

CITY OF GRANTS PASS COMMUNITY DEVELOPMENT DEPARTMENT

**DEVELOPMENT CODE TEXT AMENDMENT:
AMENDMENTS TO ARTICLES 12, 14, AND 30
SOCIAL SERVICES FACILITIES
PLANNING COMMISSION FINDINGS OF FACT**

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00125-21
Project Type:	Development Code Text Amendment
Applicant:	Community Development (on behalf of City Council)
Staff Assigned:	Bradley Clark (CD Director)
Application Received:	05/28/21
Application Complete:	05/28/21
Date of Planning Commission Staff Report:	07/08/21
Date of Planning Commission First Hearing:	07/14/21
Date of Planning Commission Continued Hearing:	07/28/21
Date of Findings of Fact:	08/05/21

[Note: ***Bold Italic Text*** indicates text added by the Commission that was not contained in the staff report. ~~Strikeout text~~ indicates deletions made by the Commission.]

I. PROPOSAL:

This proposed ordinance would amend Article 12 (Zoning Districts), Article 14 (Certain Uses), and Article 30 (Definitions) of the Grants Pass Development Code for the purpose of establishing a new type of land use permit to allow shelter facilities, supportive housing, and basic needs facilities. (See **Exhibit 1** for the mark-up version of all proposed text amendments considered).

If approved, the Article 12 amendment would strike the “Transient Quarters” use from Schedule 12-2, add “Supportive Housing – Type A” and “Supportive Housing Type B”, add “Shelter Facility or Site”, add “Basic Needs Facility or Site” to the schedule of uses, and add “Special Use Permit” as a new type of land use permit. The Article 14 amendment would replace a section formerly used to describe “Itinerate Use” with the description of “Special Use Permits (SUP)”. This new section outlines the process required to obtain a SUP and the application content that must be submitted to the City. The Article 30 amendment would add definitions for “Basic Needs Facility or Site”,

“Shelter Facility or Site”, “Special Use Permit”, “Supportive Housing – Type A”, “Supportive Housing – Type B”, and “Supportive Services”. The Article 30 amendment would also remove current definitions for “Transient Quarters” and “Social Services/Transient Quarters”.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission, or City Council may initiate a text amendment application. These amendments have been initiated by the Director of Community Development at the request of the City Council.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorizes the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

The Development Code text contained in the application may be amended during a public hearing provided the criteria in Section 4.103 of the Development Code are met.

III. APPEAL PROCEDURE:

The City Council’s final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council’s written decision.

IV. PROCEDURE

- A. An application for a Development Code Text Amendment to Articles 12, 14, and 30 was submitted on May 28, 2021 and deemed complete on May 28, 2021. The application was processed in accordance with Section 2.060 of the Development Code.
- B. Public notice of the July 14, 2021 hearing was mailed on June 23, 2021 and posted in The Daily Courier newspaper on July 2, 2021 in accordance with Section 2.053 of the Development Code.
- C. An initial evidentiary public hearing was held on July 14, 2021 and the Planning Commission continued the hearing to July 28, 2021 to review their recommended amendments to the proposed ordinance and to allow further deliberation.
- D. The continued public hearing took place on July 28, 2021. Oral public testimony was provided by one individual expressing concerns about permitting certain social service uses within the General Commercial zone. No written testimony was received. The Chair closed the public portion of the hearing and the Commission voted to recommend approval

of the application to the City Council with amendments. The vote was 5 in favor, 1 opposed, and 1 Commissioner was absent.

V. SUMMARY OF EVIDENCE:

- A. The basic facts and criteria regarding this application are contained in the July 8th Staff Report and a Memorandum dated July 26, 2021, both of which are attached as Exhibit “A” and incorporated herein.
- B. The minutes of the public hearing held by the Urban Area Planning Commission on July 14, 2021 and on July 28, 2021, attached as Exhibit “B”, summarize the oral testimony presented and are hereby incorporated herein.
- C. The PowerPoint given by staff at the July 14, 2021 meeting is attached as Exhibit “C”.

VI. GENERAL FINDING OF FACT:

The Urban Area Planning Commission found that, based upon the testimony given at the public hearing, the staff report, and a subsequent Memorandum from the Community Development Director dated July 26, 2021, the proposal meets the criteria in Section 4.103 of the Development Code based on the reasons stated in the findings included below.

VII. BACKGROUND AND DISCUSSION:

Problem Statement

Homelessness is a nationwide problem. Like many other cities, Grants Pass has many unhoused persons living in the community. Finding ways to address challenge is a complicated task. This text amendment addresses one of the potential steps to reduce the number of unhoused people in the city by expanding the number of parcels that are eligible to host some type of shelter or supportive housing. The existing Development Code offers limited guidance on how to regulate the provision of shelter, housing, and services to the unhoused population. The code only addresses the issue of housing or services for homeless persons in one category: Social Services Facility/Transient Quarters. The effectiveness of this use category to guide future placement is limited by allowing the use only in the Business Park (BP) and Industrial (I) zones. After their review of the Development Code, City Council concluded that the code should be revised to include more uses to cover the range of shelter, housing and services options that will adequately address the needs of the unhoused population (and those at-risk of becoming unhoused). The proposed revisions may help to guide providers of shelter, housing, and services on what options the city favors and where the city envisions it is appropriate to locate the uses.

In March 2020, the City Council adopted Ordinance No. 20-5777. That ordinance included the Oregon Transitional Housing Standard, creating construction and placement standards for transitional housing units that are not required to meet other Oregon Structural Code design and construction requirements. However, that ordinance did not change zoning and/or permissible locations for these units and relied solely upon Article 12, which limits their location to the BP and I zoning districts. The current text amendment application provides more guidance and expands where transitional housing units may be sited.

Brief Summary of the Proposed Revisions

This application replaces the current land use category in the code (“Social Services Facility/Transient Quarters”) with four new, discrete uses. One of the new uses would be limited to basic social services and not include shelter or housing. The three other new uses would be primarily shelter and housing uses and would incorporate the provision of some social services. The distinguishing feature between the three shelter and housing uses would be the type of housing and tenant tenure of the shelter or housing to be provided. Each of the four new land use categories are more fully described below. The decision process proposed for processing development applications for any **three** of the four new land uses is the Type IV-**AB** procedure which provides for a quasi-judicial hearing and ~~decision~~ **recommendation** by the **Planning Commission with a second public hearing by the** City Council ~~without a Planning Commission recommendation~~. Each of the new **housing** uses would be listed as a ~~Permitted~~ **special** use in the zoning district to which it is allocated. **The fourth category, Basic Needs Facility, would not require a Special Use Permit and would be a permitted use in the GC, BP and I zones.**

New Use Categories and Allocation to Zoning Districts

These are the four new use categories proposed for inclusion in the Development Code and a table showing in which zoning district each use category would be allowed. The new use categories would be added to Schedule 12-2 and Article 30, Definitions.

