (4) Floodproofing and sealing measures should be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

13.292 Essential Facilities.

- (1) Siting and construction of Essential Facilities, as defined in the State Building Code, shall comply with the applicable provisions of the State Building Code, and other documents adopted by reference in the State Building Code, such as the ASCE Standards.

^{7,29}13.300 Medical Overlay District

13.310 Purpose. The medical overlay district is intended to provide land for needed medical facilities within the Grants Pass community. It allows siting of medical uses surrounding a core hospital. It is designed to provide the type of environment suitable for development of medical services and related activities, while reducing the conflicts between uses through appropriate designs.

13.311 Effect. The medical overlay district overlays other zoning districts shown on the zoning district map. The overlay district has the effect of permitting those medical uses listed in Section 13.320 below within the district, notwithstanding that those uses may or may not be permitted within the underlying zone. All other uses permitted within the underlying zone are equally permitted within the overlay district. Except as provided in Section 13.325, all standards of the underlying zone, such as setbacks, heights, landscaping, and signage, apply to any use within the district. Where there are conflicts between the development standards of the base zone and those for lands and uses within a Medical Overlay District, the standards of the Medical Overlay District shall govern.

13.312 Location. The medical overlay district is designated on an overlay map to the Zoning District Map. The following medical overlay maps are hereby incorporated into this Article by reference.

MOD-1. Washington Boulevard Medical Overlay District (MOD)

MOD-2. Three Rivers Medical Overlay District (MOD)

An overlay district may be created or amended as provided in Section 4.050 of this Code.

13.320 Permitted Uses. The following uses are permitted, along with their accessory uses, within the medical overlay district, notwithstanding that they may or may not be permitted in the underlying zone. For purposes of this Article, they are known as "medical uses".

- (1) Hospitals
- (2) Clinics
- (3) Medical Offices

- (4) Medical Laboratories
- (5) Ambulance or Paramedic Services
- (6) Medical Helipads
- (5) Parking lots to serve one or more of the above.
- (8) Pharmacies or retail sale or rental of durable medical goods, except when they are not a permitted use in the underlying zone and the property abuts a residentially-zoned property outside the medical overlay district.

13.325 **Special Development Standards for All Uses Within Medical Overlay Districts.** The development standards in Schedule 13-1 apply to all uses located within Medical Overlay Districts and supersede the applicable development standards of the underlying base zoning district.

Schedule 13-1. Special Development Standards for All Uses Located within Medical Overlay Districts	
Maximum Building or Structure Height	Additional Height-Based Side and Rear Yard Setbacks for All Uses within a Medical Overlay District that abut a Residential Zone
<p>65 feet*</p> <p>* Any gabled or hipped roof feature having a roof pitch greater than 5:12 may exceed the maximum height by two additional feet for each additional whole unit of rise per 12 units of run, up to a maximum of 16 additional feet.</p>	<p>Where a side and/or rear property line of a lot or parcel located inside the Three Rivers Medical Overlay District abuts residentially-zoned land located outside the district, there shall be a special setback from side and/or rear property lines for the lot or parcel within the Medical Overlay District.</p> <p>The special setback shall only apply to those portions of buildings which exceed the maximum height established in the underlying base zone in which the lot or parcel is located.</p> <p>Where applicable, the special setback shall be applied, in addition to the minimum</p>

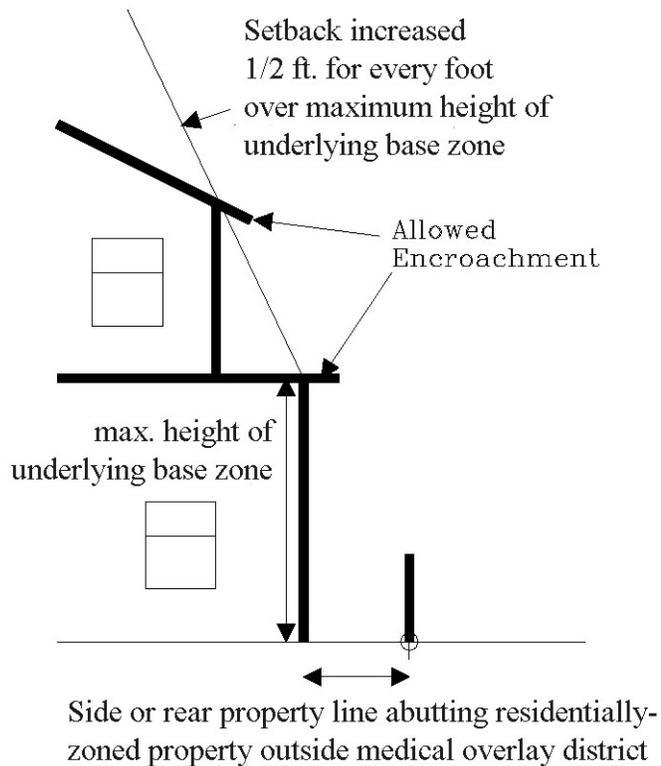
	<p>setback of the underlying zone, such that for each additional foot in height over the maximum height in the underlying zone, there shall be an additional setback of one-half (1/2) foot.</p>
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Note 1: Flagpoles, masts, aerials, elevator shafts and cooling towers may exceed this height.

