

**LEGEND FOR PROPOSED AMENDMENTS TO ZONING  
ORDINANCE #979**

***Red***

= additions to the Zoning Ordinance text  
made at Planning Commission review

~~Red~~ ~~strikeout~~

= deletions to the Zoning Ordinance text  
made at Planning Commission review

***Yellow***

= additions to the Zoning Ordinance text  
made after January 21, 2014 Hearing

***Yellow***

= deletions to Planning Commission  
recommendations made after January 21,  
2014 Hearing.

SECTION 05 - OPEN SPACE LAND USE, OR OS DISTRICT

1. Purpose. To maintain, preserve, conserve and otherwise continue in existence desirable and appropriate uses of open space lands in the more undeveloped sections of the City in order to assure continued public health by counteracting pollutants and to assure the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the city and its citizens.
2. Uses Permitted **Outright.** The following uses are permitted in the OS District ~~administratively~~ with an approved Zoning Clearance Permit:
  - A. Open Space.
  - B. Signs permitted as per Section 24 of this development code.
  - C. City Park Facilities, ~~and~~ Improvements and Projects as identified in the City Parks and Recreation Master Plan
    - 1) Normal operation, maintenance;
    - 2) Installation/Replacement of improvements within the existing city parks;
    - 3) Projects identified in the adopted City Parks and Recreation Master Plan;
    - 3) Landscaping as part of a park facility;
    - 4) Emergency measures, such as flood, tsunami, or another unforeseen or sudden occurrence, especially of a danger demanding immediate remedy or action.
  - D. Urban Farming, gardening, horticulture, field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.
3. Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement to existing buildings or structures of the following as per Section 30 of this development code:
  - A. Golf Courses, public and private.
  - B. Parks - picnicking, camping, nature observance.
  - C. Recreational Vehicle Campgrounds without Commercial Sales other than space rental and accompanying services.
  - D. Uncovered/Outdoor Recreational Facilities - ball fields, basketball courts, tennis courts, playground equipment, swimming and wading pools, bike, walking and running tracks and paths.

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3. Uses permitted through the Conditional Use Permit process. The following conditional uses may be permitted subject to a Conditional Use Permit as per the provisions of Section 27 of this development code:

- A. Commercial facilities incidental to the operation of a use permitted outright and a use permitted through a Site Plan Review.
- B. Indoor Recreational Facilities – tennis courts, gymnasiums, swimming pools.
- C. Land Filling, not including the dumping of garbage, refuse, or like material.
- D. Accessory buildings and uses customarily incidental to a use permitted outright and a use permitted through a Site Plan Review.

E. Transportation Facilities and Improvements

1) Normal operation, maintenance;

2) Installation of improvements within the existing right-of-way;

3) Projects identified in the adopted transportation System Plan not requiring future land use review and approval;

4) Landscaping as part of a transportation facility;

5) Emergency measures;

6) Street or road construction as part of an approved subdivision or partition;

7) Transportation projects that are not designated improvements in the Transportation System Plan;

8) Transportation projects that are not designated and constructed as part of an approved subdivision or partition.

E. Park projects and/or recreational uses that are not designated improvements in the Parks and Recreation Master Plan;

F. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.

5. Height Regulations. None.

6. Lot Requirements and Design. The following lot requirements and design standards shall be observed.

A. Site and Building Design.

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- 1) *Parking lots are located on the subject property in such a manner for reduced interrupted pedestrian circulation and safety and site appearance.*
  - 2) *Site entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.*
  - 3) *Permanent solid waste containers and receptacles shall be screened away from public view.*
  - 4) *Address numbers on buildings shall be oriented towards the street for clear identification of the building.*
  - 5) *The property is able to be surveilled from the street for security and safety.*
  - B. *Landscaped areas. A minimum 50% of each lot shall be maintained as landscaped area for any type of development.*
7. Off-Street Parking. As required in Section 25 of this development code.
8. *Other Required Conditions.*
- A. *All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.*
  - B. *New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.*

SECTION 06 - SINGLE-FAMILY RESIDENTIAL, OR R-7.5 DISTRICT.