1. **Basic Needs Facility or Site**

- Permit the provision of goods and services to meet the basic needs of unhoused persons or other persons needing assistance.
- Goods and services which may be provided include, but are not limited to, food, health care, clothing, ~~warming center~~, housing technical assistance, and other social services.
- Target population: primarily unhoused persons and those at-risk of becoming unhoused.
- Goods and services will be provided by non-profit agencies, charitable organizations, and governmental agencies.

- Goods and services may be provided from buildings or open sites and may be year around or seasonal.
- This land use type does not include shelter or housing.

2. Shelter Facility or Site

- This land use type is to provide temporary shelter for unhoused persons.
- The use may include emergency shelter in response to disaster events or severe weather (extreme cold or heat).
- Shelter type may range from **existing or new structures**, tents, to camp trailers, to purpose-built shelters such as “Pallet Shelters”.
- Food service, medical aid, and other supportive services may be provided.
- Sanitation and security must be provided.

3. Supportive Housing, Type A

- For provision of transitional housing where a full range of supportive services are provided.
- Sanitation and security must be provided.
- Intended for relatively short-term occupancy.
- Serve persons either unhoused or coming from a shelter and provide housing and support services that will enable moving people to a longer-term housing situation.
- Must meet the building standards set out in the 2017 Oregon Transitional Housing Code (as it may be revised).

4. Supportive Housing, Type B

- This land use type is for the provision of a permanent housing facility where a full range of supportive services are provided.
- Sanitation and security must be provided.
- Intended for relatively longer-term occupancy. However, the expectation is the client population would eventually move on to other longer-term housing where supportive services are no longer necessary.
- Must meet the building standards set out in the 2019 Oregon Specialty Code (as it may be revised).

New Land Use Category	Zoning Districts Where Use is Permitted
Basic Needs Facility or Site	GC – General Commercial
Shelter Facility or Site	GC, Industrial, and Business Park
Supportive Housing, Type A	GC, Industrial, and Business Park
Supportive Housing, Type B	GC, R-2, R-3, and R-4

Application Approval Process and Decision Criteria

Applicants wanting to undertake a project in one of the Land Use Categories must use the pre-application conference and review process. Depending on the nature of the project, whether there is an existing structure, and other factors, this may require a Site Plan Review. After staff has determined the project application meets the minimum requirements for application submittal, the application will be scheduled for public hearing before the ~~City Council~~ **Planning Commission and then City Council**. The criteria used by the ~~City Council~~ to determine if an application will be approved and permitted includes the following:

- The applicant has submitted a Development and Operations Plan which fully describes the need for the services to be provided and the feasibility of sustaining the services over the period proposed. The Plan must include an assessment of possible negative impacts which could occur in the surrounding area and what mitigating actions will be taken to minimize those impacts.
- Applicant/Operator Qualifications Certification – The applicant must present evidence of past successful experience developing and operating services comparable to the proposed services, or otherwise demonstrate past performance which is an indicator of probable success in carrying out the use/service being applied for.
- The project must be deemed in compliance with all city codes.

Upon approval of the application, the ~~City Council~~ will issue a Special Use Permit for the project. The right of the project to operate under the Special Use Permit will be ongoing but will be subject to a bi-annual review by the City to determine if the performance is satisfactory and whether improvements in performance are needed. All the requirements relating to approval process and criteria, and the Special Use Permit will be added to Article 14 – Certain Uses in the development code.

Additional Background Discussion

Since mid-2020, City Council has held five workshops to address the “social services facility / transient quarters” term in the Development Code and a potential code amendment to allow this land use in more than two zoning districts. City Council has reviewed the history, alternatives, zoning maps, and ordinances that established the City’s current zoning of social services. Currently, the “social services facility/transient quarters” land use is only allowed in the Business Park (BP) and Industrial (I) zones. At the March 22, 2021 workshop the City Council directed staff to initiate a text amendment striking the “Social Services Facility/Transient Quarters” definition and creating four new definitions and land uses that would breakdown this broad use category into more refined and specific categories that are defined and regulated individually.

The current “Social Services Facility/Transient Quarters” land use category was created under Ordinance No. 15-5666 in December 2015. It was the result of a Development

Code text amendment application that was initiated by the City. Prior to this, the Code only contained the term “Transient Quarters”. That term and definition was expanded under Ord. No. 15-5666 to add “social services facility” The zones where this use was permitted (BP and I) did not change under the 2015 ordinance; it simply added social service facility to clarify that “transient quarters” was now meant to include “social services facilities” in the definition.

The 2015 Code amendment was instigated by complaints that Public Safety was receiving from businesses in the Central Business District who operated near St. Vincent De Paul on 7th Street near M Street. Changing the definition to include “social services facility” resulted in a soup kitchen only being a permitted use in the BP and I zones.

The proposed text amendments will allow the City to breakdown what is now broadly defined as Social Service Facilities into four specific land use types and allow for a Special Use Permit (SUP) to authorize the uses with specific criteria for approval and ongoing review. The SUP process is being recommended to distinguish the term from “Conditional Use Permit (CUP)” in order to require a different review and approval procedure. CUP applications are approved through the UAPC. It is staff’s understanding that City Council wants all shelter-related permits to be submitted directly to them for a public hearing and approval. Creating a SUP separate from a CUP allows for this difference and, as a permit, allows a mechanism to attach conditions of approval and also allows for a permit revocation.

The details of the text amendment are attached as **Exhibit 1** which contains the marked-up Development Code text amendments.

VIII. APPLICABLE CRITERIA:

The text of the Development Code may be amended provided all the criteria of Section 4.103 of the Development Code are satisfied.

SECTION 4.103:

CRITERION 1: The proposed amendment is consistent with the purpose of the subject sections and articles.

Planning Commission Response: Satisfied. The proposed amendment is consistent with both the purpose and intent of the three articles affected by this application. The purpose of Article 12 is to: protect the right to use and enjoy real property; protect the health, safety, and welfare of the community; and to serve as a basis for resolving land use conflict. The proposed amendments are designed to allow greater flexibility and opportunity for property owners who want to utilize their property to help provide shelter and meet social needs. The amendment also provides an approval process that protects the health, safety and welfare of the community and adds a process that provides a potential path to resolve land use conflicts.

Article 14 does not contain a purpose statement. This section of code is intended to house the regulations for certain types of land uses that, due to their unique characteristics, warrant individual attention within the code. The purpose of the new Section 14.100 in Article 14 is to establish a Special Use Permit in order to identify clear criteria and approval standards that mitigate land use conflicts related to the approval of “Shelter Facility or Site”, “Supportive Housing -Type A”, and “Supportive Housing – Type B”.

The purpose of Article 30 is to define specific terms used in the Development Code. This proposal does not alter or impact that purpose.

CRITERION 2: The proposed amendment is consistent with other provisions of this code.

Planning Commission Response: Satisfied. Overall, the Commission finds that the purpose and provisions of the Development Code remain intact and do not create any discrepancies as a result of the proposed text amendments. The primary code sections that relate to the subject application are in Article 12. Specifically, Sections 12.100, 12.200, and 12.300 contain individual purpose statements for each zoning district. The zones and purpose statements where shelters and supportive housing and social services are proposed are listed below along with a brief staff analysis:

- 12.123 - R-2 District. The purpose of the R-2 District is to encourage, accommodate, maintain, and protect a suitable environment for residential living at moderate densities.