Note 2: No portion of the structure may be constructed within a required zone buffer setback.

See Concept Sketch: Side and Rear Yard Setback.

See Section 12.400 for general exceptions to setback requirements.



Concept Sketch: Side and Rear Yard Setback

13.330 Siting a Medical Use within a Medical Overlay District

13.331 Review Procedure Schedule.

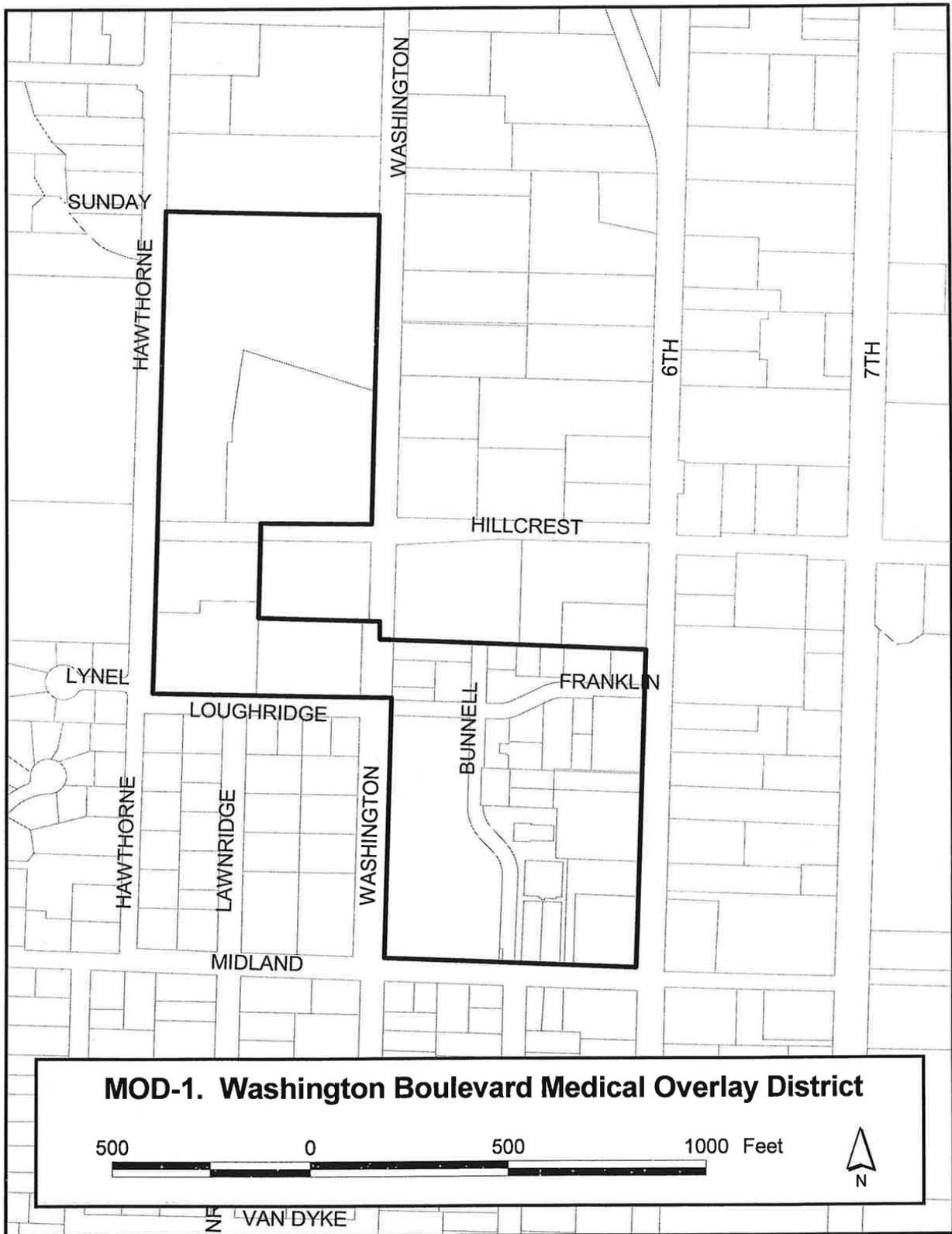
Applications for siting a medical use within an existing medical overlay district shall be processed according to Schedule 13-2 as follows:

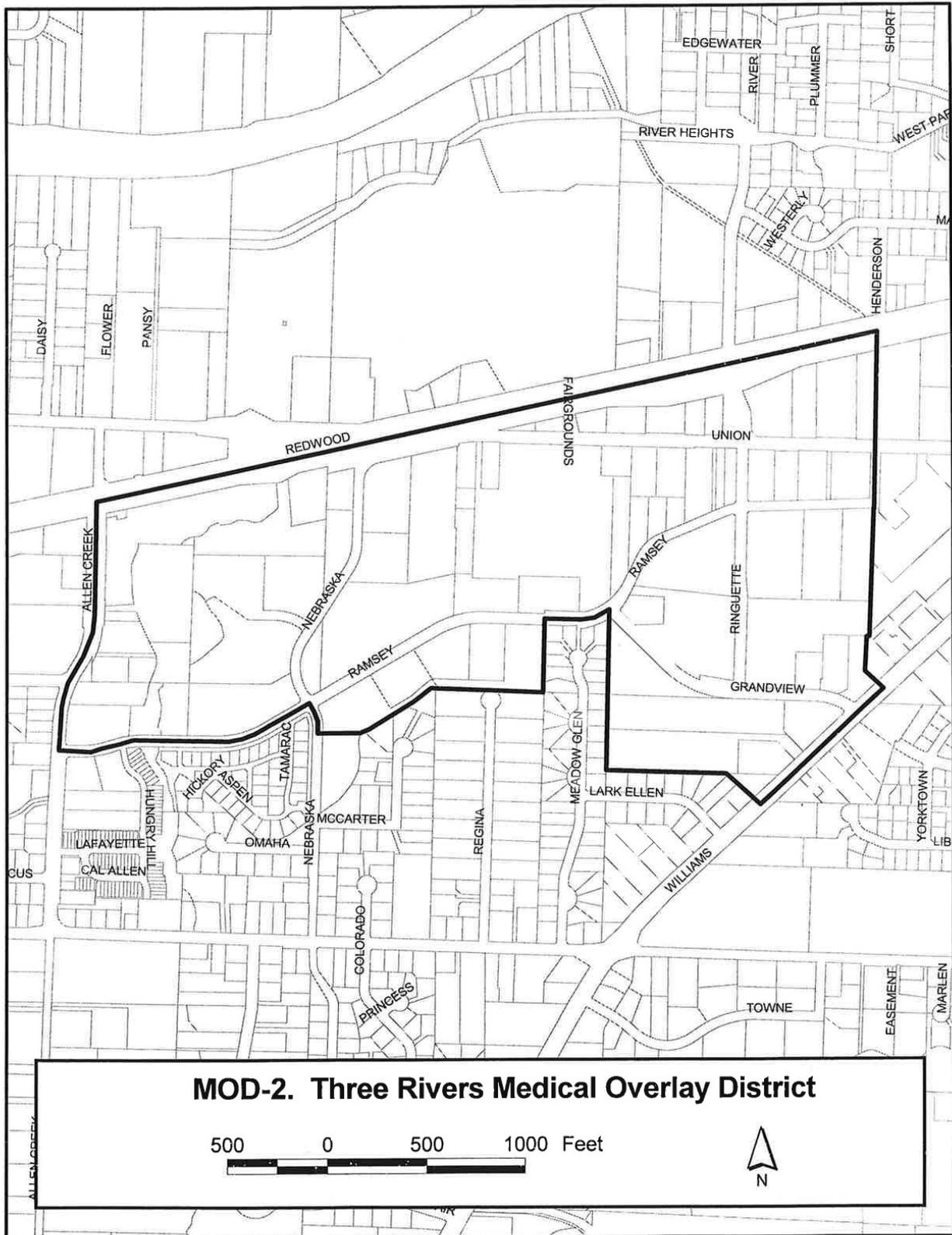
Schedule 13-2. Procedures for Medical Overlay Review	
Medical use adjacent to an underlying residential zone:	Type II
Medical Helipads	Type II
All other medical uses	Type I