1. **Purpose.** To encourage, accommodate, maintain and protect a suitable environment for family living. The R-7.5 District is intended to provide for single-family residential homes at urban standards in areas with community services.
2. **Uses Permitted *Outright*.** The following uses are permitted ***in the R-7.5 District administratively with an approved Zoning Clearance Permit:***
  - A. Detached Single-family dwellings, including manufactured homes subject to the applicable requirements of Section 29 of ***this development code***.
  - B. Duplex on corner lots with 7,500 square feet minimum lot area.
  - C. Accessory uses are permitted as follows:
    - 1) Rooming and boarding of not more than two persons.
    - 2) Guest houses, not rented or otherwise conducted as a business.
    - 3) Other accessory uses and accessory buildings and structures customarily appurtenant to a permitted use.
    - 4) Signs according to Section 24 of ***this development code***.
    - 5) Home occupations subject to the requirements of Section 28 (12) of ***this development code***.
  - D. Attached single-family dwellings with 3,750 square feet of minimum lot area per dwelling; provided one dwelling is on a corner lot, and not more than two dwellings are attached consecutively.
  - E. Accessory dwellings, subject to all of the following standards:
    - 1) Compliance with the Oregon Structural Specialty Code;
    - 2) ***Yard area, building height, lot coverage and other development standards that are the same as for the primary structure***
    - 2) The accessory dwelling does not exceed ***600 800*** square feet of living area;
    - 3) Not more than one accessory dwelling unit per lot;
    - 4) One off-street parking space provided (i.e., in addition to any off-street parking required for other uses on the same lot);
    - 5) Exterior siding and roofing must be similar in color, material and appearance to that used on the primary dwelling. Different siding or roofing may be approved by the

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Planning Commission if it finds that the proposed design is more compatible with surrounding residences;

~~6) The property owner resides on the subject property and uses it as his/her primary residences. It is the property owner's responsibility to provide evidence showing that this standard is met;~~

6) Utility connections and metering comply with applicable city standards and those of utility providers.

**F. Residential Care Home (as required by ORS 197.665).**

~~3. Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement to existing buildings or structures of the following as per Section 30 of this development code:~~

**G.** Residential Care ~~Homes and~~ Facilities, subject to the licensing requirements under ORS 197.660-670.

**B. Transportation Facilities and Improvements**

~~1. Normal operation, maintenance;~~

~~2. Installation of improvements within the existing right-of-way;~~

~~3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;~~

~~4. Landscaping as part of a transportation facility;~~

~~5. Emergency measures;~~

~~6. Street or road construction as part of an approved subdivision or partition;~~

**C. Rear lot development, subject to a Conditional Use Permit as provided in Sections 27 and Provisions Applying to Special Uses as provided in Section 29 of this development code.**

4. **Uses permitted through the Conditional Use Permit process.** The following conditional uses may be permitted subject to a Conditional Use Permit as per the provisions of Section 27 of **this development code:**

**A. Any Public Facility as defined in this development code subject to the requirements of Section 23 (subsection 6, Cemetery, Crematory, Mausoleum, Columbarium; subsection 7, Churches, Hospitals or Other Religious or Charitable Institutions; subsection 10, Community Buildings, Social Halls, Lodges, Fraternal Organizations and Clubs; subsection 22, Nursery School, Kindergarten and Child Care Centers) of this development code.**

**B.** Planned Unit Developments subject to the provisions of Section 23 **of this development code.**

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~~C. Signs according to Section 24 of this development code.~~

- C. Rear lot development subject to Site Plan Approval as provided in Section **30** and partitioning in Section **29 of this development code**.
- D. Duplexes on an interior lot with a minimum 7,500 square feet, except as permitted by section 2.C, above.
- E. Bed and breakfast establishments consistent with Section 23 of **this development code**.

~~F. Transportation Facilities and Improvements~~

- ~~1. Transportation projects that are not designated improvements in the Transportation System Plan;~~
- ~~2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~

~~F. All conditional use permits (except "C" above) are required to be taken through the site plan review process as listed in Section 30 of this development code.~~

- 5. Height Requirements. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 35 feet. All accessory structures and dwellings shall not exceed a height of 20 feet. For exceptions, see Section 30(3) of **this development code**.
- 6. Lot – Requirements and Design. The following lot requirements and **design standards** shall be observed and **apply to all new development**.
  - A. Lot Area: Each lot shall have a minimum area of 7,500 square feet and a maximum area of 10,000 square feet, except as per subsection 2D. A lot for a duplex shall have a minimum area of 7,500 square feet and a maximum area of 15,000 square feet. The Planning Commission may approve smaller or larger lots as provided by subsection "B" below. The maximum lot area standard shall not apply to lots of record, as defined by Section 4, or to lots approved with a shadow plan (future land division plan) according to Section 4.
  - B. Lot Area Exception: An exception to the minimum lot area standard in "A" may be approved as part of a subdivision or partition application when all of the following standards are met:
    - 1. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than 7,500 square feet;
    - 2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of over-sized lots (e.g., lots with seven thousand five hundred square feet of area and larger), when such re-division would violate the average lot size provision in subsection B.1. All lots approved for use by more than one dwelling shall be so designated on the final plat.