Supportive Housing, Type B, is proposed to be a new allowed use in the R-2 district. A full range of supportive services would be permitted as accessory to the primary residential use, including counseling, instruction, and some basic medical services. Depending on the scale and location of those supportive services, it could impact the “suitable environment for living at moderate densities.” However, the SUP process allows for special conditions to be placed which could be used to mitigate any anticipated negative impacts unique to each site.

- 12.124 - R-3 Districts. The purpose of the R-3 (R-3-1) and R-3-2 Districts is to encourage, accommodate, maintain, and protect a suitable environment for residential living at moderate-high densities. Maximum densities in these districts are typically representative of 2-story housing such as attached or multi-family.

(See analysis under 12.123 above.)

- 12.125 - R-4 (R-4-1), R-4-2 Districts. The purpose of the R-4 (R-4-1), R-4-2 Districts is to encourage, accommodate, maintain and protect a suitable

environment for residential living at higher densities, and for professional uses that typically support residential areas; such as professional offices; hospitals, clinics and other suitable uses, but only in a manner designed to support and protect residential livability. Maximum densities in these districts are typically representative of 3-story housing such as attached or multi-family. Some districts only allow non-residential uses when in conjunction with residential use to ensure the residential land supply is not exclusively consumed by other uses.

Supportive Housing, Type B, is proposed to be a new allowed use in the R-4 district. This zone is designed for more intensive land uses than only residential, including offices and clinics. The supporting social service uses anticipated to accompany supportive housing are expected to align with the intent of this zone.

- 12.222 - General Commercial District (GC). The purpose of the General Commercial District is to provide for all commercial and professional uses, excepting those uses requiring on-site manufacture or assembly. Performance development standards are designed to protect adjacent uses and development from impact, and the market factors of supply, demand, location, and cost are expected to provide commercial development in appropriate types, amounts and relationships.
- 12.241 - New Residential Dwelling Units. New residential dwelling units may be permitted in the General Commercial, Central Business District, and Office Residential zones, as specified in Schedule 12-2. No minimum or maximum density standard applies in these districts. In commercial zones where exclusively residential use is permitted, residential development must meet the applicable open space standards in Article 22, Schedule 22-1, and additional Residential Development Standards of Article 22 for the R-3 zone. If part of a mixed-use development, the development shall meet the standards of Article 20.

All four of the new land uses contained in this text amendment application (basic needs facility, shelter facility, and the two supportive housing types) are proposed to be allowed in the GC zone through a SUP. A key question is whether those uses are consistent with the purpose and intent of the GC district. New residential dwellings are expressly permitted in the GC zone already (per Sect. 12.241) without any density limits. Open space is required with residential development, so the UAPC and Council will need to determine if some type of open space should be required with shelters and supportive housing. It could be argued that shelters are more akin to a commercial use than a residential use and would not be subject to the open space requirement but supportive housing, depending on the arrangement of the project, may need to provide the open space just like any other residential development.

[Note: Through their public hearings, the Planning Commission concluded that new supportive housing should be required to comply with the same base development standards of other multi-dwelling structures that are built in the same zone. The Commission's recommendation to Council includes a change from the original ordinance draft to add this requirement as long as a waiver option for some standards is made available through the Special Use Permit process.]

- 12.321 - Business Park District (BP). The purpose of the Business Park District is to provide a mixed-use zone for light industrial and commercial uses. Retail trade is permitted as an accessory use or when determined to be compatible with, or can be made compatible with, light industrial or wholesale trade uses via a discretionary review process. Performance Development Standards are designed to ensure the compatibility of the light industrial uses with the commercial uses, and the compatibility with adjacent Commercial and Residential Zoning Districts.

Shelters and Supportive Housing, Type A, are were initially proposed to be allowed in the BP zone through a SUP. There may be sites where the new housing creates a conflict with other non-residential businesses. However, as stated above, the SUP process allows for Council to place conditions that could mitigate those impacts on a site-by-site basis.

[Note: The Planning Commission chose to strike Supportive Housing, Type A, as a potential land use in the Business Park and Industrial zones and only allow this use in the General Commercial zone.]

- 12.323 - Industrial District (I). The purpose of the Industrial District is to provide for those industrial uses with heavier impacts upon their surroundings and the need for outdoor functions. Performance standards are less than required for other industrial districts and graduated buffering standards ensure compatibility with neighboring zones of lesser intensity of use. It is the express intent of the Industrial District to maintain lands for industrial use, with commercial and residential uses limited to those uses accessory to industrial development.

(See analysis under 12.323 above.)

[Note: The Planning Commission chose to strike Supportive Housing, Type A, as a potential land use in the Business Park and Industrial zones and only allow this use in the General Commercial zone.]

The proposed amendment reflects the revisions that will assist in protecting the rights of property owners to use and enjoy their real property. Other standards in the Municipal Code that are enforced through Public Safety and that protect the health, safety and welfare of the community remain unchanged and in effect.

The proposed amendment is in harmony with other provisions in the code. Specifically, the sections of the Development Code that establish permitting, appeals, and site plan reviews remain intact and unaffected.

CRITERION 3: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and most effectively carry out those goals and policies of all alternatives considered.

Planning Commission Response: Satisfied. The proposed amendment is found to be consistent with Element 8, Economy, Element 9, Housing, Element 13, Land Use, and Element 14, Urbanization, of the Comprehensive Plan. Specifically, Policy #2.1 states that land use actions shall be reviewed as provided in the Development Code, with the degree of public participation fitting the extent of impact of the proposed land use action. And specifically, Policy #9.14 states the City “shall encourage the provision of housing for all people, regardless of age, race, color, religion, sex, national origin, or handicap status, and shall take special measures to insure that no group or class of people is excluded from the community.” The proposed amendment assures the Development Code and Comprehensive Plan are in agreement and consistent.

CRITERION 4: The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Planning Commission Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Transportation System Plan (TSP). The TSP was modeled with traffic assumptions for each zone that are expected to be like or greater than a shelter or supportive housing land use.

IX. RECOMMENDATION:

The Urban Area Planning Commission **RECOMMENDS APPROVAL** of the request to amend Articles 12, 14 and 30 of the Development Code. The vote was 5-1 with Commissioners Arthur, Heesacker, Collier, Aviles, and Tokarz-Krauss voting in favor. Commissioner Scherf was opposed. Commissioner Nelson was absent. There is one vacancy on the Commission.

