

**CITY OF GARIBALDI
ORDINANCE NO. 321**

**AN ORDINANCE ADOPTING ARTICLES AMENDING TITLE 18 ZONING
OF THE GARIBALDI MUNICIPAL CODE, AMENDING THE GARIBALDI
COMPREHENSIVE PLAN, AND REPLACING THE CITY OF GARIBALDI
ZONE MAP**

The City of Garibaldi ordains as follows:

ARTICLE I. Adopting Amendments to Title 18 of the Garibaldi Municipal Code.

Garibaldi Municipal Code is amended by the changes as directed in this section. Reference to section numbers and titles are not part of the adopted text amendments except as required for reference for codification of new or replacement text. The table of contents for this section is provided only for reference.

1. GMC § 18.05.030 Definitions, adds definition of Incidental Alcohol Service
2. GMC § 18.25.010 Purpose, amended
3. GMC § 18.25.020 Uses permitted outright, amends subsection C
4. GMC § 18.25.020(F) Uses permitted outright, deletes subsection 2
5. GMC § 18.25.020 Uses permitted outright, amends subsection N
6. GMC § 18.25.020 Uses permitted outright, adds subsection S
7. GMC § 18.25.020 Uses permitted outright, adds subsection T
8. GMC § 18.25.030 Conditional uses permitted, amends subsection A
9. GMC § 18.25.030 Conditional uses permitted, amends subsection G
10. GMC § 18.25.030 Conditional uses permitted, adds subsection K
11. GMC § 18.25.040 Standards, amends subsection A
12. GMC § 18.25.040 Standards, amends subsection B
13. GMC § 18.25.040 Standards, amends subsection C
14. GMC § 18.25.040 Standards, amends subsection D
15. GMC § 18.27.010 Purpose, amends section
16. GMC § 18.27.020 Uses permitted outright, amends subsection A
17. GMC § 18.27.020 Uses permitted outright, amends subsection C
18. GMC § 18.27.020 Uses permitted outright, amends subsection J
19. GMC § 18.27.020 Uses permitted outright, amends subsection K
20. GMC § 18.27.020 Uses permitted outright, renumbers subsections L, M and N
21. GMC § 18.27.020 Uses permitted outright, adds subsection L
22. GMC § 18.27.020 Uses permitted outright, adds subsection P
23. GMC § 18.27.020 Uses permitted outright, adds subsection Q
24. GMC § 18.27.030 Conditional uses permitted, amends subsection D
25. GMC § 18.27.030 Conditional uses permitted, renumbers subsections E and F
26. GMC § 18.27.030 Conditional uses permitted, adds subsection E
27. GMC § 18.27.030 Conditional uses permitted, adds subsection F
28. GMC § 18.27.030 Conditional uses permitted, adds subsection I
29. GMC § 18.27.030 Conditional uses permitted, adds subsection J
30. GMC § 18.27.040 Standards, replaces section

Section 1. Within GMC § 18.05.030 Definitions, the following definition is to be placed in alphabetical order within the section, and to read as follows:

“Incidental Alcohol Service” means alcohol service when not more than 35% of food and beverage sales, measured over any relevant period of 30 days or more, are from sales of beverages containing alcohol.

Section 2. GMC § 18.25.010 Purpose is amended to read as follows:

The C-1 zone is intended to allow certain additional uses not allowed along U.S. Highway 101 in the D-1 Zone, and to maintain primary commercial uses such as stores, banks and offices beyond the limits of the Downtown Zone. Large land users and automobile-oriented drive-through uses are intended to be located in the commercial zone.

Section 3. Subsection C of GMC § 18.25.020 Uses permitted outright, is amended to read as follows:

Eating and drinking establishments with no more than incidental alcohol service, including those that provide outdoor seating.

Section 4. Subsection 2 of GMC § 18.25.020(F) Uses permitted outright is deleted.

Section 5. Subsection N is amended to GMC § 18.25.020 Uses permitted outright is amended to read as follows:

Single-family residences established prior to July 1, 1996 and in a dwelling unit or structure originally permitted and constructed for that use.