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- C. Lot Width: Each lot for an attached dwelling shall have a minimum width of 30 feet, each lot for a detached dwelling shall have a minimum width of 50 feet, except that the lot width may be reduced further for rear lot developments, in accordance with Sections 22 and 28(11).
- D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks may have one side less than twenty (20) feet, but must have a minimum of fifteen (15) feet. The front yard setback may be reduced to ten (10) feet for a covered porch or enclosed patio.
- E. Side Yard: There shall be a minimum side yard of six (6) feet. The portions of buildings or structures that are above the 15-foot height, measured from ground level must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- F. Rear Yard. There shall be a rear yard having a depth of not less than six (6) feet. The portions of buildings or structures, which are above the 15-foot height, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- G. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to Section 22 and shall be subject to the following standards:
- 1) The common wall shall be a firewall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
  - 2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

**H. Site and Building Design.**

- 1) **Site and building design shall meet the requirements listed in Section 26, Design and Landscaping Standards and the following:**
  - a) **Address numbers on buildings are oriented towards the street for clear identification of the building.**
  - b) **Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.**
- 3) **Building Sites:**

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- a) *Size and Shape.* The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the Zoning Ordinance.
  - b) *Through lots and Parcels.* Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterial or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.
  - c) *Large Building Sites.* In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.
7. Off-Street Parking. Off-Street parking shall be provided as required in Section 25 of **this development code**.
8. No more than two (2) dwelling units shall be allowed on a piece of property in this zone.
9. Other Required Conditions.
- A. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for **Urban Farming gardening or fruit raising for subsistence or** commercial purposes.
  - B. Section 23 of **this development code**, Provisions Applying to Special Uses, shall apply where applicable.
  - C. **All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.**
  - D. **New development or substantial remodel of the following is subject to the site plan review process as listed in Section 30 of this development code.**

    - 1) Residential Care Homes and Facilities, subject to the licensing requirements under ORS 197.660-670.

SECTION 07 - SINGLE-FAMILY & DUPLEX RESIDENTIAL, OR R-5.0 DISTRICT.

1. Purpose. To encourage, accommodate, maintain and protect a suitable environment for family living at urban standards in areas with community services.
2. Uses Permitted **Outright.** The following uses are permitted **in the R-5.0 District administratively with an approved Zoning Clearance Permit:**
  - A. Any Use Permitted Outright in a Single-Family Residential, R-7.5 Zone, subject to the standards in this section.
  - B. Attached single-family dwellings with 2,500 square feet minimum lot area, provided that not more than four dwellings are attached consecutively;
  - C. Duplex with 5,000 square feet minimum lot area.
  - D. Christmas Tree Sales Lot subject to the requirements of Section 23 of this development code.**
- ~~3. Site Plan Review Approval required. Site Plan Review shall be required before the issuance of a permit for any new construction of the following or substantial remodeling or improvement to existing buildings or structures as per Section 30 of this development code:~~
  - E. Triplexes with 7,500 square feet minimum lot area.**
  - F. Fourplexes with 10,000 square feet minimum lot area.**
  - G. Residential Care Homes and Facilities, subject to the licensing requirements under ORS 197.660-670.**
4. Conditional Uses. The following may be permitted subject to a Conditional Use Permit as per Section 27 of **this development code:**
  - A. Any Conditional Use permitted in a Single-Family, R-7.5 zone, except as otherwise provided under subsection 2, "Permitted Uses".
  - B. Housing for the Elderly or Handicapped subject to the requirements of Section 23 of this development code.**
  - C. Signs according to Section 24 of this development code.**
  - D. All conditional use permits (excepting "C" above) are required to be taken through the site plan review process as listed in Section 30 of this development code.**
5. Height Requirements. No building or structure shall be hereafter be erected, enlarged or structurally altered to exceed a height of 35 feet. For exceptions, see Section **21 of this development code.**

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6. Lot - Requirements. The following lot requirements shall be observed.