**X. FINDINGS APPROVED BY THE URBAN AREA PLANNING COMMISSION
this 5th day of August, 2021.**

Eric Heesacker, Chair

XI. INDEX TO EXHIBITS

1. Original Staff Report and Memorandum from Community Development Director
2. Minutes from the July 14, 2021 and July 28, 2021 Planning Commission meetings
3. PowerPoint given by staff at the July 14, 2021 meeting
4. Mark-up text for Articles 12, 14, & 30

Article 12: Zoning Districts

12.028 Types of Permitted Uses. Uses are authorized as one of the following types. They are denoted in Schedules 12-2 and 12-3 with the specified symbols:

- (1) Permitted Uses (P). The use is permitted outright, subject to compliance with the applicable development criteria and any required mitigation. Permitted uses are also referenced as a “principally permitted uses”, “principal uses”, or “primary uses”.
- (2) Secondary Uses (S). The use is permitted outright, but only when in conjunction with primary permitted uses on the same lot in accordance with the same criteria that apply to primary uses and any additional requirements for the Secondary Uses specified in Section 12.050 and Schedule 12-2 special notes. Some Secondary Uses must be in conjunction with a specific, associated Primary Use.

For example, in a zone that allows residential uses and commercial uses as Primary Uses and residential accessory uses and commercial accessory uses as Secondary Uses, it is not permitted to provide a commercial accessory use in conjunction with a primary residential use. The residential accessory use must be in conjunction with a primary residential use, and a commercial accessory use must be in conjunction with a primary commercial use.

Secondary Uses include two subcategories:

- (a) Accessory Uses. Schedule 12-2 includes a use category for accessory uses and accessory structures. Specific accessory uses are not listed, but these activities must remain incidental and subordinate to the principal use of the property consistent with the definition of ‘accessory use’ in Article 30.
- (b) Other Secondary Uses. Other secondary uses must be in conjunction with a primary use as specified in this code. However, unlike accessory uses, other Secondary uses need not be incidental or subordinate to a principal use. Secondary Uses are regulated differently than accessory uses to achieve a different purpose. Secondary Uses are regulated so as to not displace Primary Uses from key sites with location attributes and/or characteristics determined to be suitable for and prioritized for the Primary Uses.

Secondary Uses must be on the same lot as a Primary Use, unless authorized on a separate lot through a PUD process where Primary Uses are included in the PUD on other lots, and the purpose of this Section is substantially furthered.

- (3) Conditionally-Permitted Uses (C). The use *may* be permitted on a given site, subject to findings of compliance with compatibility criteria specified in the Condition Use section of this code. This code is unlike some other codes that specify very general discretionary conditional use criteria that apply to a long

list of conditionally-permitted uses. This code uses conditional use designations sparingly, typically with criteria specific to a group of conditional uses which focus on ensuring individual sites and conditions are considered in the specific context of preventing or mitigating potential conflicts and issues associated with a specific use. These may have unique and specific geographic siting requirements, so it would not typically be an option to entirely exclude these uses from a geographic area or zoning district in order to avoid conflicts.

- (4) Planned Unit Developments (PUD). Schedule 12-2 refers to PUDs to note that certain uses which are not otherwise permitted in a zoning district *may* be permitted as an element as part of a PUD that includes a master plan for a larger site, in accordance with the provisions of Article 18.

- (5) Special Use Permit (SUP). The use *may* be permitted on a given site, subject to findings of compliance with compatibility criteria specified in the Special Use Permit section of this code. This land use permit is a Type IV-A land use application and review process. The permit is issued by the City Council authorizing one or more of several uses specific to meeting the needs of unhoused persons or those at-risk of becoming unhoused.

- (56) Uses Not Permitted (denoted with a dash '-' or a blank cell). These uses are not permitted in the zoning district.

- (67) Uses Specifically Prohibited (denoted with an 'X'). These uses and activities are explicitly listed and prohibited to provide greater specificity. They are typically more specific activities. For example, while 'manufacturing' may be permitted in a district, 'manufacturing of explosives' may be explicitly listed and prohibited.

Schedule 12-2. Permitted Uses and Site Plan Review Procedures

	Zoning Districts															
	RESIDENTIAL								COMMERCIAL				INDUSTRIAL			
	LR	MR		HR		HRR			COMMERCIAL				EMPLOYMENT			
Land Use Types	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
General activities not covered below, exempt from Development Permit	P-I-EX. See Section 2.033															
General activities not covered below, requiring an administratively issued use permit	P-I-AU. See Section 2.034															
General activities not covered below, where Building Permit serves as Development Permit	P-I-A. See Section 2.035															

	RESIDENTIAL								COMMERCIAL				INDUSTRIAL			
	LR	MR		HR		HRR			COMMERCIAL				EMPLOYMENT			

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
1) Agriculture																
a) Intensive	-	-	-	-	-	-	-	-	-	-	-	-	-	P-I-EX	P-I-EX	P-I-EX
b) Non Intensive	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX	P-I-EX
c) Forestry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
2) Residential Dwelling Unit																

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
a) Existing	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)	P-I-A (f)
b) New																
1. Detached (1)	P-I-A	P-I-A	P-I-A	P-I-A	PUD	P-I-A	PUD	PUD	-	P-I-A	PUD	P-I-A	PUD	-	-	-
2. Accessory Dwelling Unit, per 22.720	S-I-A	S-I-A	S-I-A	S-I-A	PUD	S-I-A	PUD	PUD	S-I-C	S-I-C	S-I-C	S-I-C	S-I-C	-	-	-
3. Detached (2)	PUD	P-II	P-I-A	P-I-A	P-I-A	P-I-A	S-I-A	S-I-A	-	P-I-A	S-I-A	P-I-A	PUD	-	-	-
4. Attached (2 units/ 1 zero-lot line) per 22.700	PUD	P-II	P-I-A	P-I-A	P-I-A	P-I-A	S-I-A	S-I-A	-	P-I-A	S-I-A	P-I-A	PUD	-	-	-
5. Attached (3 or more units/ 2 or more zero-lot lines) per 22.700	PUD	PUD	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	P-I-C	S-I-C	P-I-A	S-I-C	-	-	-
6. Duplex	PUD	P-II	P-I-A	P-I-A	P-I-A	P-I-A	S-I-A	S-I-A	-	P-I-A	S-I-A	P-I-A	PUD	-	-	-
7. Multi-Dwelling, building or complex (3 or more units) SEE Note (t)	PUD	PUD	P-II	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	-	P-I-C	S-I-C	P-I-C	S-I-C	-	-	-
8. Upper Story Residential, Mixed-Use, per 12.050(8)	PUD	PUD	PUD	PUD	PUD	P-II	P-II	P-II	S-I-C (o)	S-I-C	S-I-C	S-I-C	S-I-C	-	-	-
9. Cottage Development, 4 units per 18.300	P-II	P-II	P-II	P-II	PUD	P-II	PUD	PUD	-	P-II	PUD	PUD	PUD	-	-	-
10. Cottage Development, 5-12 units per 18.300	P-III	P-III	P-III	P-III	PUD	P-III	PUD	PUD	-	P-III	PUD	PUD	PUD	-	-	-
11. Manufactured Housing																
“A” Individual Lot	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	-	P-I-A	S-I-A	P-I-A	PUD	-	-	-
“B” Manufactured Dwelling Park	-	-	P-III (e)	P-III (e)	P-III (e)	P-I-C	P-I-C	P-I-C	-	P-I-C	P-I-C	-	-	-	-	-
“C” Health Condition	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	S-II	P-II	S-II	-	-	-