Section 6. Subsection S is added to GMC § 18.25.020 Uses permitted outright to read as follows:

Attended fueling stations established prior to July 1, 2007.

Section 7. Subsection T is added to GMC § 18.25.020 Uses permitted outright to read as follows:

Special Events: As used in this section, “Special Event” means a community-oriented and endorsed gathering or celebration intended for recreation, entertainment, fundraising, or other similar purposes. Special events are allowed when:

1. The special event is limited to no more than 7 days per calendar year; and,
2. The special event organizer obtains approval from the Oregon Liquor Control to serve alcohol at the event and otherwise meets all lawful requirements for alcohol sales and consumption outdoors; and,

3. The special event organizer obtains the written permission of the City Manager authorizing the outdoor sale and consumption of alcohol at the event.

Section 8. Subsection A of GMC § 18.25.030 Conditional uses permit is amended to read as follows:

Service or fueling stations, car lots, lumber yards, manufactured dwellings dealerships, public or private parking facilities, boat dealers, farm equipment dealers, nurseries, and other uses where outdoor sales and storage are associated with the use.

Section 9. Subsection G of GMC § 18.25.030 Conditional uses permit is amended to read as follows:

Duplex, Triplex or multifamily dwellings, subject to GMC 18.110.010.

Section 10. Subsection K of GMC § 18.25.030 Conditional uses permit is added to read as follows:

Eating and drinking establishments with more than incidental alcohol service.

Section 11. Subsection A of GMC § 18.25.040 Standard is amended to read as follows:

Minimum lot size: none.

Section 12. Subsection B of GMC § 18.25.040 Standards is amended to read as follows:

Yards and Setbacks. For residential uses, the requirements shall be the same as in the R-1 zone. The minimum yard depth for portions of the property abutting a residential zone will be 15 feet. The Uniform Fire Protection Code shall govern adjacent commercial uses. The minimum setback requirements for commercial structures shall be established by applicable building codes.

Section 13. Subsection C of GMC § 18.25.040 Standards is amended to read as follows:

Building Height. Maximum building height shall be 30 feet. Maximum building height allowed outright shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under Chapter 18.185 GMC.

Section 14. Subsection D of GMC § 18.25.040 Standards is amended to read as follows:

Outdoor sales and service areas not requiring conditional use approval shall be approved by the planning commission. Such areas shall not exceed 400 square feet. The planning commission may require that such areas be enclosed by fencing or landscaping where appropriate.

Section 15. GMC § 18.27.010 Purpose is amended to read as follows:

The D-1 zone is intended to increase and encourage mixed use dense commercial uses in the centralized part of U.S. Highway 101. It is intended to provide an area for small to medium sized commercial uses, encourage revitalization of downtown, and provide for adequate traffic flows and a pedestrian-friendly environment.

Section 16. Subsection A of GMC § 18.27.020 Uses permitted outright is amended to read as follows:

Primary retail activities, such as shops or stores engaged in the sale of retail merchandise, except for outdoor sales establishments, establishments selling automobiles, manufactured dwellings or other large merchandise.

Section 17. Subsection C of GMC § 18.27.020 Uses permitted outright is amended to read as follows:

Eating and drinking establishments with no more than incidental alcohol service, including those that provide outdoor seating.

Section 18. Subsection J of GMC § 18.27.020 Uses permitted outright is amended to read as follows:

Single-family residences established prior to July 1, 1996 and in a dwelling unit or structure originally permitted and constructed for that use.

Section 19. Subsection K of GMC § 18.27.020 Uses permitted outright is amended to read as follows:

Attended fueling stations established prior to July 1, 2007.

Section 20. Subsections L, M and N of GMC § 18.27.020 are renumbered to M, N and O respectively.

Section 21. Subsection L of GMC § 18.27.020 Uses permitted outright is added to read as follows:

Automobile drive-through commercial uses established prior to July 1, 2007.