- A. Lot Area: Each lot shall have a minimum area of 5,000 square feet and a maximum area of 6,500 square feet unless otherwise allowed or required under Section 13 2.B, 2.D, 2.E, or 2.F. The Planning Commission may approve smaller or larger lots as provided by subsection "B" below.
- B. Lot Area Exception: An exception to the minimum lot area standard in "A" may be approved as part of a subdivision or partition application when all of the following standards are met:
  - 1) The average area of all lots and open space tracts created through the subject land division, including public parkland dedications and similar public use areas, shall be no less than 5,000 square feet. The average lot area does not include stormwater facilities and similar utilities;

[Note: This provision provides an incentive for building on smaller lots when developments include open space.]

- 2) As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of open space tracts and oversized lots, when such re-division would violate the average lot size provision in subsection B.1.
- C. Lot Width: Each lot for an attached dwelling shall have a minimum width of thirty (30) feet, each lot for a detached dwelling shall have a minimum width of fifty (50) feet, except that the lot width may be reduced further for rear lot developments, in accordance with Sections 22 and 28(11) of **this development code**.
- D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks may have one side less than twenty (20) feet, but must have a minimum of ten (10) feet. The front yard setback may be reduced to ten (10) feet for a covered porch or enclosed patio.
- E. Side Yard: There shall be a minimum side yard setback of five (5) feet, except for attached dwellings with common walls as provided in "H", below. The portions of buildings or structures, which are above the 15-foot height, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- F. Rear Yard. There shall be a minimum rear yard setback of five (5) feet, except for attached dwellings with common walls as provided in "H", below. The portions of buildings or structures, which are above the 15-foot height measured from ground level, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- G. A legally created lot having an area of less than 5,000 square feet of record at the time of passage of **this development code** may be occupied by one detached or attached single-

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family dwelling and its accessory uses provided yard requirements of this section are observed.

- H. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to Section 22 of **this development code** and shall be subject to the following:
- 1) The common wall shall be a firewall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.
  - 2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

**I. Site and Building Design.**

- 1) **Site and building design shall meet the requirements listed in Section 26, Design and Landscaping Standards and the following:**
  - a) **Address numbers on buildings are oriented towards the street for clear identification of the building.**
  - b) **Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.**
  - c) **Vehicle/Pathway Separation for buildings larger than a duplex. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.**
  - d) **Parking lots, for buildings larger than a duplex, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.**
  - e) **Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.**
- 3) **Building Sites:**

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- a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of this section.*
- b) Through lots and Parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterial or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation.*
- c) Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.*
- J. For exceptions to lot requirements see Section 21 of this development code.
7. Off-Street Parking. Off-Street parking shall be provided as required in Section 25 of this development code.
8. Other Required Conditions.
- A. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for Urban Farming gardening or fruit raising for subsistence or commercial purposes.
- B. Section 23 of this development code, Provisions Applying to Special Uses, shall apply where applicable.
- C. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.
- A. New development or substantial remodel of the following is subject to the site plan review process as listed in Section 30 of this development code.
- 1) Triplexes with 7,500 square feet minimum lot area.
- 2) Fourplexes with 10,000 square feet minimum lot area.
- 3) Residential Care Homes and Facilities, subject to the licensing requirements under ORS 197.660-670.

SECTION 08 - MULTIPLE USE RESIDENTIAL DISTRICT, OR R-O DISTRICT.

1. Purpose. This district is intended to provide for high density multiple family developments in locations close to shopping and services, transportation or public open space, and in appropriate locations to provide a transitional use area between residential areas and other less restrictive districts. The allowance of small-scale commercial services and retail is intended to encourage compatible mixed use development that is transportation-efficient, and enhances the function of this district.
2. Uses Permitted *Outright*. The following uses are permitted ***in the R-0 District administratively with an approved Zoning Clearance Permit:***
  - A. Any Use Permitted Outright in a Single Family and Duplex Residential R-5.0 Zone, subject to the standards in this R-0 zone.
  - B. Accessory uses and structures are permitted as follows:
    - 1) Off-street parking lots when appurtenant to a permitted use, subject to the provisions of Section 25.
    - 2) Necessary and incidental services such as a dining room, barbershop, beauty shop, hobby shop, etc., included within apartment buildings provided that the facilities are used by the services rendered to only tenants of the building and their guests.
  - C. Rooming and boarding houses, including Bed and Breakfast establishments that are consistent with Section ***23 of this development code.***
- 3. ~~Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement to existing buildings or structures of the following as per Section 30 of this development code:~~***
  - D. Multiple-family dwellings, triplexes, apartment houses and manager's office.
  - E. Residential Care ***Homes and*** Facilities, and the licensing requirement in ORS 197.660-670.
4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit as per Section 27 of ***this development code:***
  - A. Any Conditional Use permitted in a Single-Family and Duplex Residential, R-5.0 Zone, except as otherwise provided by subsections 2 & 3, above.
  - B. Commercial Retail, not exceeding 3,000 square feet per use. All activities and uses shall be fully enclosed within a building, except that limited outdoor display along the sidewalk shall be permitted provided that such display does not exceed fifty percent (50%) of the front building façade and the display does not conflict with Americans With Disabilities Act requirements.