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
c) Group Quarters	-	-	-	-	-	P-II	P-II	P-II	-	-	-	P-II	-	-	-	-
d) Home Occupation																
1. Occupational Use, per 14.211	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX (g)(o)	S-I-EX	S-I-EX	S-I-EX	S-I-EX	S-I-EX (g)	S-I-EX (g)	S-I-EX (g)
2. Minor, per 14.220	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU (g)(o)	S-I-AU	S-I-AU	S-I-AU	S-I-AU	S-I-AU (g)	S-I-AU (g)	S-I-AU (g)
3. Major, per 14.220	S-II	S-II	S-II	S-II	S-II	S-II	S-II	S-II	S-I-C (g)(o)	S-I-C	S-I-C	S-I-C	S-I-C	S-I-C (g)	S-I-C (g)	S-I-C (g)
e) Residential Accessory -Building -Use	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX (g)(o)	S-I-A S-I-EX	S-I-A S-I-EX	S-I-A S-I-EX	PUD PUD	P-I-A P-I-EX (g)	P-I-A P-I-EX (g)	P-I-A P-I-EX (g)
f) Transient Quarters <u>Supportive Housing – Type A</u>	-	-	-	-	-	-	-	-	-	<u>SUP-IV-B</u>	-	-	-	P-III -	-	P-III -
g) <u>Supportive Housing – Type B</u>	-	-	<u>SUP-IV-B</u>	<u>SUP-IV-B</u>	-	<u>SUP-IV-B</u>	-	-	-	<u>SUP-IV-B</u>	-	-	-	-	-	-
gh) Residential Home, per 14.510	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A (g)(o)	P-I-A	P-I-A	P-I-A	PUD	P-I-A (g)	P-I-A (g)	P-I-A (g)
hi) Residential Care Facility, per 14.521 - 6-15 - 16 or more	P-II -	P-II P-II	P-II P-II	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	P-I-C P-I-C	PUD PUD	- -	- -	- -
3) Trade																
a) Retail Indoor	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	P-II	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
b) Retail Outdoor	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	P-(b)	-	-
c) Wholesale	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	P-(b)	-	-
d) Itinerant Use (Repealed) See Chap 4.08 Muni																

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
4) Services																
a) Professional Office	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	P-II	S-II	S-II	-	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	P-(b) (q)	-
b) Business Office	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	-	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	-	-
c) Limited Office	P-II	P-II	P-II	P-II	P-II	P-II	S-II	S-II	-	-	-	-	-	-	-	-
d) Repair, Maintenance, Commercial	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	-	P-(b)	-	P-(b)
e) Auto Service Station	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	P-(b)	-	-
f) Commercial Eating/Drinking Establishment	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	P-(a)	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
g) Hotel/Motel	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	-	-	-	-
h) RV Parks	-	-	-	-	-	-	-	-	-	P-III	P-III	-	-	-	-	-
i) Day Care/Family, per 14.310	S-I-A	S-I-A	S-I-A	S-I-A	S-I-A	S-I-A	S-I-A	S-I-A	S-I-A (g)(o)	S-I-A	S-I-A	S-I-A	PUD	S-I-A (g)	S-I-A (g)	S-I-A (g)
j) Day Care/Group, per 14.320	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	-	P-II	-	-
k) Group Care	PUD (k)	PUD (k)	PUD (k)	P-III	P-III	P-III	P-III	P-III	-	P-(a)	P-(a)	P-(a)	-	-	-	-
l) Hospitals	-	-	-	-	-	P-III	S-III	S-III	-	P-III	P-III	-	-	-	-	-
m) Vet. Clinics	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	-	-	P-(b)	-	-
n) Commercial Accessory -Building -Use	- -	- -	- -	- -	- -	- -	- -	- -	S-(h) S-EX	S-(h) S-EX	S-(h) S-EX	S-(h) S-EX	S-(h) S-EX	S-(h) S-EX	- -	- -
o) Bed & Breakfast, per 14.420	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	S-I-C	S-I-C	-	P-I-C	P-I-C	P-I-C	-	-	-	-
p) Vacation Rental Dwelling per 14.280	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	S-I-C	S-I-C	-	P-I-C	P-I-C	P-I-C	-	-	-	-
q) Voluntary Parking -Local Impact -Area Impact	- -	- -	P-II P-III	P-II P-III	P-II P-III	P-II P-III	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
r) Personal Service	PUD (k)	PUD (k)	PUD (k)	PUD (k)	PUD (k)	P-II	S-II	S-II	P-(a)	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	-	-
s) Self-Storage	S- (a)(s)	S- (a)(s)	S- (a)(s)	S-(a)(s)	S- (a)(s)	S- (a)(s)	S- (a)(s)	S-(a)(s)	-	S-(a)(r)	S-(a)(r)	-	-	P-(a)	P-(a)	-
t) Social Services -Facility/Shelter Facility or Site	-	-	-	-	-	-	-	-	-	SUP- IV-B	-	-	-	P- HSUP -IV-B	-	P- HSUP -IV-B
u) Basic Needs Facility or Site	-	-	-	-	-	-	-	-	-	P-1-C	-	-	-	P-1-C	-	P-1-C
5) Recreation																
a) Residential -Local Impact -Area Impact	P-I-C P-III	P-I-C P-III	P-I-C P-II	P-I-C P-II	P-I-C P-II	P-I-C P-II	S-I-C S-II	S-I-C S-II	- -	- -	- -	- -	- -	- -	- -	- -
b) Commercial -Local Impact -Area Impact	- -	- -	- -	- -	- -	- -	- -	- -	P-(a) -	P-(a) P-(a)	P-(a) P-(a)	P-(a) P-(a)	- -	P-(b) P-(b)	- -	- -
c) Athletic Clubs	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
6) Public/Quasi Public/Institutional																
a) Public, Minor	P-III (i)	P-III (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(b) (i)	P-(b) (i)	P-(b) (i)
b) Public, Major	-	-	-	-	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Public Facility, Location Dependent	P-III (i)	P-III (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-II (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(a) (i)	P-(b) (i)	P-(b) (i)	P-(b) (i)
d) Schools	P-III	P-III	P-III	P-II	P-II	P-II	S-II	S-II	-	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
e) Religious Assembly	P-II	P-II	P-II	P-I-C	P-I-C	P-I-C	S-I-C	S-I-C	P-(a)	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	-	-
f) Cultural Exhibit	-	-	-	-	-	P-II	S-II	S-II	P-(a)	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
g) Cemeteries	P-III	P-III	P-III	-	-	-	-	-	-	-	-	-	-	P-(b)	-	-
h) Mortuaries	-	-	-	-	-	P-III	-	-	-	P-(a)	P-(a)	-	-	P-(b)	-	-
i) Library - Main Branch - Neighborhood Branch	- P-III	- P-III	- P-III	- P-II	- P-II	P-II P-II	P-II P-II	P-II P-II	P-(a) P-(a)	P-(a) P-(a)	P-(a) P-(a)	P-(a) P-(a)	P-(a) P-(a)	P-(b) P-(b)	- -	- -
j) Lodges	P-III	P-III	P-III	P-II	P-II	P-II	S-II	S-II	-	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	-	-

