

Signed as original

ORDINANCE NO. 92

*Repealed by
107*

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING REGULATIONS FOR THE CITY OF GARIBALDI, OREGON, IN CONCEPT WITH THE COMPREHENSIVE PLAN.

WHEREAS, The City Council has requested that a comprehensive plan and zoning ordinance be enacted and created for and by the City of Garibaldi; and

THEREFORE, the City of Garibaldi does ordain as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010 Title. This ordinance shall be known as the Garibaldi Zoning Ordinance.

Section 1.020 Purpose. The purpose of the ordinance is: To encourage the orderly development of the city; to promote appropriate uses of land; to conserve and stabilize the value of property; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the city; and in general to promote the public health, safety, convenience, and general welfare. The city has prepared a comprehensive plan and zoning ordinance to encourage orderly growth and to promote the public health, safety, convenience, and general welfare.

Section 1.030. Definitions. As used in this ordinance the following words and phrases shall mean:

(1) Accessory Use and Structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

(2) Access. Access to property is described as normal vehicular access, by which normal ingress and egress by automobiles or other vehicles and pedestrians may be obtained to private property from public or private right-of-way.

(3) Building. A structure, other than a mobile home, built for the support, shelter, or enclosure of persons, animals, or property of any kind, and having a fixed base on, or fixed connection to the ground.

(4) City. The City of Garibaldi, Oregon.

(5) Dwelling Unit. One or more rooms in a building that are designed for occupancy by one family and that have cooking and sanitary facilities, but not including space in a structure or vehicle designed for camping or other temporary occupancy such as a hotel, motel or recreational vehicle.

(6) Dwelling, Single Family or One Family. A detached building containing one dwelling unit and designed for occupancy by one family only.

(7) Dwelling, Duplex or Two Family. A detached building containing two dwelling units and designed for occupancy by two families.

(8) Dwelling, Multi-Family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

(9) Family. An individual or two or more persons related by blood, marriage, legal adoption, guardianship, or one or more persons living together as one housekeeping unit, using one kitchen, and providing meals or lodging.

(10) Grade (Ground Level). The average elevation of the finished grade or ground at the centers of all walls of a building.

(11) Height of Building. The vertical distance from the grade to the highest point of the roof, excluding chimneys, aeriels, and similar extensions.

(12) Home Occupation. A lawful occupation carried on by a resident of a dwelling as an accessory use on the same property, in connection with which there is no person employed other than a person residing on the premises; and there is no activity conducted in such a manner as to give an outward appearance of a business in the ordinary meaning of the term, or disruption of the neighborhood.

(13) Kennel. A lot or building in which four or more dogs, cats, or at least four animals of four months of age or older are kept commercially for board, propagation, training, or sale.

(14) Lot. A parcel or tract of land.

(15) Lot Area. The total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property.

(16) LOT, CORNER. A LOT ABUTTING ON TWO OR MORE DEDICATED STREETS AT THEIR INTERSECTION.

(17) LOT DEPTH. THE AVERAGE HORIZONTAL DISTANCE BETWEEN THE FRONT LOT LINE AND THE REAR LOT LINE.

(18) LOT LINE. THE PROPERTY LINE BOUNDING A LOT.

(19) LOT LINE, FRONT. THE LOT LINE SEPARATING THE LOT FROM THE STREET, AND IN THE CASE OF A CORNER LOT, THE SHORTEST LOT LINE ALONG A STREET.

(20) LOT LINE, REAR. THE LOT LINE WHICH IS OPPOSITE AND MOST DISTANT FROM THE FRONT LOT LINE. IN THE CASE OF AN IRREGULAR, TRIANGULAR, OR OTHER SHAPED LOT, A LINE 10 FEET IN LENGTH WITHIN THE LOT PARALLEL TO AND AT A MAXIMUM DISTANCE FROM THE FRONT LOT LINE.

(21) LOT LINE, SIDE. ANY LOT LINE NOT A FRONT OR REAR LOT LINE.

(22) LOT WIDTH. THE AVERAGE HORIZONTAL DISTANCE BETWEEN THE SIDE LOT LINES, ORDINARILY MEASURED PARALLEL TO THE FRONT LOT LINE.

(23) LOT AREA COVERAGE. THE MAXIMUM AMOUNT OF THE LOT WHICH CAN BE COVERED WITH STRUCTURES, INCLUDING CARPORTS, PORCHES, AND OTHER ATTACHMENTS, BUT NOT PARKING AREA, PATIOS, DECKS OR OTHER SURFACE LEVEL IMPROVEMENTS.

(24) MOBILE HOME. A STRUCTURE BUILT ON A CHASSIS AND DESIGNED TO BE USED WITH OR WITHOUT A PERMANENT FOUNDATION AS A RESIDENTIAL DWELLING CONTAINING SLEEPING, COOKING, AND PLUMBING FACILITIES.

(25) NONCONFORMING STRUCTURE OR USE. A LAWFUL EXISTING STRUCTURE OR USE AT THE TIME THIS ORDINANCE OR ANY AMENDMENT THERETO BECOMES EFFECTIVE, WHICH DOES NOT CONFORM TO THE REQUIREMENTS OF THE ZONE IN WHICH IT IS LOCATED.

(26) OWNER. AN OWNER OF PROPERTY OR THE AUTHORIZED AGENT OF AN OWNER.

(27) OPEN SPACE. THAT PORTION OF A LOT OR PARCEL OF PROPERTY WHICH IS LEFT UNCOVERED BY STRUCTURES, PARKING, PATIOS, AND OTHER IMPERVIOUS SURFACES; IT IS AREA DEVOTED PRIMARILY TO LANDSCAPING OR NATURAL VEGETATION, ALTHOUGH THE USE OF DECKS IS ALLOWED, AND LANDS WHICH REMAIN SUBSTANTIALLY UNDEVELOPED FOR ONE OR MORE OF THE FOLLOWING REASONS:

- A) PUBLIC OR PRIVATE OUTDOOR RECREATION;
- B) PUBLIC HEALTH OR SAFETY;
- C) MANAGED RESOURCE PRESERVATION;
- D) MANAGED RESOURCE PRODUCTION; AND
- E) SEPARATION BETWEEN OTHER USES.

(28) PARKING SPACE. AN ENCLOSED OR UNENCLOSED SURFACED AREA OF NOT LESS THAN 18 FEET BY 9 FEET IN SIZE, EXCLUSIVE OF MANEUVERING AND ACCESS AREA, PERMANENTLY RESERVED FOR THE TEMPORARY STORAGE OF ONE AUTOMOBILE AND CONNECTED WITH A STREET OR ALLEY WHICH AFFORDS INGRESS AND EGRESS FOR AUTOMOBILES.

(29) PERSON. EVERY NATURAL PERSON, FIRM, PARTNERSHIP, ASSOCIATION, SOCIAL OR FRATERNAL ORGANIZATION, CORPORATION, TRUST, ESTATE, RECEIVER, SYNDICATE, BRANCH OF GOVERNMENT OR ANY GROUP OR COMBINATION ACTING AS A UNIT.

(30) RECREATION VEHICLE. A VACATION TRAILER OR OTHER VEHICULAR OR PORTABLE UNIT WHICH IS EITHER SELF-PROPELLED OR TOWED OR IS CARRIED BY A MOTOR VEHICLE; WHICH IS INTENDED FOR HUMAN OCCUPANCY AND IS DESIGNED FOR VACATION OR RECREATION PURPOSES BUT NOT FOR RESIDENTIAL USE.

(31) RECREATION VEHICLE PARK. A LOT WHICH IS OPERATED ON A FEE OR OTHER BASIS AS A PLACE FOR THE PARKING OF OCCUPIED RECREATION VEHICLES.

(32) SIDEWALK, PUBLIC. A PEDESTRIAN ACCESS AT LEAST 6 FEET WIDE LOCATED WITHIN THE STREET RIGHT- OF- WAY FOR THE PURPOSE OF WALKING AND SEPARATED FROM VEHICULAR TRAFFIC. WHERE PUBLIC SIDEWALKS DO NOT EXIST, THE SIX FEET OF RIGHT-OF-WAY ON EITHER SIDE OF THE STREET SHALL BE CONSIDERED AS A SIDEWALK; (IN COMMERCIAL AREAS FOR THE PURPOSE OF EVALUATING SIGN OVERHANGS.)

(33) SIGN. AN IDENTIFICATION, DESCRIPTION, ILLUSTRATION, OR DEVICE WHICH IS AFFIXED TO OR REPRESENTED, DIRECTLY OR INDIRECTLY UPON A BUILDING, STRUCTURE, OR LAND, AND WHICH DIRECTS ATTENTION TO A PRODUCT, PLACE, ACTIVITY, PERSON, INSTITUTION, OR BUSINESS. EACH DISPLAY SURFACE OF A SIGN OTHER THAN TWO SURFACES PARALLEL AND BACK TO BACK ON THE SAME STRUCTURE SHALL BE CONSIDERED A SIGN.

(34) SIGN, ADVERTISING. A SIGN WHICH DIRECTS ATTENTION TO A BUSINESS, PRODUCT, ACTIVITY, OR SERVICE WHICH IS NOT NECESSARILY CONDUCTED, SOLD, OR OFFERED UPON THE PREMISES WHERE SUCH SIGN IS LOCATED.

(35) STREET. ENTIRE WIDTH BETWEEN THE RIGHT-OF-WAY LINES OF EVERY WAY FOR VEHICULAR AND PEDESTRIAN TRAFFIC AND INCLUDES THE TERMS "ROAD", "HIGHWAY", "LANE", "PLACE", "AVENUE", "ALLEY", AND OTHER SIMILAR DESIGNATIONS.

(36) STRUCTURE. SOMETHING CONSTRUCTED OR BUILT, OR ANY PIECE OF WORK ARTIFICIALLY BUILT UP OR COMPOSED OF PARTS JOINED TOGETHER IN SOME DEFINITE MANNER.

(37) STRUCTURAL ALTERATION. ANY CHANGE TO THE SUPPORTING MEMBERS OF A STRUCTURE INCLUDING FOUNDATIONS, BEARING WALLS OR PARTITIONS, COLUMNS, BEAMS, GIRDERS, OR ANY STRUCTURAL CHANGE IN THE ROOF OR EXTERIOR WALLS.

(38) USE. THE PURPOSE FOR WHICH LAND OR A STRUCTURE IS DESIGNED, ARRANGED, OR INTENDED, OR FOR WHICH IT IS OCCUPIED OR MAINTAINED.

(39) YARD. AN OPEN SPACE ON A LOT WHICH IS UNOBSTRUCTED FROM THE GROUND UPWARD EXCEPT AS OTHERWISE PROVIDED IN THIS ORDINANCE.

(40) YARD, FRONT. A YARD BETWEEN SIDE LOT LINES AND MEASURED HORIZONTALLY AT RIGHT ANGLES TO THE FRONT LOT LINE FROM THE FRONT LOT LINE TO THE NEAREST POINT OF A BUILDING OR OTHER STRUCTURE. ANY YARD MEETING THIS DEFINITION AND ABUTTING A STREET SHALL BE CONSIDERED A FRONT YARD.

(41) YARD, REAR. A YARD BETWEEN SIDE LOT LINES AND MEASURED HORIZONTALLY AT RIGHT ANGLES TO THE REAR LOT LINE TO THE NEAREST POINT OF A BUILDING OR OTHER STRUCTURE.

(42) YARD, SIDE. A YARD BETWEEN THE FRONT AND REAR MEASURED HORIZONTALLY AT RIGHT ANGLES FROM THE SIDE LOT LINE TO THE NEAREST POINT OF A BUILDING OR OTHER STRUCTURE.