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- C. Commercial Services, not to exceed 3,000- square feet per use. All activities and uses shall be fully enclosed within a building.
  - D. Residential uses in conjunction with another permitted or conditional use.***
  - E. Nursing Homes/ ***Housing for the Elderly or Handicapped subject to the requirements of Section 23 of this development code.***
  - F. Hospital, laboratory, orthopedic supply house, sanitarium, (except animal hospital and clinic.
  - G. Pharmacy within 400 feet of a hospital or clinic and containing less than 5,000 square feet of floor area.
  - H. Club, lodge and fraternal organizations except those carried on as a business for profit.
  - I. Manufactured Dwelling Parks subject to the requirements of Section ***23 of this development code.***
  - J. Recreational Vehicle Parks subject to the requirements of Section 23, and the following:***
    - 1) Public recreational and accessory uses intermingled with the development.***
    - 2) Recreational vehicle storage for use by residents of a Recreational Vehicle Park development within which the storage facility is located.***
  - K. ***Buildings over forty five (45) feet in height.***
  - L. Mortuaries.
  - M. Recreational and accessory commercial uses intermingled with a residential development (including but not limited to ball fields, golf courses, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis and basketball courts, snack shop, walking paths and jogging/bike trails).***
  - N. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.***
5. Height Requirements. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of forty-five (45) feet. For exceptions, see Section ***8(3K)*** and Section ***21*** of ***this development code.***

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6. Lot - Requirements *and Design*. The following lot requirements and *design standards* shall be observed and *apply to all new development*.
- A. *Lot Area: Each lot shall have a minimum area of 1,452 square feet and a maximum area of 5,000 square feet unless otherwise allowed or required. The residential density standards of subsection B, below, shall be met.*
- B. Minimum and maximum residential density: New development shall achieve an overall density between 8 units per acre and 30 units per acre. Density is calculated by dividing the number of dwelling units by the property area in acres (minus area required for street right-of-way). Decimals are rounded to the nearest whole number.
- C. Lot Width:
- 1) Each lot for an *attached dwelling or business* shall have a minimum width of twenty (20) feet;
  - 2) *Each lot for a detached dwelling or business* shall have a minimum width of fifty (50) feet;
  - 3) The lot width may be reduced further for rear lot development.
- D. Front Yard: The front yard setback shall be a minimum of twenty (20) feet. Corner lot front yard setbacks, one side must have a minimum of 10 feet. Front yard setbacks may be reduced to ten (10) feet for an enclosed porch, portico, or other architectural feature that is connected directly to a building entrance.
- E. Side Yard: There shall be a minimum side yard of five (5) feet, except for common wall dwellings *or businesses* as provided in "G", below. The portions of buildings or structures, which are above the 15-foot height, measured from ground level, must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- F. Rear Yard. There shall be a minimum rear yard of five (5) feet, except for common wall dwellings as provided in "G", below. The portions of buildings or structures which are above the 15-foot height must be inset an additional one-half foot for each foot of height exceeding fifteen (15) feet.
- G. The required setbacks on one or more of the side or rear yards may be eliminated where construction of two or more principal uses to be located on adjoining lots is designed to utilize common wall construction. Any such development shall submit a site plan for approval pursuant to Section 22 and shall be subject to the following:
- 1) The common wall shall be a firewall and shall be a kind of construction that will insure fire protection as per the Uniform Building Code as adopted by the State.

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- 2) Common-wall, single-family structures shall be required to provide a sound transmission class rating of not less than fifty as per the Uniform building Code as adopted by the State. The building technique used to achieve the barrier rating shall be the responsibility of the general contractor and will be accepted upon inspection if it meets the code requirements and is supported by proof of meeting sound emission controls as specified.