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (l)(p)	R-5 (l)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
k) Commercial Parking	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	-	P-(b)	-	-
l) Transportation Facilities outlined in the Master Transportation Plan, and local access streets	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)	P-I-(d)
m) Transportation Facilities not outlined in the Master Trans Plan, nor part of a subdivision or PUD, nor local access streets	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II	P-II
n) Public Parks	P-III	P-III	P-II	P-II	P-II	P-II	P-II	P-II	-	P-II	P-II	P-II	P-II	P-II	-	-
o) Makerspace Innovation Hub	-	-	-	-	-	-	-	-	-	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C	P-I-C
7) Industrial																
a) Repair Maintenance, Industrial	-	-	-	-	-	-	-	-	-	-	-	-	-	P-(b)	-	P-(b)
b) Indoor	-	-	-	-	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)	P-(b)
c) Outdoor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P-(b)
d) Prohibited	-	-	-	-	-	-	-	-	-	-	-	-	-	X	X	X
e) Industrial Accessory -Building -Use	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	- -	S-(h) S-I-EX	S-(h) S-I-EX	S-(h) S-I-EX
f) Outdoor Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	P-II	-	P-II
g) Warehouse	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P-(b)	P-(b)
8) Temporary Uses	-	-	-	-	-	-	-	-	-	P-(a)	P-(a)	P-(a)	P-(a)	P-(b)	P-(b)	P-(b)
9) Telecommunication Facility																

LAND USE TYPES	R-1-12 R-1-10 R-1-8	R-1-6	R-2	R-3 (R-3-1)	R-3-2 (p)	R-4 (R-4-1)	R-4-2 (I)(p)	R-5 (I)(p)	NC	GC (GC-1)	GC-2 (m)(p)	CBD	OR (n)	BP	IP	I (c)
a) New Transmission Tower	-	-	-	-	-	-	-	-	-	C-(j)	C-(j)	-	C-(j)	C-(j)	C-(j)	C-(j)
b) Rooftop Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C	C-I-C
c) Façade-Mounted Antenna	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-II	C-I-C	C-I-C	C-I-C	C-I-C
d) Collocated Antenna on Existing Transmission Tower or Other Structure Other than Building Rooftop or Façade	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-II	C-I-C	C-I-C	C-I-C
e) Ancillary Facilities Located within an Existing Permanent Permitted Structure	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A	P-I-A

Table Legend:

- P = Permitted Use
- S = Secondary Use. Secondary uses are allowed as a permitted use, but only when provided in conjunction with permitted uses. See Sections 12.028 & 12.050.
- = Use Not Permitted
- X = Use Specifically Prohibited (Uses defined in Article 30 as “Industrial, Prohibited”)
- C = Use Conditionally Permitted (See Article 16)
- SUP = Special Use Permit (See Articles 14 and 30)
- PUD = Planned Unit Development

- I-EX = Type I Procedure, Exempt from Development Permit Review, Section 2.033
- I-AU = Type I Procedure, Administrative Use Permit Review Only, Section 2.034
- I-A = Type I Procedure, Building Permit Serves as Development Permit, Section 2.035
- I-B = Type I Procedure, Director’s Decision without Comment Period, Section 2.036
- I-C = Type I Procedure, Director’s Decision with Comment Period, Section 2.037
- II = Type II Procedure, Hearings Officer’s Decision, Section 2.040
- III = Type III Procedure, Planning Commission’s Decision, Section 2.050
- IV-A = Type IV Procedure, City Council Decision without Planning Commission Recommendation, Section 2.060
- IV-B = Type IV Procedure, City Council Decision with Planning Commission Recommendation, Section 2.060
- V = Type V Procedure, Joint Board of County Commissioners & City Council Decision with Planning Commission Recommendation, Section 2.070

Table Notes:

- (a) A Type II Procedure is required if the subject property adjoins a residential zone, otherwise a Type I-C Procedure is required.
- (b) A Type II Procedure is required if the subject property adjoins a residential or commercial zone, otherwise Type I-C Procedure is required.
- (c) If within the Spalding Regionally Significant Industrial Area (RSIA) Overlay, an applicant can request an Expedited Industrial Site Plan Review procedure; otherwise procedures within Schedule 12-2 apply.
- (d) Type I-A, except the following are exempt (Type I-EX): operation, maintenance, repair, and preservation of existing transportation facilities; dedication or public acquisition of rights-of-way and easements; authorization of construction and construction of facilities and improvements, where the improvements are within the existing right-of-way or easement area or are consistent with clear and objective dimensional standards; and emergency measures necessary for the safety and protection of property.
- (e) Manufactured Dwelling Parks are not permitted in industrial zones or industrial Comprehensive Plan land use districts. Siting of an individual home within an approved manufactured dwelling park requires a Type I-A procedure.
- (f) An existing residential dwelling unit is a permitted use in this zone. In zones where a new residential dwelling unit is not a permitted use, this provision allows the existing residential dwelling unit to continue or expand without being subject to the nonconforming use provisions of the Development Code. There may be nonconforming development provisions that are applicable. If an existing dwelling unit is removed in a zone where a new dwelling unit is not permitted, it shall not be replaced.

In zones where a new residential dwelling unit is not a permitted use, this provision does not allow for expansion that increases the number of dwelling units.
- (g) In zones where a new residential dwelling unit is not a permitted use, this provision allows for this use associated with the existing residential dwelling as authorized in Article 14.
- (h) A commercial or industrial accessory building of 400 square feet or less that comprises less than 25 percent of the existing floor area of buildings and meets the definition of a minor modification in Section 19.058 of this Code is reviewed through a Type I-A procedure. All other commercial or industrial accessory buildings are subject to the applicable site plan review procedures.