(43) YARD, STREET SIDE. A YARD ADJACENT TO A STREET BETWEEN THE FRONT YARD AND REAR LOT LINE MEASURED HORIZONTALLY AND AT RIGHT ANGLES FROM THE SIDE LOT LINE TO THE NEAREST POINT OF A BUILDING OR OTHER STRUCTURE.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance with Ordinance. Land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

Section 2.020. Classification of Zones. For the purposes of this ordinance the following zones are hereby established:

<u>Zone</u>	<u>Abbreviated Designation</u>
Residential	R-5
Residential Low Density	R-20
Mobile Home Park	RT
Resource Open Space	RO
Commercial	C-1
Waterfront Development	
Low Density	WD I
Commercial Marine	WD II
Industry	WD III
Wetlands Area	WA
Historic Preservation	HP

Section 2.030. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the "Garibaldi Zoning Map" which is hereby adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

Section 2.040. Zoning Map. A zoning map or zoning map amendment adopted by Section 9.020 of this ordinance or by an amendment thereto shall be prepared by the City Council or be a modification by the City Council of a map or map amendment so prepared. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the city recorder as long as this ordinance remains in effect.

Section 2.050. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot lines, center lines of street or railroad rights-of-way; or such lines extended.

Section 2.060. Zoning of Annexed Areas. Areas annexed to the city shall be the same as the County zoning designation until the city zones it otherwise.

ARTICLE 3. USE ZONES

SECTION 3.010. RESIDENTIAL ZONE R-5. IN AN R-5 ZONE THE FOLLOWING REGULATIONS SHALL APPLY.

(1) USES PERMITTED OUTRIGHT. IN AN R-5 ZONE THE FOLLOWING USES ARE PERMITTED OUTRIGHT.

- A) SINGLE FAMILY RESIDENCES OR DUPLEXES.
- B) MOBILE HOMES.
- C) SIGNS SUBJECT TO SECTION 4.050.

(2) CONDITIONAL USES PERMITTED. IN AN R-5 ZONE THE FOLLOWING CONDITIONAL USES AND THEIR ACCESSORY USES ARE PERMITTED SUBJECT TO THE PROVISIONS OF ARTICLE 6.

- A) NO COMMERCIAL OR INDUSTRY.

(3) STANDARDS AND CRITERIA. IN AN R-5 ZONE THE FOLLOWING STANDARDS AND CRITERIA SHALL APPLY:

A) THE MAXIMUM DENSITY FOR THIS AREA SHALL BE 8 DWELLING UNITS PER ACRE.

NUMBER OF DWELLING UNITS

LOT SIZE REQUIRED

2	5 000 SQ. FT.
4	10 000 SQ. FT.
10	15 000 SQ. FT.

B) THE AVERAGE MINIMUM LOT WIDTH SHALL BE 40 FEET.

C) THE AVERAGE MINIMUM LOT DEPTH SHALL BE 90 FEET.

D) THE MINIMUM FRONT YARD SETBACK SHALL BE 10 FEET FROM THE RIGHT-OF-WAY LINE, OR THE AVERAGE OF THE STRUCTURES WITHIN 100 FEET ON EITHER SIDE, WHICHEVER IS LESS.

E) THE MINIMUM SETBACK ON ALL SIDES SHALL BE AT LEAST 5 FEET FROM ANY LOT LINE.

F) ALLOWANCES FOR ODD SHAPED OR SIZED LOTS MAY BE GRANTED AFTER COUNCIL REVIEW.

G) MAXIMUM BUILDING HEIGHT SHALL BE 24 FEET EXCEPT WHERE THE CITY COUNCIL DETERMINES, THROUGH A PUBLIC HEARING, THAT A GREATER HEIGHT WOULD NOT BE DETRIMENTAL TO THE SURROUNDING AREA.

H) MULTI-FAMILY STRUCTURES SHALL BE ALLOWED BY CONDITIONAL USE PERMIT WHERE IT IS DETERMINED THAT THE STRUCTURE WOULD MEET THE FOLLOWING CRITERIA:

(1) IT IS LOCATED ON A STREET ADEQUATE TO HANDLE TRAFFIC LOADS, AND CONTAINS SUFFICIENT PARKING AND MANEUVERING SPACE. SEE OFF-STREET PARKING REQUIREMENTS SECTION 4.060.

I) LOTS ON STREET CORNERS SHALL HAVE A CLEAR VISION AREA REACHING FROM THE INTERSECTION OF THE STREETS 15 FEET IN EACH DIRECTION AS FOLLOWS:

SECTION 3.020. LOWER DENSITY RESIDENTIAL ZONE R-20. IN AN R-20 ZONE, THE FOLLOWING STANDARDS SHALL APPLY:

(1) USES PERMITTED OUTRIGHT. IN AN R-20 ZONE, THE FOLLOWING USES AND THEIR ACCESSORY USES ARE PERMITTED OUTRIGHT:

A) SINGLE FAMILY, MULTIFAMILY DWELLINGS.

B) HOME OCCUPATIONS.

(2) CONDITIONAL USES PERMITTED. IN AN R-20 ZONE THE FOLLOWING CONDITIONAL USES AND THEIR ACCESSORY USES ARE PERMITTED SUBJECT TO THE PROVISIONS OF ARTICLE 6:

A) UTILITY SUBSTATIONS.

B) GOVERNMENT BUILDINGS AND FACILITIES.

C) HEALTH FACILITIES.

D) LIMITED COMMERCIAL USES IN PLANNED UNIT DEVELOPMENTS.

(3) STANDARDS. IN AN R-20 ZONE, THE FOLLOWING STANDARDS SHALL APPLY:

A) MINIMUM LOT SIZE SHALL BE 14 000 SQUARE FEET.

B) DENSITY LIMITS FOR PLANNED DEVELOPMENTS IN THIS AREA SHALL BE 3 DWELLINGS PER ACRE.

C) AVERAGE MINIMUM LOT WIDTH SHALL BE 80 FEET.

- D) AVERAGE MINIMUM LOT DEPTH SHALL BE 150 FEET.
- E) MAXIMUM BUILDING HEIGHT SHALL BE 24 FEET, EXCEPT WHERE THE CITY COUNCIL DETERMINES A GREATER HEIGHT TO BE APPROPRIATE.

SECTION 3.030. MOBILE HOME PARK ZONE - RT. IN AN RT ZONE THE FOLLOWING REGULATIONS SHALL APPLY:

(1) USES PERMITTED OUTRIGHT. IN AN RT ZONE THE FOLLOWING USES ARE PERMITTED OUTRIGHT:

- A) MOBILE HOME PARKS.
- B) BUFFER STRIPS, PARKS AND OPEN SPACE.
- C) SINGLE FAMILY RESIDENCES OR DUPLEXES.
- D) HOME OCCUPATIONS.
- E) SIGNS SUBJECT TO SECTION 4.050.

(2) CONDITIONAL USES PERMITTED. IN AN RT ZONE THE FOLLOWING CONDITIONAL USES AND THEIR ACCESSORY USES ARE PERMITTED SUBJECT TO THE PROVISIONS OF ARTICLE 6:

- A) MULTI-FAMILY DWELLINGS SUBJECT TO SUBSECTION (3) BELOW.
- B) PUBLIC OR PRIVATE SCHOOL.
- C) CHURCH
- D) PARKS AND PUBLICLY OWNED RECREATION AREAS.
- E) COMMUNITY MEETING BUILDING.
- F) GOVERNMENT OR MUNICIPAL STRUCTURE.
- G) GOLF COURSE.
- H) UTILITY SUBSTATION.
- I) HOSPITAL, SANITARIUM, REST HOME AND NURSING HOME.
- J) FORESTRY AND NURSERY.

(3) STANDARDS. IN AN RT ZONE THE FOLLOWING STANDARDS SHALL APPLY:

- A) APPLICATIONS FOR MOBILE HOME PARK PERMITS SHALL BE ACCOMPANIED BY COMPLETE PLANS AND SPECIFICATIONS OF THE PROPOSED PARK AND ALL PERMANENT BUILDINGS INDICATING THE PROPOSED METHODS OF COMPLIANCE WITH THESE REQUIREMENTS. SUCH PLANS SHALL BE TO A SCALE OF NOT LESS THAN 1 INCH TO 50 FEET. A PERFORMANCE BOND MAY BE REQUIRED IN AN AMOUNT TO BE DETERMINED BY THE CITY COUNCIL TO INSURE THAT A DEVELOPMENT PROPOSAL IS COMPLETED AS APPROVED AND WITHIN THE TIME LIMIT AGREED TO.
- B) MOBILE HOME PARKS SHALL BE LOCATED ON WELL-DRAINED SITES, AND SHALL BE SO LOCATED THAT THEIR DRAINAGE SHALL NOT ENDANGER OR ADVERSELY AFFECT ANY OTHER PROPERTY.

- C) ALL MOBILE HOME PARKS SHALL BE SERVED BY SANITARY SEWER SYSTEM OF THE CITY. THE DESIGN AND LAYOUT OF SEWER LINES TO EACH MOBILE HOME SPACE IS SUBJECT TO THE REVIEW AND APPROVAL OF THE SUPERINTENDENT OF PUBLIC WORKS.
- D) NO MOBILE HOME SHALL REMAIN IN A MOBILE HOME PARK UNLESS IT IS IN AN APPROVED MOBILE HOME SPACE OR STORED UNOCCUPIED WITHIN THE CENTRAL STORAGE AREA.
- E) NO MOBILE HOME SHALL BE LOCATED SO THAT ANY PART OF SUCH MOBILE HOME WILL OSBSTRUCT ANY DRIVE OR WALKWAY.
- F) INTERIOR ACCESS DRIVES SHALL BE PROVIDED WITHIN THE PARK, SHALL BE CONTINUOUS UNLESS PROVIDED WITH ADEQUATE TURN-AROUND AREA OR CUL-DE-SAC, AND SHALL HAVE A MINIMUM WIDTH OF 24 FEET. EACH PARK SHALL HAVE A PRINCIPAL ACCESS DRIVE NOT LESS THAN 36 FEET WIDE FOR AN EXTERIOR CONNECTION TO THE PUBLIC STREET. TWO 20 FOOT WIDE DRIVES MAY BE SUBSTITUTED FOR THE 36 FOOT ACCESS DRIVE PROVIDED THEY ARE LIMITED TO ONE-WAY TRAFFIC AND PARKING IS RESTRICTED TO ONE SIDE.
- G) ALL ACCESS DRIVES AND WALKWAYS WITHIN THE PARK SHALL BE SURFACED ACCORDING TO STANDARDS ESTABLISHED BY THE CITY.
- H) EACH MOBILE HOME SPACE SHALL BE IMPROVED WITH A DECK OR PATIO OF SUITABLE MATERIAL, HAVING A MINIMUM AREA OF 200 SQUARE FEET.
- I) EACH MOBILE HOME SPACE SHALL HAVE A PAD WITH ADEQUATE BASE, WITH CRUSHED ROCK OR BETTER SURFACE. THE PAD SHALL HAVE A MINIMUM AREA EQUAL TO THAT OF THE MOBILE HOME WHICH WILL BE LOCATED ON THE SPACE.
- J) OFF-STREET PARKING SHALL BE PROVIDED WITH A MINIMUM OF TWO PARKING SPACES FOR EACH MOBILE HOME SPACE. PARKING SPACES SHALL BE OF CRUSHED ROCK OR BETTER SURFACING. REQUIRED ACCESS DRIVES SHALL NOT BE CONSIDERED AS FULFILLING THIS REQUIREMENT.
- K) RECREATION AREAS SHALL BE SUITABLY EQUIPPED, AND RESTRICTED TO RECREATIONAL USES. SUCH AREAS SHALL BE PROTECTED FROM STREETS, DRIVES, AND PARKING AREAS BY CURBS, GUARDRAILS, PLANTINGS, OR OTHER SUITABLE DEVICES.
- L) CARPORTS SHALL NOT BE LESS THAN 200 SQUARE FEET IN AREA AND SHALL BE SUBJECT TO ALL THE APPLICABLE PERMITS AND BUILDING CODES OF THE CITY. A STORAGE BUILDING SHALL BE PROVIDED ON EACH MOBILE HOME SPACE.