Section 22. Subsections P of GMC § 18.27.020 Uses permitted outright is added to read as follows:

Limited outdoor sales in conjunction with an established allowed use, subject to the following standards:

1. The area devoted to outdoor sales does not occupy any required parking spaces, and;
2. The area devoted to temporary outdoor sales does not occupy more than 10 percent of the floor area devoted to the primary use, and;

3. The product offered for sale outdoors is displayed and stocked adjacent to the building's exterior.

Section 23. Subsections Q of GMC § 18.27.020 Uses permitted outright is added to read as follows:

Special Events: As used in this section, "Special Event" means a community-oriented and endorsed gathering or celebration intended for recreation, entertainment, fundraising, or other similar purposes. Special events are allowed when:

1. The special event is limited to no more than 7 days per calendar year: and,
2. The special event organizer obtains approval from the Oregon Liquor Control to serve alcohol at the event and otherwise meets all lawful requirements for alcohol sales and consumption; and,
3. The special event organizer obtains the written permission of the City Manager authorizing the outdoor sale and consumption of alcohol at the event.

Section 24. Subsections D of GMC § 18.27.030 Conditional uses permitted is amended to read as follows:

Expansion of service attended fueling station facilities established prior to July 1, 2007.

Section 25. Subsections E and F of GMC § 18.27.030 Conditional uses permitted are renumbered to G and H respectively.

Section 26. Subsections E of GMC § 18.27.030 Conditional uses permitted is added to read as follows:

Expansion of automobile drive-through commercial uses established prior to July 1, 2007.

Section 27. Subsections F of GMC § 18.27.030 Conditional uses permitted is added to read as follows:

New automobile drive-through commercial use.

Section 28. Subsections I of GMC § 18.27.030 Conditional uses permitted is added to read as follows:

Eating and drinking establishments with more than incidental alcohol service.

Section 29. Subsections J of GMC § 18.27.030 Conditional uses permitted is added to read as follows:

Accessory structures located in front of the primary structure or use.

Section 30. GMC § 18.27.040 Standards is amended to read as follows:

In a D-1 zone, the following standards shall apply:

A. Building Setbacks. The following setback standards apply to both primary and accessory structures. The standards may be modified only by approval of a variance in accordance with GMC § 18.190.

1. Front Yard Setbacks.

- a. Minimum Setback. The minimum allowable front yard setback is three feet to be used to match the sidewalk and to allow for the placement of signs, benches, planters and other elective amenities on private property.

2. Rear Yard Setbacks. There is no minimum rear yard setback.

3. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the clear vision standards in GMC § 18.95, and the applicable fire and building codes for attached structures, fire walls, and related requirements.

B. Lot Coverage. There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

C. Building Height. All buildings in the Garibaldi downtown district shall comply with the following building height standard, intended to allow for development of appropriately scaled buildings incorporating a storefront character downtown, and to protect solar access, scenic views, and property values of adjacent residential uses in the R-1 Zone.

- 1. Building Height. Maximum building height allowed outright shall be 30 feet. Any building exceeding 30 feet in height shall be reviewed following the standards and procedures for conditional uses under GMC § 18.185.

D. Underground Utilities.

1. It is the policy of the city to place all utilities underground except as otherwise exempted below. Developers shall make arrangements with serving utility companies for installation possibility of such utilities.

2. Exceptions. The city may permit overhead utilities as a condition of approval where the applicant can demonstrate one of the following conditions:

- a. Underground utility locations are not feasible.

- b. Temporary installations.

- c. Major transmission facilities located within rights-of-way or easements.
- d. Surface-mounted structures, substations or facilities requiring above ground locations by the serving utility.

3. Developers shall provide for the installation of conduit to a building for future undergrounding in the case of an exception.

G. Special Standards for Certain Uses. This section supplements the standards contained in GMC § 18.27.020 through GMC § 18.27.030, providing standards for the following land uses in order to control the scale and compatibility of those uses within the downtown zone:

1. Residential Uses

- a. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed use structure (residential with commercial or public/institutional use). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed.
- b. Limitation on Street-Level Housing. Residential uses on the ground floor may occupy no more than 50 percent of the total ground floor square footage.

2. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Garibaldi downtown zone may include small workshops, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Garibaldi downtown zone. Accessory structures shall comply with the following standards:

- a. Primary Use Required. An accessory structure shall not be allowed before or without a primary use.
- b. Setback Standards. Accessory structures shall comply with the setback standards in subsection (A) of this section.
- c. Restrictions. A structure shall not be placed over an identified alley or easement that prohibits such placement. No structure shall encroach into the public right-of-way.

3. Sidewalk Displays. Sidewalk display of merchandise next to buildings is permitted; however, a minimum pedestrian clearance of six feet shall be maintained.

4. Light Manufacture. Light manufacture uses (i.e., manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods) shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of downtown Garibaldi:

- a. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.
- b. Location. The light manufacture use shall be enclosed within a building.

H. Parking Requirements.

1. Parking Requirements. Parking requirements within the downtown zone shall conform to GMC § 18.125, with the following exceptions.

- a. Uses allowed in the D-1 zone under GMC § 18.27.020(A), (B), (C), (E), (H), (I), (K), and (L) which are located on lots created prior to 2012 and less than 10,000 square feet in size shall be exempt from off-street parking requirements.

2. On-Street Parking. On-street parking spaces that front and are contiguous to (on the same side of the street) the lot may be counted in the required parking.

3. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half city block, whichever is smaller.

ARTICLE II. Adopting Garibaldi Comprehensive Plan Amendments. The Garibaldi Comprehensive Plan is amended as provided in this section. Section numbers and titles are for reference only and are not part of the adopted Comprehensive Plan text except as required for reference for or codification of new or replacement text.

Section 1. XIII. Goal 9 – Economy of the City of Garibaldi Comprehensive Plan, subsection A(1) is amended to read as follows:

The C-1 zone is intended to allow certain additional uses not allowed along U.S. Highway 101 in the D-1 Zone, and to maintain primary commercial uses such as stores, banks and offices beyond the limits of the Downtown Zone. Large land users and automobile-oriented drive-through uses are intended to be located in the commercial zone.

Section 2. XIII. Goal 9 – Economy of the City of Garibaldi Comprehensive Plan, is amended to renumbered subsections A(2) through A(4) to A(3) through A(5) respectively.

Section 3. XIII. Goal 9 – Economy of the City of Garibaldi Comprehensive Plan, is amended to add the following text as subsection A(2):

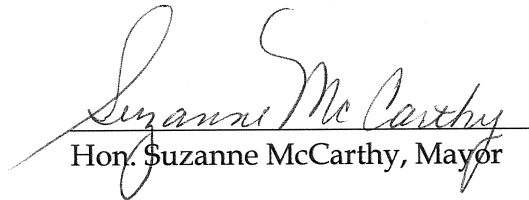
The Downtown Zone (D-1) is increase and encourage mixed use dense commercial uses in the centralized part of U.S. Highway 101. It is intended to provide an area for small to medium sized commercial uses, encourage revitalization of downtown, and provide for adequate traffic flows and a pedestrian-friendly environment.

ARTICLE III. Adopting City of Garibaldi Zone Map.

The City adopts the map titled “City of Garibaldi Proposed Zoning Changes”, dated June 6, 2014 as the City’s Zone Map, attached as “Exhibit C” and incorporated by reference herein. This Zone Map replaces all previous land use zoning maps of the City of Garibaldi as of the effective date of this ordinance.

ARTICLE IV. Effective Date. This ordinance takes effect 30 days from the date of its adoption.

Passed by the Common Council and approved by the Mayor of the City of Garibaldi, this 16th day of June, 2014.


Hon. Suzanne McCarthy, Mayor

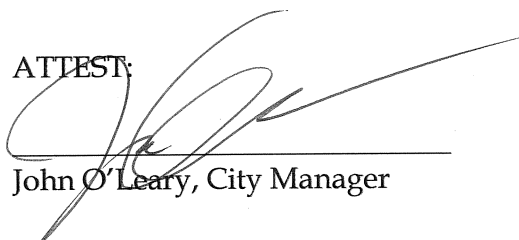
ATTEST:

John O'Leary, City Manager

Exhibit A – Garibaldi Planner Report to City Council, dated June 16, 2014

Exhibit B – Proposed Zoning Changes Map, dated June 6, 2014