A watchman's cottage is permitted as a new residential dwelling unit if it serves a direct industrial function. (12.341)
- (i) A Type I-A Procedure is required for water and sewer pump stations. All other minor public facilities are reviewed through the procedure specified in table.
- (j) A Type III Procedure is required if the tower height exceeds the zone height limit, otherwise a Type II Procedure is required.
- (k) Trade and service uses permitted through a PUD in residential zones are subject to the limitations in Article 18.
- (l) In the R-4-2 and R-5 zones, office uses are Secondary Uses, See Section 12.050
- (m) In the GC-2 zone, residential uses are Secondary Uses, See Section 12.050
- (n) In the OR zone, residential uses are Secondary Uses, See Section 12.050
- (o) In the NC zone, upper-story residential uses are Secondary Uses, See Section 12.050

- (p) In addition to the uses listed in Schedule 12-2, the following shall be permitted as primary uses rather than only as secondary uses or as part of a PUD in the specified zone, subject to all applicable provisions of this Code:
1. **R-3-2 zone.**
 - a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
 - b. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014.
 - c. This shall include replacement of an existing single-family detached dwelling on a lot of record meeting the requirements of this section.
 2. **R-4-2 and R-5 zones.**
 - a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
 - b. One duplex, two detached single-family dwellings, or division of a lot of record described below to include two attached units (with one common zero-lot line), subject to all applicable building code, utility, and Development Code requirements.
 - c. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014 which has not expired.
 - d. This shall include replacement of an existing dwelling on a lot of record meeting the requirements of this section.
 3. **GC-2 zone.**
 - a. One single-family detached dwelling on an existing lot of record, and permitted accessory uses, including an accessory dwelling unit, meeting the requirements of this section.
 - b. The existing lot of record shall be existing on or before November 12, 2014, or shall be a lot or parcel that was part of an approved land division application which was submitted on or before November 12, 2014.
 - c. This shall include replacement of an existing single-family detached dwelling on a lot of record meeting the requirements of this section.
- (q) Professional Office use permitted in the Industrial Park District only when subject property is located within the Medical Overlay District.
- (r) Self-Storage in General Commercial zones must adhere to Section 14.710.
- (s) Self-Storage in Residential zones must adhere to Section 14.720.
- (t) Housing applications for multi-family developments that include affordable units for low-income families shall be finalized within 100 days.

Article 14: Certain Uses.....	14-1
14.100 Itinerant Use (Repealed) Special Use Permit	14-1
14.200 Home Occupation	14-1
14.210 <u>Applicability and Purpose</u>	14-1
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Article 14: Certain Uses

14.100 ~~Itinerant Uses. *Repealed. See Chapter 4 of the Municipal Code.*~~ Special Use Permit (SUP)

Special Use Permit (SUP): Three land use types require a Special Use Permit for the use to be established and operate. The specific land uses are defined in Article 30 and they are:

- (1) Shelter Facility or Site
- (2) Supportive Housing – Type A
- (3) Supportive Housing – Type B

The process used to review and decide on any application for approval of any of the three land uses is the Type IV-AB procedure. This procedure provides for ~~at~~two quasi-judicial hearings (one each before the Urban Area Planning Commission and City Council) and a final decision by the City Council ~~with~~out a recommendation from the Urban Area Planning Commission. Applications for a Special Use permit must use the pre-application conference and review process. Depending on the nature of the project, this may require a Site Plan Review. After staff has determined the project application meets the minimum requirements for application submittal, the application will be scheduled for public hearing before the City Council. The criteria used by the City Council to determine if an application will be approved and the types of conditions that may be placed on the permit holder of a Special Use Permit include:

- (a) The applicant has submitted a Development and Operations Plan which describes the need for the services to be provided and the feasibility of sustaining the services over the period proposed. The Plan must include an assessment of possible negative impacts which could occur in the surrounding area and what mitigating actions will be taken to minimize those impacts.
- (b) Applicant/Operator Qualification Certification – The applicant must present evidence of past successful experience developing and operating services comparable to the proposed services, or otherwise demonstrate past performances which are an indicator of probable success in carrying out the use/service the applicant is requesting.
- (c) The project must be deemed in compliance with all relevant city codes and state and federal laws.
- (d) The term of the permit shall be three (3) years. The permit may be renewed and extended for an additional three (3) year term at the end of each term. If the site has demonstrated full compliance with the permit conditions and no substantial modifications to the SUP are proposed, the City Manager or designee may authorize a one-time extension of three (3) years. A permit extension beyond six (6) years or any substantial change to the operation, including an increase in persons served of more than 10%, requires a new public hearing before the City Council.
- (e) Special Use Permits can be revoked by the City Council with a 15-day notice upon a demonstration that the permit holder has failed to comply with the

conditions of approval. A permit can be revoked at any time by the City Manager upon a demonstration of immediate threat to public health or safety.

- (f) A permit for a Shelter Facility or Site shall require compliance with the most recent version of the Oregon State Fire Marshal's Technical Advisory for Temporary Shelters (OSFM TA 14-12).
- (g) A permit for Supportive Housing, Type A or B, shall require compliance with all minimum development standards required of a multi-dwelling complex per the base zoning district, including the maximum density figures in Section 12.140 of the Development Code. A Type A application may request waivers to development standards through the Special Use Permit process.

Upon approval of the application, the City Council will authorize the issuance of a Special Use Permit for the project. The right of the project to operate under the Special Use Permit will be ongoing but will be subject to a bi-annual review by the City to determine if the performance is satisfactory and whether improvements in the performance are required.

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Article 30: Definitions

Bankfull Stage: The stage or elevation at which water overflows the natural banks of streams or other waters and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage.

Base Flood: 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.

Basement: A space wholly or partly underground and having more than one-half of its height, measured from its floor to its ceiling, below the average adjoining finished grade.

Basic Needs Facility or Site: This land use type is to permit the provision of goods and services to meet the basic needs of unhoused persons or other persons needing assistance. Goods and services which may be provided include, but are not limited to, food, health care, clothing, ~~warming center~~, housing technical assistance, and other supportive services. The target population for these goods and services is primarily unhoused persons and those at-risk of becoming unhoused. Others in need of assistance, such as travelers and migrants, may also be served. Goods and services will be provided by non-profit agencies, charitable organizations, and governmental agencies. Goods and services may be provided from buildings or open sites and may be year-round or seasonal. This land use type does not include shelter or housing.

Beds or Banks: The physical container of the waters of this state lying below bankfull stage.

Bed and Breakfast Inn: A use providing temporary overnight lodging and a morning meal (breakfast), for which monetary compensation is paid and received. Bed and Breakfast does not include other similar service uses, such as eating and drinking establishments, religious services, clothing sales or distribution outlets, health or limited care for needy individuals, boarding homes, group quarters, transient quarters, or rescue missions.

Berm: A man-made mound or small hill or earth used to deflect sound or used as a buffer in landscaping provisions to separate incompatible areas or to provide aesthetic enhancement in site design.

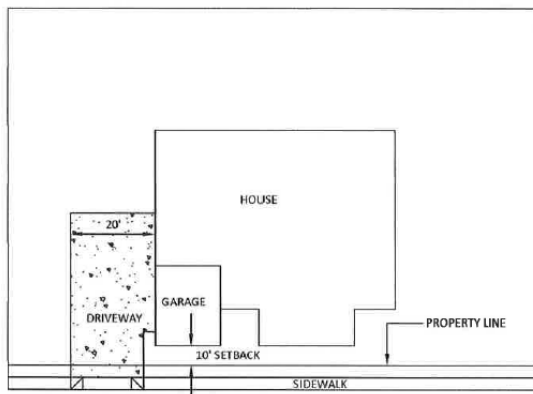
Bicycle Parking Facilities: Space and improvements dedicated exclusively for use of securing bicycles. They include, but are not limited to: marked spaces, structures including lockers, racks and enclosures, and areas providing maneuvering space for access to parking spaces and improvements.