H. Site and Building Design.

1) Site and building design shall meet the requirements listed in Section 26, Design and Landscaping Standards and the following:

- a) Address numbers on buildings are oriented towards the street for clear identification of the building.
- b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.
- c) Vehicle/Pathway Separation for residential buildings larger than a duplex, and commercial buildings. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
- d) Parking lots, for residential buildings larger than a duplex and commercial buildings, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.
- e) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

7. Signs. Signs are allowed per Section 24 of this development code.

8. Off-Street Parking. Off-Street parking shall be provided as required in Section 25.

9. Other Required Conditions.

A. See Section 23, Provisions Applying to Special Uses, where applicable.

B. All activities and uses within the R-O District must be conducted wholly within an enclosed building, except as provided in Subsection 4(B), above.

C. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for Urban Farming gardening or fruit raising for subsistence or commercial purposes.

SECTION 08 - MULTIPLE USE RESIDENTIAL DISTRICT, OR R-O DISTRICT.

- D. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.
- E. New development or substantial remodel of the following is subject to the site plan review process as listed in Section 30 of this development code.
  - 1) Multiple-family dwellings, triplexes, apartment houses and manager's office.
  - 2) Residential Care Facilities, and the licensing requirement in ORS 197.660-670.

SECTION 09 - NEIGHBORHOOD COMMERCIAL DISTRICT, OR C-N DISTRICT

1. Purpose. This district is intended to provide for the location of small businesses and services in residential sections of the City for the convenience of nearby residents; also to recognize existing uses of this type within the City. New C-N districts have a maximum area of 40,000 square feet of contiguous land. The businesses are intended to fit into the residential pattern of development and not create either land use, architectural or traffic conflicts. The above site sizes for new C-N districts and the following regulations are intended to protect the residential environment.

2. Uses Permitted *Outright.* The following uses are permitted in the C-N District administratively in the C-N District with an approved Zoning Clearance Permit:

A. *One or two-family residential dwellings including Residential Care Homes.*

3. *Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement to existing buildings or structures of the following as per Section 30 of this development code:*

A. Any Commercial enterprise, provided the floor area of every such use does not exceed 7,000 square feet, except grocery stores which shall not exceed 10,000 square feet.

B. *Multiple-family dwellings, triplexes, apartment houses and manager's office.*

C. *Residential Care Homes and Facilities, and the licensing requirement in ORS 197.660-670.*

D. Residential uses in conjunction with another permitted use.

E. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted.

F. Bed and Breakfast establishments which are consistent with Section 23 of this development code.

G. *Transportation Facilities and Improvements*

1. *Normal operation, maintenance;*

2. *Installation of improvements within the existing right-of-way;*

3. *Projects identified in the adopted transportation System Plan not requiring future land use review and approval;*

4. *Landscaping as part of a transportation facility;*

5. *Emergency measures;*

6. *Street or road construction as part of an approved subdivision or partition;*

4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.

SECTION 09 - NEIGHBORHOOD COMMERCIAL DISTRICT, OR C-N DISTRICT

- A. Any Public Facility as defined in the development code.
  - B. Planned Unit Developments subject to the provisions of Section 29 of this development code.
  - C. Rear Lot Development subject to Section 29 of this development code.
  - D. Nursing Homes subject to Section 23 of this development code.
  - E. Recreational and accessory uses (including but not limited to ball fields, golf courses, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis and basketball courts, snack shop, walking paths and jogging/bike trails).
  - F. All conditional use permits are required to be taken through the site plan review process.
5. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 45 feet in height. For exceptions, see Section 21 of this development code.
6. Lot Requirements and Design. The following lot requirements and design standards shall be observed and apply to all new development. Note: Residential uses are required to comply with all lot requirements of the R-O Zoning District.
- A. Lot Area: No minimum requirements. Maximum of 40,000 square feet.
  - B. Lot Width:
    - 1) Each lot for an attached dwelling or business shall have a minimum width of twenty (20) feet;
    - 2) Each lot for a detached dwelling or business shall have a minimum width of fifty (50) feet,
    - 3) The lot width may be reduced further for rear lot development.
  - C. Lot Depth: No requirements.
  - D. Front Yard: The front yard setback shall be a minimum of 20 feet. Corner lot front yard setbacks, one side must have a minimum of 10 feet. Front yard setbacks may be reduced to ten (10) feet for an enclosed porch, portico, or other architectural feature that is connected directly to a building entrance.
  - E. Side Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the side yard shall be a minimum of ten (10) feet. The portions of buildings or

SECTION 09 - NEIGHBORHOOD COMMERCIAL DISTRICT, OR C-N DISTRICT

structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

- F. Rear Yard: None, except when a rear lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the rear yard shall be a minimum of ten (10) feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

G. Site and Building Design.

1) Site and building design shall meet the requirements listed in Section 22, Development Standards, and Section 26, Design and Landscaping Standards, and the following:

- a) Address numbers on buildings are oriented towards the street for clear identification of the building.
- b) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.
- c) Vehicle/Pathway Separation for residential buildings larger than a duplex, and commercial buildings. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
- d) Parking lots, for residential buildings larger than a duplex and commercial buildings, are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.
- e) Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.