Section 3.040. Resource-Open Space Zone - R0. In the R0 zone the following regulations shall apply:

(1) Uses Permitted Outright. In the R0 zone the following uses are permitted outright:

- (a) Buffer zones, and natural areas.
- (b) Resource preservation open space.

(2) Conditional Uses. In the R0 zone the following uses are permitted subject to the provisions of Article 6 for public hearing:

- (a) Forestry practices such as logging, reforestation and road construction for such purposes.
- (b) Mineral and aggregate extraction.
- (c) Park and recreation areas.
- (d) Single family, duplexes and multi-family dwellings.

(3) Standards. In the R0 zone the following standards shall apply:

- (a) All logging shall be in conformance with the Oregon Forest Practices Act, July, 1975. The City Council must be notified of the area to be logged or managed, the method of logging, the method of road construction and the potential impacts on any property in the city.
- (b) The drainage surrounding the city's water source shall remain in a natural state, or with the city's review, may be selectively logged.
- (c) Proposed developments shall not reduce the productive capacity of forest land in the Resource-Open Space zone.
- (d) Aggregate extraction shall take place only at city designated quarry sites such as the one near Highway 101 south of the downtown area, and after the city's review of its potential impacts on adjacent property and traffic on U. S. Highway 101. The City Council in a public hearing shall review planned uses to insure proper measures are taken to minimize dust, night lighting, and air, land and water pollution on the surrounding area.
- (e) Density of any kind of residential development shall not exceed those of the R20 zone.
- (f) Hillside development criteria, Section 4.042, shall

apply in the R0 zone. Demonstration of adequate consideration of foundation, soil bearing capacity, access requirements and sanitary and water service impacts is required.

- (g) Proposed uses shall be reviewed by the City Council and may require an individual site inspection.

Section 3.050. Commercial Zone C-1. In a C-1 zone the following regulations shall apply:

(1) Uses Permitted Outright. In a C-1 zone the following uses and their accessory uses are permitted outright:

- (a) Primary retail activities, such as shops or stores engaged in the sale of retail merchandise.
- (b) Consumer services such as banks, barber and beauty shops, repair shops, printing shops, laundries.
- (c) Eating and drinking establishments.
- (d) Amusement activities such as bowling alleys.
- (e) Business, government and professional offices.
- (f) Residences.
- (g) Motels, hotels, and tourist housing.
- (h) Churches, libraries, or community meeting halls.
- (i) Health facilities such as clinics, nursing homes.
- (j) Arts or craft studios.
- (k) Utility substation.
- (l) Parks and publicly owned recreation areas.
- (m) Signs in accordance with Section 4.050.

(2) Conditional Uses Permitted. In a C-1 zone, the following conditional uses and accessory uses are permitted.

- (a) Service stations, car lots, lumber yards, mobile home dealerships, public or private parking facilities, boat dealers, farm equipment dealers. As a condition of approval, new service stations, car lots or other large land uses should be located on the fringes of the commercial area, so as not to break up the downtown.
- (b) Cabinet or woodworking shops, plumbing, heating, electrical, paint or other contractor storage,

repair or sales shops.

- (c) Second hand sales with all merchandise enclosed within a structure.
- (d) Wholesale warehouse or storage establishments.
- (e) Tire retreading, welding or machine shops.

(3) Standards. In a C-1 zone, the following standards shall apply:

- (a) Building setbacks shall be governed by fire protection requirements.
- (b) Residential density and lot size shall be the same as the residential zone R-5.
- (c) Maximum building height shall be 24 feet except where the City Council determines, after a public hearing and notification of surrounding property owners within 200 feet, that a higher structure would not be detrimental to surrounding property.
- (d) Preservation improvement for restoration of an historic structure shall be encouraged, and shall be given priority in consideration for a variance. The Design Review Board shall evaluate proposals for changes in an historic structure, and shall make recommendations to the Council concerning its change of use.

Section 3.061. Waterfront Low Density Development WD I. In a WD I zone the following regulations shall apply:

(1) Uses Permitted Outright. In a WD I zone the following uses are permitted outright:

- (a) Fishing or fish farming.
- (b) Crabbing and shellfish harvesting.
- (c) Public parks and low intensity recreational facilities.

(2) Conditional Uses Permitted. In a WD I zone the following uses are permitted subject to the provision of Article 6, Public Hearings:

- (a) Marinas, small boat and commercial.
- (b) Dry boat storage.

- C) PUBLIC BOAT RAMP
- D) MARINE SERVICES, SUCH AS FUEL DOCKS, MINOR REPAIR, AND MAINTENANCE FACILITIES.
- E) PRIMARY RETAIL ACTIVITIES WHICH MAINTAIN PUBLIC ACCESS TO THE WATERFRONT.
- F) LIGHT MARINE INDUSTRY.
- G) RESTAURANT.
- H) PLANNED RESIDENTIAL DEVELOPMENT.
- I) MOTEL
- J) OTHER USES SIMILAR IN CHARACTER TO ABOVE.

(3) STANDARDS AND CRITERIA. IN A WD-I ZONE THE FOLLOWING STANDARDS AND CRITERIA SHALL APPLY:

- A) ALL PROPOSED USES ARE TO BE REVIEWED AT A PUBLIC HEARING OF THE CITY COUNCIL.
- B) FILLING, DREDGING, RIP RAP, AND SPOIL DEPOSITION SHALL BE ALLOWED. PROPER PERMITS FOR THESE ACTS AND NOTIFICATION OF AFFECTED AGENCIES IS REQUIRED (U. S. ARMY CORPS OF ENGINEERS, DIVISION OF STATE LANDS, DEQ, AND FOOD AND DRUG FOR EXAMPLE).
- C) SHORELANDS DEVELOPMENT CRITERIA, SECTION 4.041, SHALL APPLY IN THE WD-I ZONE.
- D) ACTIVITIES SHOULD BE CLUSTERED, AFFORDING JOINT USE OF DOCK SPACE AND TO AVOID THE PROLIFERATION OF DOCKS ALONG THE SHORE. OPEN SPACE IS TO BE PRESERVED TO ENCOURAGE PUBLIC ACCESS TO THE SHORE AND TILLAMOOK BAY.
- E) LOT SIZE AND DENSITY SHALL BE 5 000 SQUARE FEET WITH 8 UNITS PER ACRE.
- F) THE MINIMUM FRONT YARD SHALL BE 10 FEET FROM THE RIGHT-OF-WAY LINE, OR THE AVERAGE OF THE STRUCTURES WITHIN 100 FEET ON EITHER SIDE WHICH EVER IS LESS.
- G) MAXIMUM BUILDING HEIGHT SHALL BE 20 FEET.
- H) SIDE YARDS SHALL BE A MINIMUM OF 5 FEET.
- I) CLEAR VISION AREAS AS SHOWN IN SECTION 3.010 ARE REQUIRED AT STREET CORNERS.

(4) Off Street Parking. Off street parking shall be provided as set forth in Section 4.060.

(5) Signs. Signs shall be provided as set forth in Section 4.050.

Section 3.062. Waterfront Development Commercial Marine WD II. In a WD II zone the following regulations shall apply:

(1) Uses Permitted Outright. In a WD II zone the following uses are permitted outright:

- (a) Fish processing.
- (b) Light marine related industry.
- (c) Heavy marine related industry.
- (d) Marinas, small boat and commercial.
- (e) Marine services, such as fuel docks, minor repair, and boat maintenance facilities.
- (f) Dredge spoil disposal provided proper permits are obtained from agencies affected.

(2) Conditional Uses. In a WD II zone the following uses are permitted subject to the provisions of Article 6, public hearing.

- (a) Timber processing.
- (b) Piers, wharfs and docks.
- (c) Dry boat storage.
- (d) Restuarants.
- (e) Primary retail activities that provide public access to the waterfront such as bait and tackle shops.
- (f) Public parks, open space and buffer strips.

(3) Standards. In a WD II zone the following standards shall apply:

- (a) Particular attention should be focused on the requirements of the Comprehensive Plan's Bayshore Policies.
- (b) All proposed uses are to be reviewed at a public hearing with notification of affected agencies. Proper permits are required for any filling or dredging activities.

- (c) Waterfront areas shall be reserved for water dependent activities.
- (d) Uses shall be designed to minimize adverse affects of water currents, erosion, and shoaling.
- (e) Similar activities and uses should be clustered to afford common or joint use and or ownership of dock space and to preserve limited marine use area. The proliferation of docks shall be avoided to preserve open space and to maintain safe boating in the area.
- (f) The Land and Water Use Guidelines for Development of Tillamook Bay shall be consulted for use priority, where conflict or competition for space occurs.
- (g) Shorelands development criteria, Section 4.041, shall apply in the WD II zone.

(4) Off Street Parking. Off street parking shall be provided as set forth in Section 4.060.

(5) Signs shall be provided as set forth in Section 4.050.

Section 3.063. Waterfront Development Industrial Zone WD III. In the WD III zone the following regulations shall apply:

(1) Uses Permitted Outright. In the WD III the following uses are permitted outright:

- (a) Fish processing.
- (b) Light industry.
- (c) Heavy industry.
- (d) Marine services, such as fuel docks, minor repair, and boat maintenance facilities.
- (e) Dredge spoils disposal provided proper permits are obtained from affected agencies.
- (f) Shipping facilities.

(2) Conditional Uses Permitted. In a WD III zone the following uses are permitted subject to the provisions of Article 6, Public Hearings:

- (a) Timber processing, such as shake mills, shingle mills, merchandizers, log storage, and saw mills.
- (b) Recreational vehicle park.

(3) Standards. In a WD III zone the following standards shall apply:

- (a) Special attention must be given to the requirements of the Comprehensive Plan. All uses shall relate to their proximity to the bayshore environment.
- (b) Design and plans shall be reviewed by the City Council at a public hearing.
- (c) Clustering of activities is encouraged to improve traffic circulation and access to the marine areas. Non-water related or water dependent uses shall be located within 500 feet of the Southern Pacific Railroad tracks.
- (d) Shoreland development criteria, Section 4.041, shall be adhered to.
- (e) Filling or dredging are allowed only where the proper permits are obtained and a definite need is presented.
- (f) Setback from the street shall be 10 feet.
- (g) Maximum building height shall be 20 feet, except where the City Council, after a public hearing, determines that a greater height would not be detrimental to the surrounding area. In any case structures must be attractively designed and maintain a low profile.
- (h) The Land and Water Use Guidelines for Development of Tillamook Bay shall be consulted for use priority, where conflict or competition for space occurs.
- (i) Shorelands development criteria, Section 4.041, shall apply in the WD III zone.

(4) Off Street Parking. Off street parking shall be provided as set forth in Section 4.060.

(5) Signs. Signs shall be provided as set forth in Section 4.050.