13.332 Criteria for Approval.

The review body may approve, approve with conditions, or deny an application for siting a medical use within an existing medical overlay district based on the following criteria:

- (1) The development meets the criteria of Section 19.042 or Section 19.052 of this Code, as applicable.
- (2) Where the property abuts an underlying residential zone that is not within the overlay district, a type D-1 or D-3 buffer shall be provided in accordance with Section 23.034, Schedule 23-4. The review body may modify this requirement where an existing structure would not meet the required setbacks.





MOD-2. Three Rivers Medical Overlay District

500 0 500 1000 Feet



13.400 Historic Districts

13.411 Purpose. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of such improvements and of districts which represent or reflect elements of the City's and County's cultural, social, economic, political and architectural history;
- (2) Safeguard the City's and County's historic, aesthetic and cultural heritage as embodied and reflected in such improvements and districts;
- (3) Complement any National Register Historic Districts designated in the City;
- (4) Stabilize and improve property values in such districts;
- ⁶(5) Foster civic pride in the beauty of historic buildings, structures, sites, signage and noble accomplishments of the past;
- (6) Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;

13.412 Definitions. For the purposes of this section only, the following terms are defined as indicated:

⁷(1) Alteration (Exterior): The addition to, removal of or from, or physical modification or repair of, any exterior part or portion of a Landmark or structures in an Historic or Conservation District. Signs shall be considered a form of alteration and shall be treated as such.

⁸(2) Architectural Significance: The structure, site, signage or district:

- (a) portrays the environment of a group of people in an era of history characterized by a distinctive architectural style;
- (b) embodies those distinguishing characteristics of an architectural-type specimen;
- (c) is the work of an architect or master builder whose individual work has influenced the development of the City; or

- (d) contains elements of architectural design, detail, materials or craftsmanship which represent a significant innovation.
- (3) Conservation District: A definable area containing historic sites, buildings or structures or groups of historic buildings, sites or structures separated geographically but linked by the history of the community's development, by natural features such as topography, parks or public open spaces, or by other significant physical features or historic events.
- ⁹(4) Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a designated Landmark, structure, site or signage in an Historic or Conservation District.
- (5) Exterior: Any portion of the outside of a Landmark or building or structure in an Historic or Conservation District, or any addition thereto.
- ¹⁰(6) Historical Buildings and Sites Commission: The review authority for items requiring approval under Section 13.440, Historic Districts, of this Code. The Commission shall consist of six individuals who have been appointed by the Mayor and City Council and shall consist of the members specified in Section 7.061 of this Code.
- (7) Historic District: A relatively compact, definable geographic area possessing an obvious concentration, linkage or continuity of sites, buildings or structures united by past events, architectural styles, construction features or other physical features illustrative of the community's historic development.
- ¹¹(8) Historical Significance: The structure, district, site or signage:
- (a) has character, interest or value, as part of the development, heritage or cultural characteristics of the City, County, State or Nation;
 - (b) is the site of an historic event with an effect upon society;
 - (c) is identified with a person or group of persons who had some influence on society; or
 - (d) exemplifies the cultural, political, economic, social or historic heritage of the community.

- (9) Landmark: Any improvement, any part of which is 40 years old or older which has a special character or special historic interest or aesthetic interest, or value which is part of the heritage of the City or County that has been officially designated and set aside for conservation or preservation.

13.420 District Types and Map

13.421 Historic Types.

- (1) The Historic Map shall allow for the designation of:

- (a) areas with a high concentration of historic structures, designated "Historic Districts",
- (b) areas with a lower concentration, designated "Conservation Districts", and
- ¹²(c) structures, sites or signage of historic or architectural significance not located in an Historic or Conservation District, designated as "Landmarks".

- (2) Historic Review shall apply to the following:

- (a) Historic Districts, designated in accordance with this section; and
- (b) Conservation Districts, designated in accordance with this section; and
- ¹³(c) Landmarks, sites or signs, designated in accordance with this section.