Bikeway: A paved facility provided for use by cyclists. There are four types of bikeways:

Shelter Facility or Site: This land use type is to provide temporary shelter for unhoused persons. The use may include emergency shelter in response to disaster events or severe weather (extreme cold or heat). Shelter type may range from existing or new structures, tents, to camp trailers, to purpose-built shelters such as “Pallet Shelters.” Food service, medical aid, and other supportive services may be provided. Sanitation and security must be provided.

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Side-Loaded Garage: A garage that is located perpendicular to either a front or exterior yard where a minimum of twenty (20) feet of paved area is located in front of the garage entrance.



Site: That parcel of real property in common ownership, notwithstanding that the particular application may be for development of a portion of the site only. Conveyance of less than fee title to different persons, such as by ground lease, shall not operate to prevent the requiring of site design review of the entire parcel.

Site Plan: A plan, prepared to scale, showing accurately and with complete dimensions, all the uses proposed for a parcel of land and other information as required by specific sections of this Code.

~~Social Services Facility/Transient Quarters: A private, not for profit, non profit, or government organization providing any of the following: temporary housing, food, clothing and other support services primarily to adult, transitory individuals.~~

Solar Access Permit: A document that describes the maximum permitted height of non-exempt vegetation on properties to which the permit applies to protect solar access on the property of the permit applicant, to the extent authorized by the City. A Solar Access permit shall include, but is not limited to, the legal description of the properties benefited and restricted by the Permit and copy of the sun chart, solar access permit height limitations, and information listed in The Solar Access Permit Height Limitations (Solar Envelope) of the solar energy system.

Solar Energy Systems, Active: Utilizes heat collection which is separate from the area being heated, with a mechanical method of transferring heat between the two areas.

Solar Energy System, Passive: Requires no external energy input to collect and disperse solar heat. In new building design this means utilizing site design, building orientation, window placement, insulation, vegetation, etc. to heat and cool a building. Passive solar systems may also include the addition of such solar collectors as greenhouses, water traps, improved insulation or other weatherization techniques.

Southern Building Line: A line establishing the southernmost location for a structure on a lot.

Southern Lot Line: A lot line or lines less than 45 degrees southeast or southwest of a line drawn east-west and intersecting the southernmost point of the lot, or, if no such line exists, the lot line the fewest degrees southeast or southwest of this east-west line.

Special Purpose District: Overlay zone designations which set forth specific land use regulations in addition to the standards of the underlying Zoning District.

Special Use Permit: [A land use permit issued by the Grants Pass City Council to authorize one or more of several uses specific to meeting the needs of unhoused persons, or those at-risk of becoming unhoused. The uses that may authorized by this permit are: 1\) Shelter Facility or Site, 2\) Supportive Housing – Type A, and 3\) Supportive Housing – Type B. These land uses are defined in Article 30 – Definitions. Approval of a Special Use Permit uses the Type IV-AB land use application and review process. See Article 14 – Special Uses for more information.](#)

Staff: An employee or employees of the City of Grants Pass.

Stand: A hard-surfaced area within a manufactured home space or lot designed for placement of a manufactured home.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above finish grade, such basement or cellar shall be considered a story.

Story, Half: A basement or cellar, except as provided in this Code, which has less than six feet of its height above finish grade.

Street Plug: An area of land that is dedicated to the public for a future street or other specified purpose, over which current access is prohibited or specifically limited.

Subdivision Plat: A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Supportive Housing – Type A: This land use type is for the provision of transitional housing where a full range of supportive services are provided. Sanitation and security must be provided. This housing is intended for relatively short-term occupancy. The expectation is to serve persons either unhoused or coming from a shelter and provide housing and support services that will enable moving people to a longer-term housing situation. The housing in this use category must meet the building standards set out in the 2017 Oregon Transitional Housing Code (as it may be revised).

Supportive Housing – Type B: This land use type is for the provision of a permanent housing facility where a full range of supportive services are provided. Sanitation and security must be provided. This housing is intended for relatively longer-term occupancy. However, the expectation is the client population would eventually move on to other longer-term housing where supportive services are no longer necessary. The housing in this category must meet the building standards set out in the 2019 Oregon Specialty Code (as it may be revised).

Supportive Services: The range of services included in this category will vary depending upon the need of the client population but typically includes employment assistance, counseling, job training, on-site medical aid, and/or financial services. Services at a minimum should provide for basic needs but may include more extensive and complex services.

Tax Lot: See "Lot, Tax."

Tentative grading plan: A grading plan submitted with the application and used for public review. It shall be drawn at a scale of either 1:50 or 1:100 and indicate intervals of 5 feet. It shall indicate cuts, fills, and retaining walls, and shall be replaced with a final grading plan.

Tentative Plan: A map showing the proposed layout of a property line adjustment, partition, subdivision, or planned unit development.

Tourist Court, Motel: See "Hotel."

Townhouse: Two or more common wall single family dwelling units, each unit of which is built upon an individually owned subdivided or partitioned lot or parcel.

Trade, Retail: The distribution, retail sale and/or rental of goods. Retail trade may include Wholesale trade and Handcrafted Manufacturing, but only as an accessory use to retail trade, when retail trade is the dominant use. In no case shall retail trade include manufacturing or assembly, except in the case of handcrafted items crafted for sale.

- (1) Ground Floor Level: Handcrafted Manufacturing or Wholesaling uses shall not exceed more than 25% of floor area. Not more than two handcrafted power machines may be operating at the same time.
- (2) Other than Ground Floor: No area restriction. Not more than one handcrafted power machine for every 400 square feet of floor area may be operating at the same time.

Retail Trade may include those offices necessary to the function of the retail trade operation. Retail trade does not include bulk fuel oil or bulk vehicle fuel sales; sale of explosives, and/or live animal sales other than small domestic pets. Retail Trade uses are of two types, as follows:

- (1) Indoor: Retail Trade uses which do not require more than 5% of the enclosed square footage for outdoor uses accessory to the enterprise, other than parking.
- (2) Outdoor: Retail Trade uses which require more than 5% of the enclosed square footage for outdoor uses accessory to the enterprise, other than parking.

Trade, Wholesale: The distribution and sale of goods at wholesale. Wholesale trade may include retail trade as an accessory use when wholesale trade is the dominant use. Wholesale trade does not include storage and/or sale of bulk fuel oil, bulk fuel, explosives or other hazardous material, or sale of live animals other than small domestic pets, when such sales are made from the premises. Wholesale Trade by brokerage only, with no display or storage of merchandise on the premises, shall be considered a Business Office use.

~~Transient Quarters: See Social Services Facility/Transient Quarters.~~

Transportation Facilities: Any physical facility that moves or assists in the movement of people or goods, but excluding electricity, sewage and water systems. A plan or land use regulation amendment significantly affects a transportation facility if it:

- (1) Changes the functional classification of an existing or planned transportation facility;
- (2) Changes standards implementing a functional classification system;
- (3) Allows types or levels of land uses which would result in levels of travel access which are inconsistent with the functional classification of a transportation facility; or
- (4) Would reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.