Section 3.070. Wetlands Zone WA. In a WA zone the following regulations shall apply:

(1) Uses Permitted Outright. In a WA zone the following uses shall be permitted outright:

- (a) Natural area.
- (b) Low intensity recreational uses that are compatible with the area such as canoeing and sightseeing.
- (c) Fishing, crabbing and clamming.

(2) CONDITIONAL USES PERMITTED. IN A WA ZONE THE FOLLOWING USES ARE PERMITTED SUBJECT TO THE PROVISIONS OF ARTICLE 6, PUBLIC HEARINGS:

- A) RESOURCE RELATED ACTIVITIES SUCH AS THE OPERATION OF HATCHERIES.
- B) LOW INTENSITY PARKS, OPEN SPACE AND RECREATIONAL USES THAT ARE COMPATIBLE WITH THE AREA.

(3) STANDARDS. IN A WA ZONE THE FOLLOWING STANDARDS SHALL APPLY:

- A) ALL PROPOSED STRUCTURAL USES ARE TO BE REVIEWED AT A PUBLIC HEARING WITH NOTIFICATION OF TILLAMOOK COUNTY AND ANY AFFECTED PERMIT AGENCY (U. W. ARMY CORPS OF ENGINEERS, DIVISION OF STATE LANDS, DEQ, OR OTHER AGENCY).
- B) THE ESTUARY CLASSIFICATION FOR THIS ZONE SHALL BE CONSIDERED NATURAL.
- C) ALL USES AND ALTERATIONS SHALL MINIMIZE THE LONG TERM AND SHORT TERM EFFECTS ON NATIVE FISH AND WILDLIFE POPULATION, WATER QUALITY AND POLLUTION LEVELS.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.010. Access Requirement. Every lot shall abut a street, lane, or alley for at least 25 feet, or have vehicular access or easement.

Section 4.020. Clear Vision Areas. A clear vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

(1) A clear vision area shall consist of a triangular area, two sides of which are lot lines, measured from the corner intersection of the street lot lines for a distance specified in this regulation (15 ft.), or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the non-intersecting ends of the other two sides of the triangle.

(2) A clear vision area shall contain no planting, fence, wall structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the street center line grade, except that trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade level.

(3) The minimum distance for the clear vision area shall be 15 feet from the intersection of the streets as illustrated on page 9.

Section 4.030. Maintenance of Minimum Ordinance Requirements. No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

Section 4.040. Dual Use of Required Open Space. No required open space shall be used for other purposes such as the construction of carports or auxiliary buildings. This provision shall apply to all lot coverage requirements.

Section 4.041. Shorelands Development Criteria. Within the shorelands of Tillamook Bay the City Council shall review all development proposals to insure that the development:

(1) Maintains, wherever possible, the shoreline in its existing condition with minimal disturbance of native vegetation.

(2) Locates water dependent uses on the shoreline, such as boat docks and keeps non-water dependent structures away from the shoreline.

(3) Maintains the scenic quality of undeveloped shoreline

(3) MAINTAINS THE SCENIC QUALITY OF UNDEVELOPED SHORELINE.

AREAS, SUCH AS ALONG MIAMI COVER, OR IMPROVES THE APPEARANCE OF THE SHORELINE.

(4) MAINTAINS PUBLIC ACCESS TO THE SHORELINE IF A COMMERCIAL USE, EITHER VISUALLY OR PHYSICALLY. FOR EXAMPLE, A MOTEL OR RESTAURANT SHOULD BE LOCATED SO AS TO VIEW THE SHORELINE FROM INSIDE, AND ALLOW PEOPLE ACCESS TO THE SHORE BETWEEN THE STRUCTURE AND THE WATER'S EDGE.

SECTION 4.042 HILLSIDE DEVELOPMENT CRITERIA. IN STEEP SLOPE AREAS OF OVER 20 %, THE BUILDING OFFICIAL OR CITY COUNCIL MAY REQUIRE AN ENGINEERING GEOLOGY STUDY BE UNDERTAKEN FOR PROPOSED DEVELOPMENTS TO INSURE THAT THEY ARE STABLE AS DESIGNED, AND WILL NOT THREATEN ADJACENT PROPERTY. THE STUDY SHALL BE PAID BY THE DEVELOPER, AND SHALL BE PERFORMED BY A REGISTERED ENGINEERING GEOLOGIST, OR OTHER QUALIFIED PERSON.

SECTION 4.043. MULTIFAMILY OR APARTMENT SITING CRITERIA. IN ANY ZONE WHERE A MULTIFAMILY DWELLING, CONDOMINIUM OR APARTMENT STRUCTURE IS PROPOSED, THE DESIGN REVIEW BOARD AND CITY COUNCIL SHALL REVIEW THE PLANS UNDER THE FOLLOWING CRITERIA:

(1) THE STRUCTURE SHOULD APPEAR COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD IN THAT: IT DOES NOT VISUALLY DOMINATE THE ADJACENT HOMES, AS MANY EXISTING TREES AS POSSIBLE ARE RETAINED, AND THE STRUCTURE TAKES ADVANTAGE OF NATURAL FEATURES SUCH AS STREAMS, SHORELINES, OR HILLSIDES.

(2) PARKING AND TRAFFIC CIRCULATION MUST BE ADEQUATELY DESIGNED TO AFFORD ACCESS TO DWELLINGS, TO PROVIDE LOADING ZONES, AND SUFFICIENT MANEUVERING SPACE. SAFETY OF INGRESS AND EGRESS FROM ADJACENT STREETS MUST BE CONSIDERED.

SECTION 4.050. SIGN REQUIREMENTS.

(1) NO SIGN SHALL BE PLACED IN OR EXTEND OVER A REQUIRED STREET RIGHT-OF-WAY EXCEPT SIDEWALKS. SIGNS OVER SIDEWALKS SHALL NOT BE LESS THAN 8 FEET FROM THE SIDEWALK GRADE. WHERE NO SIDEWALK EXISTS THE 6 FEET OF RIGHT-OF-WAY ON EITHER SIDE OF THE STREET SHALL BE CONSIDERED A SIDEWALK.

SECTION 4.060. OFF-STREET PARKING AND OFF-STREET LOADING REQUIREMENTS. AT THE TIME A NEW STRUCTURE IS ERECTED OR THE USE OF AN EXISTING STRUCTURE IS ENLARGED, OFF-STREET PARKING SPACES, LOADING AREAS, AND ACCESS THERETO SHALL BE PROVIDED AS SET FORTH IN THIS SECTION UNLESS GREATER REQUIREMENTS ARE OTHERWISE ESTABLISHED. IF SUCH FACILITIES HAVE BEEN PROVIDED IN CONNECTION WITH AN EXISTING USE, THEY SHALL NOT BE REDUCED BELOW THE REQUIREMENTS OF THIS ORDINANCE EXCEPT AS EXEMPED IN SUBSECTION 12.

(1) REQUIREMENTS FOR TYPES OF BUILDINGS AND USES NOT SPECIFICALLY LISTED HEREIN SHALL BE DETERMINED BY THE CITY COUNCIL, BASED UPON THE REQUIREMENTS OF COMPARABLE USES LISTED.

(2) IN THE EVENT SEVERAL USES OCCUPY A SINGLE STRUCTURE OR PARCEL OF LAND, THE TOTAL REQUIREMENTS SHALL BE THE SUM OF THE REQUIREMENTS OF THE SEVERAL USES COMPUTED SEPARATELY, EXCEPT WHERE THE CITY COUNCIL DETERMINES THAT THE VARIOUS USES ARE TO BE USED AT DIFFERENT TIMES OF THE DAY, SUCH THAT THE SAME PARKING SPACES MAY BE REDUCED BY THE NUMBER OF SPACES REQUIRED BY THE SMALLER USE.

(3) OWNERS OF TWO OR MORE USES, STRUCTURES, OR PARCELS OF LAND MAY AGREE TO UTILIZE THE SAME PARKING AND LOADING SPACES WHEN THE HOURS OF OPERATION DO NOT OVERLAP, PROVIDED THAT SATISFACTORY LEGAL EVIDENCE IS PRESENTED TO THE CITY COUNCIL IN THE FORM OF DEEDS, LEASES, OR CONTRACTS TO ESTABLISH THE JOINT USE.

(4) REQUIRED PARKING SPACES FOR DWELLINGS SHALL BE LOCATED ON THE SAME LOT WITH THE DWELLING. OTHER REQUIRED PARKING SPACES SHALL BE LOCATED NOT FURTHER THAN 200 FEET FROM THE BUILDING OR USE THEY ARE REQUIRED TO SERVE.

(5) AREAS USED FOR STANDING AND MANEUVERING OF VEHICLES SHALL HAVE DURABLE SURFACES MAINTAINED ADEQUATELY FOR ALL WEATHER USE AND BE DRAINED TO PREVENT THE PONDING OF WATER OR THE COLLECTION OF WATER IN A PUBLIC RIGHT-OF-WAY, OR THE FLOWING OF WATER ACROSS PUBLIC SIDEWALKS.

(6) USES REQUIRING FOUR OR MORE PARKING SPACES SHALL BE SERVED WITH A DRIVE WAY SO THAT NO BACKING MOVEMENTS OR OTHER MANEUVERING WITHIN A STREET, OTHER THAN AN ALLEY, WILL BE REQUIRED.

(7) PASSENGER LOADING. A DRIVEWAY DESIGNED FOR CONTINUOUS FORWARD FLOW OF PASSENGER VEHICLES FOR THE PURPOSE OF LOADING AND UNLOADING CHILDREN SHALL BE LOCATED ON THE SITE OF ANY SCHOOL HAVING A CAPACITY GREATER THAN 25 STUDENTS.

(8) RETAIL AND SERVICE CONNECTED BUSINESSES FROM SOUTH SECOND TO NORTH THIRD AND FROM B STREET TO THE OCEANFRONT SHALL BE EXEMPT FROM OFF-STREET PARKING REQUIREMENTS.

(9) PARKING SPACES SHALL BE OF THE FOLLOWING DIMENSIONS:

A) SPACES FOR NORMAL SIZED VEHICLES: 18 FEET BY 9 FEET.

B) SPACES FOR COMPACT VEHICLES (DESIGNATED AS SUCH) SHALL BE 16 FEET BY 7 FEET.

(10) SPACES FOR COMPACT VEHICLES SHALL BE ALLOWED ONLY IN USES REQUIRED TO HAVE FOUR OR MORE PARKING SPACES. IN THOSE USES, SPACES FOR COMPACT VEHICLES SHALL BE NO MORE THAN 50 % OF THE TOTAL SPACES REQUIRED.

(11) OFF-STREET PARKING SPACE REQUIREMENTS:

A) DWELLING TWO SPACES PER DWELLING UNIT.

B) MOTEL, HOTEL, INN, GUEST COTTAGE (PUBLIC OR PRIVATE) OR ROOMING HOUSE ONE AND ONE-HALF SPACES FOR EACH GUEST ACCOMODATION PLUS ONE SPACE FOR EACH PERMANENT EMPLOYEE*, PLUS TWO SPACES FOR THE MANAGERS DWELLING. (ONE FOR THE PERMANENT EMPLOYEE MAY BE COUNTED AS A MANAGER SPACE.)

C) HOSPITAL, NURSING HOME OR SIMILAR INSTITUTION ONE SPACE FOR EACH THREE BEDS PLUS ONE SPACE FOR EACH EMPLOYEE*.

* EMPLOYEES PER SHIFT OR ON DUTY.