13.422 Historic Map. There shall be an overlay map to the Zoning Map that depicts Historic Districts, Conservation Districts and Landmarks.

13.423 Landmarks. The following buildings are hereby designated Landmarks, and are to be placed as such on the Historic Map:

- (1) All buildings designated as "exceptional" in the Historic Inventory taken by the Mayor's Advisory Committee on Historic Preservation, dated October 1, 1981, as follows:

122 NE "A" Street	139 SW "I" Street
303 NE "A" Street	417 SW "I" Street
1508 NE "A" Street	
220 NW "A" Street	1501 NW Lawnridge Avenue
310 NW "A" Street	1223 NW Lawnridge Avenue
612 NW "A" Street	1304 NW Lawnridge Avenue
412 NW "B" Street	821 SE "M" Street
421 NW "B" Street	203 SW Oak Street
614 NW "B" Street	
619 NW "B" Street	421 SE Riverside Avenue
1800 NE Beacon Drive	
331 SW Burgess Street	2030 NW Vine Street
219 NW "E" Street	1002 NW Washington Blvd
201 NW Evelyn Street	
	730 NW 2nd Street
314 NE Fetzner Street	
989 Fruitdale Drive	214 NW 3rd Street
1650 Fruitdale Drive	
	604 NW 4th Street
125 SE "G" Street	716 NW 4th Street
111 SW "G" Street	724 NW 4th Street
115 SW "G" Street	750 NW 4th Street
117 SW "G" Street	751 NW 4th Street
125 SW "G" Street	757 NW 4th Street
129 SW "G" Street	758 NW 4th Street
131 SW "G" Street	804 SW 4th Street
137 SW "G" Street	
139 SW "G" Street	612 NW 5th Street
141 SW "G" Street	830 NW 5th Street
145 SW "G" Street	508 SW 5th Street
147 SW "G" Street	
207 SW "G" Street	605 NE 6th Street
211 SW "G" Street	140 NW 6th Street
229 SW "G" Street	208 NW 6th Street
233 SW "G" Street	306 NW 6th Street
241 SW "G" Street	512 NW 6th Street
307 SW "G" Street	762 NW 6th Street
509 SW "G" Street	720 NW 6th Street
532 SW "G" Street	746 NW 6th Street
591 SW "G" Street	
1215 SW "G" Street	701 NE 8th Street
	717 NE 8th Street
140 SW "H" Street	860 NE 8th Street
1021 NW Hawthorne Avenue	1109 NE 9th Street
	761 NE 12th Street

13.430 Procedures for Historic Review

13.431 Initiation. An Historic Designation, Amendment, Recision, or Historic Review procedure may be initiated by the following:

- (1) A recognized neighborhood group, area association, or any interested person.
- ¹⁴(2) Historical Buildings and Sites Commission.
- (3) Urban Area Planning Commission.
- (4) City Council.

²⁵13.432 Pre-application Conference Required. A pre-application conference is required when the designation or review application is initiated by a property owner, neighborhood group, area association, or any interested person.

Prior to submitting an application for review, the applicant shall request a pre-application conference with the Director as provided in Section 3.041 of this Code.

13.433 Complete Submittal. Prior to review of the request, a complete application shall be prepared and submitted to the Director in accordance with the minimum submittal requirements contained in Section 3.050 of this Code.

¹⁷13.434 Designation and Review Procedures.

- (1) Historic Designation applications shall be processed according to Section 4.047 of this Code and the procedures in Schedule 2-1.
- (2) Historic Review applications shall be processed according to Schedule 13-2 as follows:

Schedule 13-2: Procedure for Historic Review	
Alteration (Exterior)	III
New Construction in District	III
Demolition in District	III
Demolition of Landmarks	III

- (3) In the conduct of land use procedures for the Historical Buildings and Sites Commission, the designation "Historical Buildings and Sites Commission" shall be substituted for the designation "Planning Commission" in Section 2, Procedural Types, and Section 10, Appeals.
- (4) Historical Buildings and Sites Commission meeting procedure is deemed quasi-judicial, and shall be governed by the Quasi-judicial Hearing Rules, pursuant to Section 8 of this Code.

13.435 Amendment and Recision Procedures. A District or Landmark designation may be amended or rescinded utilizing the same procedure required for District or Landmark designation, as provided in Section 4.047 and Schedule 2-1.