- D) CHURCH, CLUB, OR SIMILAR PLACE OF ASSEMBLY
ONE SPACE FOR EACH SIX SEATS OR ONE SPACE FOR EACH 50 SQUARE FEET OF FLOOR AREA.
- E) LIBRARY
ONE SPACE FOR EACH 400 SQUARE FEET OF FLOOR AREA PLUS ONE SPACE FOR EACH EMPLOYEE*.
- F) DANCE HALL, SKATING RINK OR SIMILAR USE
ONE SPACE FOR EACH 50 SQUARE FEET OF DANCE FLOOR OR SKATING AREA PLUS ONE SPACE FOR EACH EMPLOYEE*.
- G) BOWLING ALLEY
TWO SPACES FOR EACH ALLEY PLUS ONE SPACE FOR EACH EMPLOYEE*.
- H) RETAIL STORE, EATING OR DRINKING ESTABLISHMENT
ONE SPACE FOR EACH 200 SQUARE FEET OF FLOOR AREA, PLUS ONE SPACE FOR EACH EMPLOYEE*.
- I) SERVICE OR REPAIR SHOP, RETAIL STORE HANDLING BULKY MERCHANDISE SUCH AS AUTOMOBILES OR FURNITURE
ONE SPACE FOR EACH 600 SQUARE FEET OF FLOOR AREA, PLUS ONE SPACE FOR EACH EMPLOYEE*.
- J) BANK OR OFFICE (NOT MEDICAL OR DENTAL)
ONE SPACE FOR EACH 600 SQUARE FEET OF FLOOR AREA PLUS ONE SPACE FOR EACH EMPLOYEE.
- K) MEDICAL OR DENTAL CLINIC
ONE SPACE FOR EACH 300 SQUARE FEET OF FLOOR AREA PLUS ONE SPACE FOR EACH EMPLOYEE.
- L) SCHOOLS, GRADES 1-9
ONE SPACE PER EMPLOYEE PLUS ADEQUATE PARKING FOR BUSES KEPT ON PREMISES.
- M) SCHOOLS, GRADES 10-12
ONE SPACE FOR EACH EMPLOYEE PLUS ONE SPACE FOR EACH FOUR STUDENTS.
- N) RECREATION OR COMMERCIAL FISHING OFFICE
ONE SPACE FOR EACH TWO EMPLOYEES PLUS ONE SPACE FOR EACH THREE BOAT RIDERS.

* EMPLOYEE PER SHIFT OR ON DUTY

SECTION 4.070. FENCE REQUIREMENTS.

(1) FENCES LOCATED IN THE CLEAR VISION AREA SHALL NOT EXCEED 2 1/2 FEET FROM THE GROUND LEVEL, OR 2 1/2 FEET FROM THE STREET LEVEL, WHICHEVER IS LOWER.

(2) FENCES MAY BE CONSTRUCTED UP TO THE PROPERTY LINE, UNLESS JOINTLY OWNED BY ADJOINING PROPERTY OWNERS IN WHICH CASE IT MAY BE ON THE PROPERTY LINE.

(3) ALL FENCES OR PORTIONS THEREOF SHALL BE LOCATED IN SUCH A WAY AS TO NOT BE DETRIMENTAL TO ABUTTING PROPERTY, AND SHALL NOT OBSTRUCT VIEWS FROM ADJACENT PROPERTY.

(4) FENCES SHALL NOT BE MADE OF BARBED WIRE OR OTHER SHARP OR DANGEROUS MATERIAL EXCEPT COMMERCIAL FENCES.

(5) FENCES GREATER THAN FIVE FEET IN HEIGHT SHALL BE REFERRED TO THE PLANNING COMMITTEE FOR DETERMINATION THAT THE FENCE IS IN COMPLIANCE WITH (3) ABOVE, AND IS GENERALLY ATTRACTIVE IN APPEARANCE.

SECTION 4.090. HOME OCCUPATIONS. THE HOME OCCUPATION PROVISION IS INCLUDED IN RECOGNITION OF THE NEEDS OF MANY PEOPLE WHO ARE ENGAGED IN SMALL-SCALE BUSINESS VENTURES WHICH COULD NOT BE SUSTAINED IF IT WERE NECESSARY TO LEASE COMMERCIAL QUARTERS FOR THEM, OR WHICH, IN THE NATURE OF THE HOME OCCUPATION, CANNOT BE EXPANDED TO FULL-SCALE ENTERPRISE.

IT IS THE INTENT OF THIS SECTION THAT HOME OCCUPATIONS BE ALLOWED WHICH ARE UNOBTRUSIVE BY NATURE, WHICH DO NOT CAUSE DISRUPTION OF THE SURROUNDING NEIGHBORHOOD OR HAVE AN ADVERSE EFFECT ON THE ADJACENT PROPERTIES OR ENVIRONMENT.

(1) STANDARDS. A HOME OCCUPATION SHALL MEAN ANY OCCUPATION OR PROFESSION CARRIED ON BY A PERSON RESIDING ON THE PREMISES PROVIDED THE FOLLOWING CONDITIONS ARE SATISFIED:

- A) NO SIGN IS USED OTHER THAN A NAMEPLATE NOT OVER SIX SQUARE FEET IN AREA.
- B) THERE IS NO DISPLAY OR OUTSIDE STORAGE THAT WOULD INDICATE THAT THE LOT IS BEING USED IN WHOLE OR PRIMARILY FOR PURPOSES OTHER THAN RESIDENTIAL.
- C) THE LOT, INCLUDING THE BUILDING, RETAINS THE CHARACTERISTICS OF A RESIDENTIAL ZONE.

(2) COMPLAINT PROCEDURES. THE CITY COUNCIL SHALL REVIEW HOME OCCUPATIONS UPON RECEIPT OF TWO WRITTEN COMPLAINTS FROM TWO SEPARATE HOUSEHOLDS LOCATED WITHIN 250 FEET OF THE BOUNDARY OF THE AFFECTED PROPERTY, OR A COMPLAINT FROM THE CITY BUILDING INSPECTOR. COMPLAINTS SHALL SET FORTH THE NATURE OF THE OBJECTION. THE COMPLAINTS SHALL BE CONSIDERED BY THE CITY COUNCIL AT A PUBLIC HEARING. THE HEARING PROCEDURE SHALL BE THE SAME AS OUTLINED IN ARTICLE 11.

CRITERIA FOR JUDGING OBJECTIONS SHALL INCLUDE:

- A) GENERATION OF EXCESSIVE TRAFFIC.
 - B) MONOPOLY OF ON-STREET PARKING AREAS.
 - C) FREQUENT DELIVERIES AND PICKUPS BY MOTOR FREIGHT.
 - D) NOISE IN EXCESS OF THAT CREATED BY NORMAL RESIDENTIAL USE (EITHER IN TERMS OF VOLUME OR HOURS OF OCCURANCE).
 - E) SMOKE, FUMES, OR ODORS IN-EXCESS OF THOSE CREATED BY NORMAL RESIDENTIAL USE.
 - F) OTHER OFFENSIVE ACTIVITIES NOT IN HARMONY WITH A RESIDENTIAL NEIGHBORHOOD.
- (3) ACTION BY THE COUNCIL. THE CITY COUNCIL UPON HEARING THE EVIDENCE MAY:
- A) APPROVE THE USE AS IT EXISTS.
 - B) REQUIRE THE USE TO BE TERMINATED.
 - C) IMPOSE APPROPRIATE RESTRICTIONS, SUCH AS LIMITING HOURS OF OPERATION, ESTABLISHING A PHASING OUT OF THE USE, OR OTHER MEASURES INSURING COMPATIBILITY WITH THE NEIGHBORHOOD.

THE DETERMINATION OF THE COUNCIL BECOMES FINAL 10 DAYS AFTER THE DATE OF DECISION IN ACCORDANCE WITH ARTICLE 11.

SECTION 4.100. RECREATION VEHICLE PARKS.

- (1) RECREATION VEHICLE (RV) CAMPING AREAS OR PARKS SHALL BE ALLOWED AS CONDITIONAL USES IN CERTAIN ZONES.
- (2) RV AREAS SHALL BE AT LEAST THREE ACRES IN SIZE.
- (3) RV AREAS SHALL BE CONNECTED TO CITY WATER AND SEWER, AND SHALL HAVE TOILET FACILITIES, LAVATORIES AND SHOWERS WITH HOT WATER IN A RATIO OF ONE OF EACH FIXTURE PER TEN RV SPACES.
- (4) EACH RV SPACE SHALL BE AT LEAST 500 SQUARE FEET, EXCLUSIVE OF COMMON STREETS, RESTROOM AREAS OR COMMON OPEN SPACE AREAS.
- (5) ALL STANDARDS OF THE OREGON STATE HEALTH DIVISION FOR TOURIST FACILITIES MUST BE OBSERVED.
- (6) STREETS WITHIN THE PARK AND RV PARKING SITES SHALL BE PROPERLY SURFACED WITH CRUSHED GRAVEL OR ASPHALT.
- (7) A VEGETATION BUFFER OR FENCE OF AT LEAST 6 FEET SHALL BE MAINTAINED AROUND THE PERIMETER OF THE PARK WHERE ABUTTED BY RESIDENTIAL AREA.
- (8) WHEREVER POSSIBLE, EXISTING TREE COVER AND NATURAL VEGETATION SHALL BE MAINTAINED.
- (9) WHERE RV PARKS ARE TO BE LOCATED NEAR SHORELINE AREAS, THEY SHALL BE SET BACK FROM THE WATERFRONT AT LEAST 50 FEET, AND SHALL MAINTAIN PUBLIC ACCESS TO THE WATER.

ARTICLE 5 EXCEPTIONS

SECTION 5.010. ZONE BOUNDARIES. IF A ZONE BOUNDARY AS SHOWN ON THE MAP DIVIDES A LOT BETWEEN TWO ZONES, THE ENTIRE LOT SHALL BE DEEMED TO BE IN THE ZONE IN WHICH THE GREATER AREA OF THE LOT LIES, PROVIDED THAT THIS ADJUSTMENT INVOLVES A DISTANCE NOT TO EXCEED 20 FEET FROM THE MAPPED ZONE BOUNDARY.

SECTION 5.020. AUTHORIZATION OF SIMILAR USES. THE CITY COUNCIL MAY PERMIT IN A PARTICULAR ZONE A USE NOT LISTED IN THIS ORDINANCE, PROVIDED THE USE IS OF THE SAME GENERAL TYPE AS THE USES PERMITTED THERE BY THIS ORDINANCE.

SECTION 5.030. GENERAL PROVISIONS REGARDING ACCESSORY USES. AN ACCESSORY USE SHALL COMPLY WITH ALL REQUIREMENTS FOR A PRINCIPLE USE, EXCEPT AS THIS ORDINANCE SPECIFICALLY ALLOWS TO THE CONTRARY, AND SHALL COMPLY WITH THE FOLLOWING LIMITATIONS:

(1) AN ACCESSORY STRUCTURE SEPARATED FROM THE MAIN BUILDING MAY BE LOCATED IN THE REQUIRED REAR AND SIDE YARD, EXCEPT IN THE REQUIRED STREET SIDE YARD OF A CORNER LOT, PROVIDED IT IS NO CLOSER THAN THREE FEET TO A PROPERTY LINE AND DOES NOT EXCEED LOT COVERAGE RESTRICTIONS.

SECTION 5.040. PROJECTIONS FROM BUILDINGS. ARCHITECTURAL FEATURES SUCH AS CORNICES, EAVES, CANOPIES, SUNSHADES, GUTTERS, CHIMNEYS, AND FLUES SHALL NOT PROJECT MORE THAN 24 INCHES INTO A REQUIRED YARD EXCEPT THAT UNSUPPORTED EAVES MAY EXTEND UP TO ONE HALF THE DISTANCE OF A REQUIRED SETBACK.

SECTION 5.050. GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS. IF A LOT OR THE AGGREGATE OF CONTIGUOUS LOTS HELD IN A SINGLE OWNERSHIP AS RECORDED IN THE OFFICE OF THE COUNTY CLERK AT THE TIME OF THE PASSAGE OF THIS ORDINANCE HAS AN AREA OR DIMENSION WHICH DOES NOT MEET THE LOT SIZE REQUIREMENTS OF THE ZONE IN WHICH THE PROPERTY IS LOCATED, THE HOLDINGS MAY BE OCCUPIED BY A USE PERMITTED IN THE ZONE SUBJECT TO THE OTHER REQUIREMENTS OF THE ZONE, PROVIDED THAT, IF THERE IS AN AREA DEFICIENCY, RESIDENTIAL USE SHALL BE LIMITED TO A SINGLE FAMILY DWELLING OR TO THE NUMBER OF DWELLING UNITS CONSISTENT WITH THE DENSITY REQUIREMENTS OF THE ZONE.

SECTION 5.060. GENERAL EXCEPTIONS TO YARD REQUIREMENTS.

(1) THE FOLLOWING EXCEPTIONS TO THE FRONT YARD REQUIREMENTS FOR A DWELLING ARE AUTHORIZED FOR A LOT IN ANY ZONE.

- A) THE REQUIRED FRONT YARD FOR A DWELLING NEED NOT EXCEED THE AVERAGE DEPTH OF THE NEAREST FRONT YARDS OF DWELLINGS WITHIN 100 FEET ON BOTH SIDES OF THE PROPOSED DWELLING ON THE SAME SIDE OF THE STREET.
- B) THE SETBACK OF A BUILDING FROM THE BAY SHORE SHALL BE THE AVERAGE OF THE SETBACKS OF THE STRUCTURES ON EITHER SIDE UP TO A DISTANCE OF 200 FEET, BUT IN NO CASE BEYOND THE SURVEYED PROPERTY LINE. IF NO STRUCTURES ARE WITHIN THIS DISTANCE, THE SETBACK SHALL CONFORM TO THE GENERAL OCEANFRONT BUILDING LINE AS DESCRIBED IN THE COMPREHENSIVE PLAN.

(2) THE REQUIRED WIDTH OF A SIDE YARD MAY BE REDUCED TO 10 PERCENT OF THE WIDTH OF THE LOT BUT NOT LESS THAN 3 FEET, EXCEPT FOR THE STREET SIDE OF A CORNER LOT WHICH MUST MAINTAIN AN ADEQUATE CLEAR VISION AREA.

SECTION 5.070. GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS. PROJECTIONS SUCH AS CHIMNEYS, AERIALS, FLAGPOLES, AND OTHER SIMILAR OBJECTS NOT USED FOR HUMAN OCCUPANCY ARE NOT SUBJECT TO THE BUILDING HEIGHT LIMITATIONS OF THIS ORDINANCE.

ARTICLE 6. CONDITIONAL USES

Section 6.010. Authorization to Grant or Deny Conditional Uses. Conditional uses listed in this ordinance may be permitted, enlarged or otherwise altered upon authorization by the City Council in accordance with the standards and procedures set forth in Section 6.010 through 6.030. In permitting a conditional use or the modification of a conditional use, the City Council may impose any additional conditions which the City Council considers necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of off-street parking and loading spaces required, limiting the number, size, and location of signs, and requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent property owners. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in use or in lot area or an alteration of structure shall conform with the requirements dealing with conditional uses.

Section 6.020. Standards Governing Conditional Uses. A conditional use shall comply with the standards of the zone in which it is located, except as these standards have been modified in authorizing the conditional use and as otherwise modified as follows:

(1) Vehicle access to off-street parking areas and drive-in establishment service areas shall be designed to minimize conflict between vehicular and pedestrian traffic.

(2) The size of a lot to be used for a public utility facility may be reduced below the minimum required provided it will have no adverse effect upon adjacent uses.

Section 6.030. Conditional Use Procedure. The following procedures shall be observed in applying for and acting on a conditional use:

(1) A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder, using a form prescribed pursuant to Section 11.040. The City Council may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties.

(2) The procedure is as follows:

(a) The City Recorder shall publish a notice of public hearing at least 6 days but no more than 20 days prior to the hearing date.

(b) The Recorder shall notify all property owners

within 200 feet of the exterior boundary of the affected property of the proposed use.

- (c) A public hearing shall be held.
- (d) Within 5 days, the Recorder shall notify the applicant of the decision of the City Council.
- (e) The applicant shall attach a copy of the decision of the City Council to the building permit application.
- (f) The conditional use permit shall be null and void after one year unless substantial construction has taken place.

Section 6.040. Specific Condition Use Standards.

- (1) Non-Residential Uses in Residential Zones. Potentially disruptive uses in residential zones shall be allowed only where findings are made that such uses will not adversely affect surrounding uses in terms of traffic generations, noise, lights, pollutants, etc.
- (2) Non-Water-Dependent Uses in Shorelands or Waterfront Zones. Non-water-dependent uses shall be permitted only where the finding is made that such uses will not preclude the location of water-dependent uses, that sufficient land and water area exists for water dependent uses, that public access and riparian vegetation (where applicable) will be maintained or provided, and that such uses will not cause the filling of the estuary or other adverse.

ARTICLE 7. NONCONFORMING USES

Section 7.010. Continuation of Nonconforming Use. Subject to the provisions of ORS 215.130 and subsequent provisions of this article a nonconforming use or structure may be continued. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance, is not considered an enlargement or expansion of a nonconforming use, up to 20% in floor area, or in those cases not involving a structure, up to 10% in land area as existing on the effective date of this ordinance.

Section 7.020. Discontinuance of Nonconforming Use.

(1) If a nonconforming use involving a structure is discontinued for a period of one year, further use of the property shall conform to this ordinance.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this ordinance.

Section 7.030. Change of Nonconforming Use.

(1) If a nonconforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance.

(2) If a nonconforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the City Council determines that such structure is suitable only for another nonconforming use no more detrimental to surrounding properties than the one to be replaced.

Section 7.040. Destruction of Nonconforming Use or Structure. In a nonconforming structure or a structure containing a nonconforming use suffers damage or is destroyed by any cause (including razing) and is not returned to use or repaired within one year, a future structure or use on the site shall conform to this ordinance.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the building permit is issued.

Section 7.060. Alterations Necessary to Comply with Other Laws. Alterations of nonconforming uses may be allowed when the City Council determines that alterations are necessary to comply with other city, state or federal requirements.

Section 7.070. Public Hearing Required. Alteration, restoration, replacement or resumption of a nonconforming use shall only be done after a public hearing and determination by the City Council that the action is not detrimental to the city or the surrounding neighborhood.

ARTICLE 8. VARIANCES

Section 8.010. Purpose.

(1) The purpose of a variance is to provide relief when a strict application of the zoning requirements would impose unusual practical difficulties or unnecessary physical hardships on the applicant. Practical difficulties and unnecessary hardships may result from the size, shape, or dimensions of a site, or the location of existing structures thereon; from geographic, topographic or other physical conditions on the site or in the immediate vicinity or from population densities, street location, or traffic conditions in the immediate vicinity.

(2) The power to grant variances does not extend to use regulations. In other words, no variance shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

Section 8.020. Criteria.

(1) Variances to a requirement of this chapter with respect to lot area and dimensions, setbacks, yard area, lot coverage, height of structures, vision clearance, fences and walls, and other quantitative requirements may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, that all four expressly written findings are made:

- (a) That a strict or literal interpretation and enforcement of the specified requirement would result in practical difficulty or unnecessary hardship and would be inconsistent with the objectives of the Comprehensive Plan; or
- (b) That there are exceptional or extra-ordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties in the same zone; or
- (c) That the granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the near vicinity.
- (d) That the granting of the variance would support policies contained within the Comprehensive Plan.

Variances in accordance with this subsection should not ordinarily be granted if the special circumstances upon which the applicant relies are a result of the actions of the applicant or owner.

(2) Variances to requirements of this chapter with respect to off-street parking and loading facilities may be authorized as applied for or as modified. If, on the basis of the application,

investigation, and the evidence submitted, the following express written findings are made:

- (a) That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the requirements of this chapter.
- (b) That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to materially interfere with the free flow of traffic on the streets.
- (c) That the granting of the variance will not create a safety hazard or any other condition inconsistent with the general purpose of this chapter.

Section 8.030. Conditions.

(1) Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this section. Guarantees and evidence may be required that such conditions will be and are being complied with.

Section 8.040. Application. Application for a variance shall be filed with the City Recorder on the form prescribed by the city, by any person with a legal interest in the property, and shall include the following:

- (1) Name and address of applicant.
- (2) Statement of applicant's legal interest in the property. (Owner, contract purchaser, lessee, renter, etc.) A description of the interest, and in case the applicant is not the owner, that the owner knows of the application.
- (3) Address and legal description of the property.
- (4) Four copies of the plot plan, approximately to scale, illustrating the size and location of existing uses and structures on the property and describing the proposed variance.
- (5) A statement explaining the intended request.
- (6) The fee required by this chapter to defray the cost of processing the application.
- (7) Any other materials or information as may be deemed necessary by the applicant to assist in the evaluation of the request.

Section 8.050. Investigation and Reports. The designated planning staff or City Recorder shall make or cause to be made an investigation to provide necessary information to insure that the action on each application is consistent with the variance criteria. Any report of such investigation shall be included in the application.

Section 8.060. City Council Review.

(1) The City Council shall review the application and investigation report.

(2) The City Council shall determine whether the evidence supports a finding that the required criteria have been met, and shall approve, approve with conditions, or deny the application accordingly. Their approval or denial shall be in writing. Variance decisions by the City Council shall become final after an elapsed period of ten days from the date of the decision.

(3) The City Council decision with findings shall be sent by mail to the applicant within 5 working days of the date of the action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made.

(4) An application of a variance which is not acted upon by the City Council within 60 days from the receipt of application may be deemed denied and may be appealed in the manner as provided for appeals.

Section 8.070. Appeals.

(1) An appeal may be made to the City Council by an interested person or city official. Such appeal shall be filed in written form with the City Recorder within 10 days of the date of the City Council action, stating how an error was made in the application of the requirements of this section.

(2) Within 15 days of the filing of the notice of appeal, the City Council shall hold a public hearing. Notice of the hearing shall be made at least 6 days prior to the hearing. Prior to the public hearing the City Council secretary shall forward to the Council a copy of the application, all pertinent data filed with it, and the Council's decision with findings if applicable.

(3) In reversing a decision, the City Council shall indicate by order the basis for its decision, including any necessary findings.

(4) An appeal may not be resubmitted for a period of six months.

Section 8.080. Compliance with Conditions of Approval. Compliance with conditions imposed in the variance, and adherence

to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this chapter.

Section 8.090. Vested Interest in Approved Variances. A valid variance supersedes conflicting provisions of subsequent rezonings or amendments to this chapter unless specifically provided otherwise by the provisions of this section or in the conditions of approval to the variance.

Section 8.100. Revocation. Variances shall automatically be revoked if not exercised within one year of the date of approval.

Section 8.110. Limitation on Refiling of Application. Applications for which a substantially similar application has been denied shall be heard by the City Council only after a period of six months has elapsed.