13.436 Appeals. The final action of the Historical Buildings and Sites Commission may be appealed as provided in Section 10.050 for Type III decisions.

¹⁸13.440 Designation of Historic Districts

13.441 Designation Criteria. An Historic District, a Conservation District, and a Landmark may be recommended for designation by the Historical Buildings and Sites Commission and designated by the City Council, providing all the following criteria are addressed during consideration by the review body.

- (1) The designation of a District or Landmark serves the purpose of this section.
- (2) The boundaries of a District are adequate and suitable for designation.
- (3) Consideration of the positive and negative effects of the designation upon residents, businesses or property owners of the area.

13.442 Historical Buildings and Sites Commission and City Council Action.

- (1) Commission Action. The Historical Buildings and Sites Commission shall take action as provided for the Planning Commission, for Type III review pursuant to Section 2.050, except that the oral decision and the final decision steps shall be combined, (see Section 9 and 2.055(3)) and the final decision shall be accompanied by

findings, notice and all other requirements of a final decision.

- (2) Council Action. The Council shall take action as provided for Type IV review pursuant to Section 2.060. In addition, Council may remand the matter to the Historical Buildings and Sites Commission for additional consideration of specific matters.

¹⁹13.450 Development Review

13.451 Review Required. Except as provided in Section 13.454, no person may alter any structure, site or signage in an Historic District, a designated structure in a Conservation District, or any Landmark in such a manner as to affect its exterior appearance, nor may any new structure be constructed in an Historic District or Conservation District, unless it has previously been reviewed by the Historical Buildings and Sites Commission.

13.452 Criteria for Approval. The Historical Buildings and Sites Commission, in reviewing the appropriateness of the alteration or new construction, shall consider the following:

- (1) The purpose of the Historic Districts, Section 13.411.
- (2) The general compatibility of the signage, exterior design, arrangement, proportion, detail, scale, color, texture and materials proposed to be used in the construction of the new building or structure;
- (3) The effect of the proposed new structure on the character of the district; and
- (4) The economic effect of the new structure on the historic value of the district.

13.453 Historical Buildings and Sites Commission Action. The Historical Buildings and Sites Commission shall, upon review, shall take the role of the Urban Area Planning Commission in the Type III Procedure, pursuant to Section 2.050. The Commission shall be empowered to set the conditions of approval based on compliance with the criteria, Section 13.452, and with the purpose of this section, Section 13.411.

13.454 Public Safety Caveat. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature. The Building Official shall certify such repair is required for the public safety because of its unsafe or dangerous condition and that time is of the essence in such repair.

- (1) Sandblasting shall be excluded as a method for cleaning the exterior of buildings unless specifically approved by the Buildings and Sites Commission.

13.460 Demolition Review

²⁰13.461 Review Required.

- (1) If an application is made for a building permit to demolish all or part of a structure which is a Landmark or which is located in a Conservation District or an Historic District, the Director shall transmit to the Historical Buildings and Sites Commission a copy of said transaction within seven (7) days of application acceptance.
- (2) The Historical Buildings and Sites Commission shall hold a public hearing pursuant to the Type III procedures in Section 2.050 within thirty-five(35)days of acceptance of a complete application by the Director.

²¹ 13.462 Criteria for Approval. In determining the appropriateness of the demolition as proposed in an application for a building permit, the Commission shall consider the following:

- (1) All plans, drawings, and photographs as may be submitted by the applicant;
- (2) Information presented at a public hearing held concerning the proposed work;
- (3) Applicable Policies of the Comprehensive Plan;
- (4) The purpose of this section (see Section 13.411);
- (5) The criteria used in the original designation of the Landmark or District in which the property under consideration is situated;

- ²⁰(6) The historical and architectural style, the general design, arrangement, materials of the structure in question or its appurtenant fixtures and signage; the relationship of such features to similar features of the other buildings within the district and the position of the building or structure in relation to public rights of way and to other building and structures in the area; and
- (7) The effects of the proposed work upon the protection, enhancement, perpetuation and use of the district which cause it to possess a special character or special historical or aesthetic interest or value.

²²13.463 Historical Buildings and Sites Commission Action.