Section 8.120. Procedures. The procedures are as follows:

- (1) The City Recorder shall publish a notice of public hearing six days but not more than twenty days prior to the hearing date.
- (2) The Recorder shall notify all property owners within 200 feet of the proposed use.
- (3) A public hearing shall be held.
- (4) Within five days, the Recorder shall notify the applicant of the decision of the City Council.
- (5) The applicant shall attach a copy of the decision to the building permit application.
- (6) The variance shall be null and void after one year unless substantial construction has taken place.

ARTICLE 9. AMENDMENTS

Section 9.010. Authorization to Initiate Amendments. An amendment to the text of this ordinance or to a zoning map may be initiated by the City Council, or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing an application with the City Recorder with a filing fee of \$50.00

Section 9.020. Public Hearing on Amendments. The City Council shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, with 40 days after the hearing or disapprove the proposed amendment or a modification of the proposed amendment.

Section 9.030. Record of Amendments. The City Recorder shall maintain records of amendments to the text and zoning map.

Section 9.040. Limitation on Re-applications. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the City Council within the one year period immediately following a previous denial of such request, except the City Council may permit a new application, if in the opinion of the Council, new evidence or a change of circumstances warrant it.

Section 9.050. Notification of Applicants. The City Recorder shall notify an applicant of the action taken by the City Council within five days of the final decision.

ARTICLE 10. PLANNED UNIT DEVELOPMENT (PUD)

SECTION 10.010. INTENT. THIS ARTICLE IS INTENDED TO PROVIDE FOR DEVELOPMENTS INCORPORATING A SINGLE TYPE OR A VARIETY OF HOUSING TYPES AND RELATED USES WHICH ARE PLANNED AND DEVELOPED AS A UNIT. SUCH DEVELOPMENTS MAY CONSIST OF INDIVIDUAL LOTS AS PART OF A LARGER HOLDING OR AS COMMON BUILDING SITES. COMMONLY OWNED LAND WHICH IS AN ESSENTIAL AND MAJOR ELEMENT OF THE PLAN SHOULD BE RELATED TO AND PRESERVE THE LONG TERM VALUE OF THE HOMES AND OTHER DEVELOPMENT. IT IS THE INTENT OF THIS SECTION TO FOSTER A MORE INNOVATIVE APPROACH TO LAND DEVELOPMENT THAN IS POSSIBLE UNDER THE TRADITIONAL LOT BY LOT METHODS.

SECTION 10.020. PURPOSE. THE PURPOSE OF THIS ARTICLE IS TO PROVIDE A MORE DESIREABLE ENVIRONMENT THROUGH THE APPLICATION OF FLEXIBLE AND DIVERSIFIED LAND DEVELOPMENT STANDARDS FOLLOWING AN OVERALL COMPREHENSIVE SITE DEVELOPMENT PLAN.

SECTION 10.030. PERMITTED BUILDING AND USES. THE FOLLOWING BUILDINGS AND USES MAY BE PERMITTED EITHER SINGLY OR IN COMBINATION PROVIDED THE OVERALL DENSITY OF THE PLANNED UNIT DEVELOPMENT DOES NOT EXCEED THE DENSITY OF THE PARENT ZONE AS PROVIDED IN THIS ORDINANCE.

(1) SINGLE FAMILY DWELLINGS INCLUDING DETACHED, ATTACHED, OR SEMI-ATTACHED UNITS, ROW HOUSES, ATRIUM OR PATIO HOUSES PROVIDED EACH HAS IT'S OWN SEPARATE PLOT.

(2) DUPLEXES AND MULTIPLE FAMILY DWELLINGS.

(3) ACCESSORY BUILDINGS AND USES.

(4) COMMERCIAL USES ONLY WHEN SUPPORTED MAINLY BY THE PUD AND ONLY WHEN ECONOMIC FEASIBILITY CAN BE SHOWN.

(5) BUILDINGS OR USES LISTED AS PERMITTED OUTRIGHT OR CONDITIONALLY IN THE PARENT ZONE ON WHICH THE PUD IS LOCATED.

SECTION 10.020. DEVELOPMENT STANDARDS.

(1) MINIMUM SITE SIZE. PLANNED UNIT DEVELOPMENTS SHALL BE ESTABLISHED ONLY ON PARCELS OF LAND WHICH ARE SUITABLE FOR THE PROPOSED DEVELOPMENT AND ARE DETERMINED BY THE CITY COUNCIL TO BE IN KEEPING WITH THE INTENT OF THIS ORDINANCE.

(2) IN ALL RESIDENTIAL DEVELOPMENTS, OR IN COMBINATION RESIDENTIAL COMMERCIAL DEVELOPMENTS, AREA SHOULD BE DEVOTED TO OPEN SPACE. OF THIS AREA, 25 % OF SAID OPEN SPACE MAY BE UTILIZED PRIVATELY BY INDIVIDUAL OWNERS OR USERS OF THE PUD; HOWEVER, 75 % OF THIS AREA SHOULD BE COMMON OR SHARED OPEN SPACE. THE CITY COUNCIL MAY INCREASE OR DECREASE THE OPEN SPACE REQUIREMENT DEPENDING ON THE PARTICULAR SITE AND THE NEEDS OF THE DEVELOPMENT. IN NO CASE SHOULD THE OPEN SPACE BE LESS THAN 25 % OF THE SITE.

(3) DENSITY. THE DENSITY OF A PLANNED DEVELOPMENT SHALL NOT EXCEED THE DENSITY OF THE PARENT ZONE, EXCEPT AS MORE RESTRICTIVE REGULATIONS MAY BE PRESCRIBED AS A CONDITION OF A PUD PERMIT. WHEN CALCULATING DENSITY, THE GROSS AREA IS USED (TOTAL AREA INCLUDING STREET DEDICATIONS). AREAS OF PUBLIC USE MAY BE INCLUDED IN CALCULATING ALLOWABLE DENSITY.

(4) SUBDIVISION LOT SIZES. MINIMUM AREA, WIDTH, DEPTH, AND FRONTAGE REQUIREMENTS FOR SUBDIVISION LOTS IN A PUD MAY BE LESS THAN THE MINIMUMS SET FORTH ELSEWHERE IN CITY ORDINANCES, PROVIDED THAT THE OVERALL DENSITY IS IN CONFORMANCE, AND THAT LOTS CONFORM TO THE APPROVED PRELIMINARY DEVELOPMENT PLAN.

(5) OFF - STREET PARKING. PARKING SPACES SHALL CONFORM TO ALL PROVISIONS OF THIS ORDINANCE, EXCEPT THAT THE CITY COUNCIL MAY AUTHORIZE EXCEPTIONS WHERE WARRANTED BY UNUSUAL CIRCUMSTANCES.

(6) SIGNS. ALL SIGNS OF ANY TYPE WITHIN A PUD ARE SUBJECT TO APPROVAL OF THE CITY COUNCIL. THEY SHALL CONSIDER EACH SIGN ON IT'S MERITS BASED ON IT'S AESTHETIC IMPACT ON THE AREA, POTENTIAL TRAFFIC HAZARDS, POTENTIAL VIOLATION OF PROPERTY AND PRIVACY RIGHTS OF ADJOINING PROPERTY OWNERS, AND NEED FOR SAID SIGN.

(7) HEIGHT GUIDELINES. THE SAME RESTRICTIONS SHALL PREVAIL AS PERMITTED OUTRIGHT IN THE ZONE IN WHICH SUCH DEVELOPMENT OCCURS, EXCEPT THAT THE CITY COUNCIL MAY ALLOW A VARIANCE OF HEIGHTS; WHERE IT IS DETERMINED THAT SURROUNDING PROPERTY WILL NOT BE HARMED.

(8) STREETS AND ROADS. NECESSARY STREETS AND ROADS WITHIN THE PUD SHALL BE DEDICATED TO THE PUBLIC AND CONSTRUCTED TO STANDARDS DETERMINED BY THE CITY COUNCIL AND CITY ENGINEER.

(9) DEDICATION AND MAINTENANCE OF FACILITIES. THE CITY COUNCIL MAY, AS A CONDITION OF APPROVAL FOR A PUD, REQUIRE THAT PORTIONS OF THE TRACT OR TRACTS UNDER CONSIDERATION BE SET ASIDE, IMPROVED, CONVEYED OR DEDICATED FOR THE FOLLOWING USES:

A) RECREATION FACILITIES: THE CITY COUNCIL MAY REQUIRE THAT SUITABLE AREA FOR PARKS OR PLAYGROUNDS BE SET ASIDE, IMPROVED, OR PERMANENTLY RESERVED FOR THE OWNERS, RESIDENTS, EMPLOYEES OR PATRONS OF THE PUD.

B) COMMON AREA: WHENEVER COMMON AREA IS PROVIDED, THE CITY COUNCIL MAY REQUIRE THAT AN ASSOCIATION OF OWNERS OR TENANTS BE CREATED INTO A NON-PROFIT CORPORATION UNDER THE LAWS OF THE STATE OF OREGON, WHICH SHALL ADOPT SUCH ARTICLES OF INCORPORATION.

C) EASEMENTS. EASEMENTS NECESSARY TO THE ORDERLY EXTENSION OF PUBLIC UTILITIES MAY BE REQUIRED AS A CONDITION OF APPROVAL.

(10) APPROVALS. THE CITY COUNCIL SHALL SUBMIT THE PRELIMINARY DEVELOPMENT PLAN TO THE FIRE DISTRICT, CITY ENGINEER, COUNTY SANITARIAN, POWER COMPANY, AND OTHER UTILITIES WHICH WILL SERVE THE PUD AND SHALL CONSIDER THEIR RECOMMENDATIONS IN REGARD TO APPROVAL OF THE PROPOSAL.

SECTION 10.030. PROCEDURE - PRELIMINARY DEVELOPMENT PLAN.

(1) THE APPLICANT SHALL SUBMIT FOUR COPIES OF THE PRELIMINARY DEVELOPMENT PLAN TO THE CITY COUNCIL PRIOR TO FORMAL APPLICATION FOR REZONING. APPLICATIONS SHALL BE ACCOMPANIED BY A FEE PRESCRIBED IN SECTION 11.050 OF THIS ORDINANCE. THIS PLAN AND ANY WRITTEN STATEMENTS SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION:

- A) PROPOSED LAND USES AND DENSITIES.
- B) LOCATION AND APPROXIMATE DIMENSIONS AND HEIGHTS OF STRUCTURES.
- C) PLAN OF OPEN SPACES OR COMMON SPACES.
- D) MAP SHOWING EXISTING FEATURES OF SITE AND TOPOGRAPHY.
- E) PROPOSED METHOD OF UTILITIES SERVICE AND DRAINAGE.
- F) ROAD AND CIRCULATION PLAN INCLUDING OFF-STREET PARKING.
- G) RELATION OF THE PROPOSED DEVELOPMENT TO THE SURROUNDING AREA AND THE COMPREHENSIVE PLAN.
- H) LOT LAYOUT.
- I) A SCHEDULE, IF IT IS PROPOSED THAT THE FINAL DEVELOPMENT PLAN WILL BE EXECUTED IN STAGES.

(2) THE CITY COUNCIL SHALL CONSIDER THE PRELIMINARY DEVELOPMENT PLAN AT A PUBLIC MEETING, AT WHICH TIME THEY SHALL DETERMINE WHETHER THE PROPOSAL CONFORMS TO CITY ORDINANCES. IN ADDITION, IN CONSIDERING THE PLAN, THE CITY COUNCIL SHALL SEEK TO DETERMINE THAT:

- A) THERE ARE SPECIAL PHYSICAL CONDITIONS OR OBJECTIVES OF DEVELOPMENT WHICH THE PROPOSAL WILL SATISFY TO WARRANT A DEPARTURE FROM THE STANDARD ORDINANCE REQUIREMENTS.
- B) RESULTING DEVELOPMENT WILL NOT BE INCONSISTENT WITH THE COMPREHENSIVE PLAN PROVISIONS OR ZONING OBJECTIVES OF THE AREA.
- C) THE PROPOSED DEVELOPMENT WILL BE IN SUBSTANTIAL HARMONY WITH THE SURROUNDING AREA, INCLUDING VEGETATION AND TOPOGRAPHY AND ANY IMPORTANT NATURAL AREAS SUCH AS MARSHES OR WILDLIFE HABITATS.
- D) THE PLAN CAN BE COMPLETED WITHIN A REASONABLE PERIOD OF TIME.
- E) THE STREETS ARE ADEQUATE TO SUPPORT THE ANTICIPATED TRAFFIC AND THE DEVELOPMENT WILL NOT OVERLOAD THE STREETS OUTSIDE THE PLANNED AREA.
- F) PROPOSED UTILITY AND DRAINAGE FACILITIES ARE ADEQUATE FOR THE POPULATION DENSITIES AND TYPE OF DEVELOPMENT PROPOSED.

(3) THE CITY COUNCIL SHALL NOTIFY THE APPLICANT WHETHER, IN OPINION, THE FOREGOING PROVISIONS HAVE BEEN SATISFIED AND, IF NOT, WHETHER THEY CAN BE SATISFIED WITH FURTHER PLAN REVISION.

(4) FOLLOWING THIS PRELIMINARY MEETING THE APPLICANT MAY PROCEED WITH HIS REQUEST FOR APPROVAL OF THE PLANNED DEVELOPMENT BY FILING AN APPLICATION FOR AN AMENDMENT TO THIS ORDINANCE WITH THE CITY RECORDER.

SECTION 10.040. PROCEDURE - FINAL APPROVAL.

(1) WITHIN ONE YEAR AFTER CONCEPT APPROVAL OR MODIFIED APPROVAL OF A PRELIMINARY DEVELOPMENT PLAN, THE APPLICANT SHALL FILE A FINAL PLAN FOR THE ENTIRE DEVELOPMENT OR, WHEN SUBMISSION IN STAGES HAS BEEN AUTHORIZED, FOR THE FIRST UNIT OF THE PUD, WITH THE CITY COUNCIL. THE FINAL PLAN SHALL CONFORM IN ALL RESPECTS WITH THE APPROVED PRELIMINARY DEVELOPMENT PLAN. THE FINAL PLAN SHALL INCLUDE ALL INFORMATION INCLUDED IN THE PRELIMINARY PLAN PLUS THE FOLLOWING:

- A) CONTOUR MAP SHOWING AT LEAST 8 FOOT INTERVALS.
- B) GRADING PLAN SHOWING FUTURE CONTOURS IF EXISTING GRADE IS TO BE CHANGED MORE THAN 8 FEET.
- C) EXISTING AND PROPOSED UTILITY LINES.
- D) PRELIMINARY SUBDIVISION PLAN IF PROPERTY IS TO BE SUBDIVIDED.
- E) LOCATION AND DIMENSIONS OF PEDESTRIAN WAY, ROADS, MALLS, COMMON OPEN SPACE, RECREATION AREA AND PARKS.
- F) LOCATION, DIMENSIONS, AND ARRANGEMENT OF OFF-STREET PARKING INCLUDING WIDTH OF AISLES, SPACES, AND OTHER DESIGN CRITERIA.
- G) PRELIMINARY PLANTING AND LANDSCAPING PLAN.
- H) PRELIMINARY ARCHITECTURAL PLANS AND ELEVATIONS OF TYPICAL STRUCTURES.
- I) THE APPLICANT SHALL ALSO SUBMIT DRAFTS OF APPROPRIATE DEED RESTRICTIONS OR PROTECTIVE COVENANTS TO PROVIDE FOR THE MAINTENANCE OF COMMON AREAS AND TO ASSURE THAT THE OBJECTIVES OF THE PUD SHALL BE FOLLOWED.

(2) UPON RECEIPT OF THE FINAL DEVELOPMENT PLAN, THE CITY COUNCIL SHALL EXAMINE SUCH PLAN AND DETERMINE WHETHER IT CONFORMS TO ALL APPLICABLE CRITERIA AND STANDARDS AND WHETHER IT CONFORMS IN ALL SUBSTANTIAL RESPECTS TO THE PREVIOUSLY APPROVED PRELIMINARY DEVELOPMENT PLAN, OR REQUIRES SUCH CHANGES IN THE PROPOSED DEVELOPMENT OR IMPOSE SUCH CONDITIONS OF APPROVAL AS ARE, IN IT'S JUDGEMENT, NECESSARY TO INSURE CONFORMITY TO THE APPLICABLE CRITERIA AND STANDARDS. IN SO DOING, THE CITY COUNCIL MAY PERMIT THE APPLICANT TO REVISE THE PLAN AND RE-SUBMIT IT AS A FINAL DEVELOPMENT PLAN WITHIN 30 DAYS.

(3) AFTER FINAL CONCEPT APPROVAL BY THE CITY COUNCIL, THE PUD APPLICATION WILL BE CONSIDERED FOR FINAL APPROVAL.

SECTION 10.050. MAPPING. AN APPROVED PUD SHALL BE IDENTIFIED ON THE ZONING MAP WITH THE LETTERS "PUD" IN ADDITION TO THE ABBREVIATED DESIGNATION OF THE PARENT ZONE.

SECTION 10.060. ADHERENCE TO APPROVED PLAN AND MODIFICATION THEREOF.

(1) BUILDING PERMITS IN A PUD SHALL BE ISSUED ONLY ON THE BASIS OF THE APPROVED PLAN. ANY CHANGES IN THE APPROVED PLAN SHALL BE SUBMITTED TO THE CITY COUNCIL FOR PROCESSING AS AN AMENDMENT TO THIS ORDINANCE.

(2) A PERFORMANCE BOND MAY BE REQUIRED, IN AN AMOUNT TO BE DETERMINED BY THE CITY COUNCIL, TO INSURE THAT A DEVELOPMENT PROPOSAL IS COMPLETED AS APPROVED AND WITHIN THE TIME LIMITS AGREED TO.

(3) THE DEVELOPER SHALL SHOW TO THE SATISFACTION OF THE CITY COUNCIL THAT THE PROPOSAL WILL BE CARRIED OUT IN SUCH A WAY THAT NO SIGNIFICANT DAMAGE WILL BE DONE TO THE LAKES, STREAMS, BEACHES OR WETLANDS IN THE CITY. SPECIAL ATTENTION WILL BE PAID TO THE IMPACT OF THE PUD ON SLIDE-PRONE HILLSIDES TO INSURE THAT DAMAGE WILL NOT BE CAUSED TO SURROUNDING PROPERTY.

GARIBALDI ORDINANCES

Section 11.030. Appeals.

1. An appeal from a ruling of a city administrative officer regarding a requirement of this ordinance may be made only to the City Council.

2. An action or ruling of a city administrative officer pursuant to this ordinance may be appealed to the City Council within 15 days after the officer has rendered the decision. Written notice of the appeal shall be filed with the City Recorder. If the appeal is not filed within the 15 day period, the decision shall be final. If the appeal is filed, the City Council shall receive a report and recommendation thereon from the official and shall hold a public hearing on the appeal.

3. Review by the City Council. The City Council shall examine the report and may receive any new evidence or information pertaining to the matter.

Section 11.040. Form of Petitions Applications and Appeals. Petitioner, applications and appeals provided for in the ordinance shall be made on forms prescribed by the city. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the sizes and locations on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accomodated thereon; and such other information as is needed to determine conformance with this ordinance.

Section 11.050. Filing Fees. The following fees shall be paid to the City Recorder upon filing of an application. Such fees shall not be refundable.

1. Amendment proposed by property owner: \$30.00
2. Variance and conditional use request: \$30.00
3. Planned unit development (same as amendment): \$30.00

Section 11.060. Public Hearings. When the City Council is required to hold a public hearing, notice of the hearing shall be given in the following manner:

1. Each notice of a hearing on an amendment initiated by a property owner to modify or change an existing zone on a zoning map, shall be published in a newspaper of general circulation in the city at least 6 days prior to the date of hearing. In addition, at least 10 days prior to the date of hearing, notices shall be mailed to all owners of property within 200 feet of the exterior boundary of affected property, including the owners of the property so affected. For this purpose, the names and addresses of the owners as shown on the records of the County Assessor or the City Recorder may be used.

GARIBALDI ORDINANCES

Section 11.010 Site Preparation, Mining or Excavation.

1. Mining or excavation in wetlands, lowlands or water areas shall be done only after permit from the Division of State Lands or U.S. Army Corps of Engineers is issued, if those agencies determine they have jurisdiction.

2. Sedimentation and erosion shall be controlled through the use of berms, catch basins, mulching, re-vegetation as may be required by the Planning Commission or building official.

3. An excavation permit shall be obtained for any site preparation where the slope of the ground is over fifteen percent or more than ten yards of material will be excavated. All mining or excavation shall be controlled by the standards of Chapter 70 and subsequent amendments of the Uniform Building Code.

4. Excavation permit shall be in the form as depicted in Appendix 1 of this ordinance.

Section 11.020 Building Permits.

1. No permit shall be issued by the building official for the construction, reconstruction, alteration or change of use for a structure or lot that does not conform to the requirements of this ordinance.

2. Building permits are required for any change, alteration or addition that affects the foundation, roofline, area of structure or enclosure of existing porches, decks, patios or carports.

3. No building permit shall be issued for any new construction or any alteration or addition to an existing structure that approaches any lot line unless an official survey accompanies the application for a building permit. The survey shall also show the elevation of the building site.

4. Construction on property for which a permit has been issued must be started within 120 days from the date of issue. Construction must not be abandoned for over 120 days, or a new permit must be obtained at one-half the original fee. Building permits may be renewed only once.

5. If mobile homes, recreational vehicles, or other temporary structures are used during construction, water and sewer facilities must be installed within 90 days.

6. Premises may not be occupied unless furnished with sewer and water facilities.

7. The building permit shall be in the form depicted in Appendix 1 of this ordinance.

GARIBALDI ORDINANCES

2. Each notice of a hearing on an appeal authorized by this ordinance shall be published in a newspaper of general circulation in the city not more than 10 days or less than 5 days prior to the date of hearing.

3. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.

Section 11.070. Recess of Hearing. The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 11.080. Authorization of Similar Uses. The City Council may permit in a particular zone a use not listed in the ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone.

Section 11.090. Interpretation. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the city, the provision of requirements which are less restrictive shall govern.

Section 11.100. Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

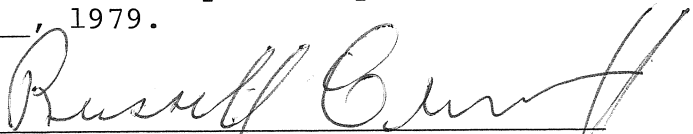
ARTICLE 12 REMEDIES

Section 12.010. Penalty. A person violating a provision of this ordinance shall, upon conviction, be considered a Class C misdemeanor. A violation of this ordinance shall be considered a separate offense for each day the violation continues.


Section 12.020. Alternative Remedy. In case a building or other structure is, or is proposed to be located, constructed, maintained, repaired, or altered, or used in violation of this ordinance, the building or land in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.

PASSED by the City Council and APPROVED by the Mayor this

15 day of OCTOBER, 1979.


Russell Curnutt, Mayor

ATTEST:


Harold White, City Recorder