- (1) Approval of Demolition. The Historical Buildings and Sites Commission may recommend approval of the demolition request to the Director after considering the criteria contained in Section 13.462.
- (2) Delay of Demolition. The Commission may delay the issuance of a demolition permit in the interest of preserving historical value, if it determines that the structure should not be demolished.
- (3) Delay of Landmark or Conservation District Demolition. For a Landmark, which includes structures, sites and signage, or Conservation District demolition request, issuance of the demolition permit may be delayed by the Historical Buildings and Sites Commission as follows:
- (a) The Historical Buildings and Sites Commission may invoke a stay of demolition for a period not exceeding thirty (30) days from the date of public hearing for demolition permit.
- (b) The Historical Buildings and Sites Commission may invoke an extension of the suspension period if it determines that there is a program or project underway which could result in public or private acquisition of such structure or site, and that there is reasonable ground to believe that such program or project may be successful. In such cases the Commission, at its discretion, may extend the suspension period in thirty (30) day increments for an additional period not exceeding ninety (90) days, up to a total suspension period of not more than one hundred twenty (120) days from the date of public hearing for demolition permit.

- (c) During such period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the building or structure.
 - (d) If all such programs or projects are demonstrated to the Historical Buildings and Sites Commission to be unsuccessful and the applicant has not withdrawn his application for demolition permit, the Director shall issue such permit, if the application otherwise complies with this Code.
 - (e) Action by the Historical Buildings and Sites Commission suspending issuance of permit for demolition may be appealed to the City Council by the applicant for permit, in the same manner as provided in Section 10.040 for filing an appeal to the final action by the Planning Commission.
- (4) Delay of Historic District Demolition. For an Historic District demolition request, issuance of the demolition permit may be suspended by the Historical Buildings and Sites Commission, as follows:
- (a) The Historical Buildings and Sites Commission may invoke a stay of demolition for a period not exceeding one hundred twenty (120) days from the date of public hearing for demolition permit.
 - (b) The Historical Buildings and Site Commission may invoke an extension of the suspension period if it determines that there is a program or project underway which could result in public or private acquisition of the structure or site, or the preservation or restoration of such structure or site, and that there is reasonable ground to believe that such program or project may be successful. In such cases, the Commission, at its discretion, may extend the suspension period for an additional period not exceeding ninety (90) days, to a total of not more than two hundred ten (210) days from the date of application for demolition permit.
 - (c) During such period of suspension of permit application, no permit shall be issued for such demolition nor shall any person demolish the building or structure.

(d) If all such programs or projects are demonstrated to the Commission to be unsuccessful and the applicant has not withdrawn his application for demolition permit, the Director shall issue such permit, if the application otherwise complies with this Code.

(e) Action by the Historical Buildings and Sites Commission suspending issuance of the permit for demolition may be appealed to the City Council by the applicant for permit, in the same manner as provided in Section 10.040 for filing an appeal to the final action by the Planning Commission.

²⁴13.464 Public Safety Caveat. In any case where the City Council has ordered the removal or demolition of any structure determined to be dangerous to life, health or property, nothing contained in the section shall be construed as making it unlawful for any person without prior approval of the Historical Buildings and Sites Commission, pursuant to this section, to comply with such order.

¹ Revised 12-4-96

² Revised 3-16-94, 12-4-96

³ Revised 12-4-96, 5-31-97

⁴ Revised 5-31-97

⁵ Revised 12-4-96

⁶ Revised 2-5-92

⁷ Revised 2-5-92

⁸ Revised 2-5-92

⁹ Revised 2-5-92

¹⁰ Revised 5-31-01 (Ordinance 5062), 2-5-92

¹¹ Revised 2-5-92

¹² Revised 12-4-96, 2-5-92

¹³ Revised 2-5-92

¹⁴ Revised 2-5-92

¹⁵ Revised 2-5-92

¹⁶ Revised 2-5-92

¹⁷ Revised 2-5-92

¹⁸ Revised 2-5-92

¹⁹ Revised 2-5-92

²⁰ Revised 2-5-92

²¹ Revised 2-5-92

²² Revised 2-5-92

²⁵ Revised 4-20-05 (Ordinance 5285)

²⁶ Revised 10-18-06 (Ordinance 5378)

²⁷ Revised 11-4-09 (Ordinance 5498)

²⁸ Revised 3-3-10 (Ordinance 5510)

²⁹ Revised 2-16-11 (Ordinance 5534)

³⁰ Revised 1-16-2013 (Ordinance 5567)