7. Signs: As per Section 24 of **this development code**.

8. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in Section 25 of **this development code**.

9. Other Required Conditions.

A. No single business shall have a floor area exceeding 7,000 square feet, except grocery stores.

B. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.

SECTION 09 - NEIGHBORHOOD COMMERCIAL DISTRICT, OR C-N DISTRICT

- ~~C. Items produced or wares and merchandise handled shall be limited to those sold at retail in the premises.~~
- D. In any C-N district directly across the street or abutting any R-7.5, R-5.0 or R-O District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way. These areas shall be appropriately landscaped either along the residential street frontage, side yard or rear yard to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.
- E. See Section 23 of this development code, applying to Special Uses where applicable.
- ~~G. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for Urban Farming gardening or fruit raising for subsistence or commercial purposes.~~
- ~~H. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.~~
- ~~I. New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.~~

SECTION 10 - HIGHWAY COMMERCIAL DISTRICT, OR C-H DISTRICT

1. Purpose. This district is intended to provide for those commercial uses which are appropriate to major thoroughfare or highway locations, and are dependent upon thoroughfare travel, and for those establishments that require large land areas.

2. Uses Permitted *Outright*. The following uses are permitted in the C-H District ~~with an approved Zoning Permit and Building Permit~~:

A. Any Commercial enterprise conducted in accordance with the provisions of this Section.

B. Accessory uses and buildings customarily appurtenant to a permitted use, or approved conditional use, such as incidental storage are permitted.

D. Government Facilities.

E. Rest Stops or Waysides.

~~F. *Urban Farming, gardening, horticulture, field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.*~~

~~F. *Transportation Facilities and Improvements*~~

~~1. *Normal operation, maintenance;*~~

~~2. *Installation of improvements within the existing right-of-way;*~~

~~3. *Projects identified in the adopted transportation System Plan not requiring future land use review and approval;*~~

~~4. *Landscaping as part of a transportation facility;*~~

~~5. *Emergency measures;*~~

~~6. *Street or road construction as part of an approved subdivision or partition;*~~

~~3. *Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement or improvement to existing buildings or structures as per Section 30.*~~

3. Conditional Use. The following conditional uses may be permitted subject to a Conditional Use Permit as per Section 27.

A. Building over thirty-five (35) feet in height.

B. Apartments.

C. *A Caretaker's dwelling, accessory or incidental to a use on the subject property.*

*D. Manufactured Dwelling Parks subject to the requirements of Section 23.*

*E. Recreational Vehicle Parks subject to the requirements of Section 23.*

SECTION 10 - HIGHWAY COMMERCIAL DISTRICT, OR C-H DISTRICT

**F. Transportation Facilities and Improvements**

**1. Transportation projects that are not designated improvements in the Transportation System Plan;**

**2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.**

**G. All conditional use permits are required to be taken through the site plan review process.**

4. **Height Regulations.** No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of thirty-five (35) feet. For exceptions, see Section **21** (3) **and section 4 of this section above.**
5. **Lot, Site Development and Building Design Requirements.** ~~All buildings and structures shall be designed and placed on each lot so as to establish and maintain a compatible relationship to abutting and adjacent properties, as per Site Review required.~~ The following lot requirements and **design standards** shall be observed and **apply to all new development.**

**A. Building Sites.**

**a) Size and Shape.** *The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review. -*

**b) Lot and Parcel Side Lines.** *The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.*

B. Site and Building Design: the following site and building design standards are required.

- 1) **Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.**
- 2) **Parking, Front Yard.** *Unless otherwise provided, required parking and loading spaces may be located in a required front yard where parking and loading may occur in all but the first ten (10) feet of yard area from any public right-of-way. Parking spaces may be located within a required side or rear yard.*
- 3) **Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.**
- 4) **Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.**
- 4) **Permanent solid waste containers and receptacles shall be screened away from public view.**
- 5) **Address numbers on buildings are oriented towards the street for clear identification of the building.**

**6) Pedestrian and Bicycle Access and Circulation**

**a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.**

**b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.**

**c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of Section 22. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of Section 22. Pathways used to comply with these standards shall conform to all of the following criteria:**

- 1. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;**
- 2. If surrounding streets are lighted, pathways shall also be adequately lit.**

6. Signs: As per Section 24.

7. Access Requirements. Access requirements will be determined on the basis of the Traffic Capacity Analysis as per Section 22, and the City of Tillamook City Transportation System Plan.

8. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in Section 25.

9. Other Required Conditions.

- A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in an R-7.5, R-5.0, or R-O District, shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall not less than six (6) feet nor more than eight (8) feet in height. Said fence or wall shall not extend into a required front yard area.
- B. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement, except in those portions of the lot maintained as landscaped areas.
- C. Solid waste containers and receptacles shall be screened and away from public view.

SECTION 10 - HIGHWAY COMMERCIAL DISTRICT, OR C-H DISTRICT

- D. Separate stores, shops, businesses, offices or establishments owned and/or operated separately which are parts of shopping mall or shopping center concept or complex may only contain permitted uses as defined in this section.
- E. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- F. All uses in the C-H District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.
- G. ~~*Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for gardening or fruit raising for subsistence or commercial purposes, or tree farming/nursery for commercial purposes. Also s See Section 23 of this development code, applying to Special Uses where Applicable.*~~
- H. ***All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.***
- I. ***New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.***

SECTION 11 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

1. Purpose. This district is intended to serve as the central trading area for the City and surrounding urbanized areas.

2. Uses Permitted **Outright**. The following uses are permitted in the C-C District:

A. Any Commercial enterprise conducted in accordance with the provisions of this Section.

~~3. Site Plan Review Approval required Uses permitted through the Site Plan Review process. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement or improvement to existing buildings or structures as per Section 30.~~

~~A. New Commercial Building construction~~

B. Accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, such as incidental storage, are permitted.

C. Secondary residential uses.

D. Transportation Facilities and Improvements

~~1. Normal operation, maintenance;~~

~~2. Installation of improvements within the existing right-of-way;~~

~~3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;~~

~~4. Landscaping as part of a transportation facility;~~

~~5. Emergency measures;~~

~~6. Street or road construction as part of an approved subdivision or partition;~~

4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.

A. Any public facility.

B. Housing for the elderly or handicapped person subject to Section 23 (13) of this ordinance.

C. *Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots subject to Section 23 (5) of this ordinance.*

D. *Cemetery, Crematory, Mausoleum, or Columbarium subject to Section 23 (3) of this ordinance.*

E. Buildings over 100 feet in height.

F. Bed and Breakfast establishments which are consistent with Section 23 (14).

G. Transportation Facilities and Improvements

SECTION 11 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

~~1. Transportation projects that are not designated improvements in the Transportation System Plan;~~

~~2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~

~~H. All conditional use permits are required to be taken through the site plan review process.~~

5. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see Section 11 (4F).

6. Lot, *Site Development and Building Design* Requirements. The following lot requirements and design standards shall be observed and apply to all new development.

A. Lot Area: No requirements.

B. Lot Width: No requirements.

C. Lot Depth: No requirements.

D. Front Yard: None, except on corners where the setback shall be ten (10) feet.

E. Side Yard: None, except when a side lot line is abutting a R-7.5, R-5.0 or R-O District. Then the side yard shall be a minimum of ten (10) feet. The required side yard shall be increased by one-half (1/2) foot for each foot exceeding 35 feet of building height.

F. Rear Yard: None, except when a rear lot line is abutting a R-7.5, R-5.0 or R-O District. Then the side yard shall be a minimum of ten (10) feet. The required rear yard shall be increased by one-half (1/2) foot for each foot exceeding 35 feet of building height.

G. *Site and Building Design: In each of the City of Tillamook zone districts, the following site and building design standards are required.*

1. *Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.*

2. *Parking lots are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.*

3. *Garages accessed by the alley may be provided for attached housing, duplexes, triplexes, and fourplexes to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.*

4. *Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.*

5. *Permanent solid waste containers and receptacles shall be screened away from public view.*

SECTION 11 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

6. Address numbers on buildings are oriented towards the street for clear identification of the building.

7. Building Sites.

a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the Zoning Ordinance.

b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.

c) Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

8. Pedestrian and Bicycle Access and Circulation

a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this ordinance.

b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of Section 22. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of Section 22. Pathways used to comply with these standards shall conform to all of the following criteria:

1. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;

2. If surrounding streets are lighted, pathways shall also be adequately lit;

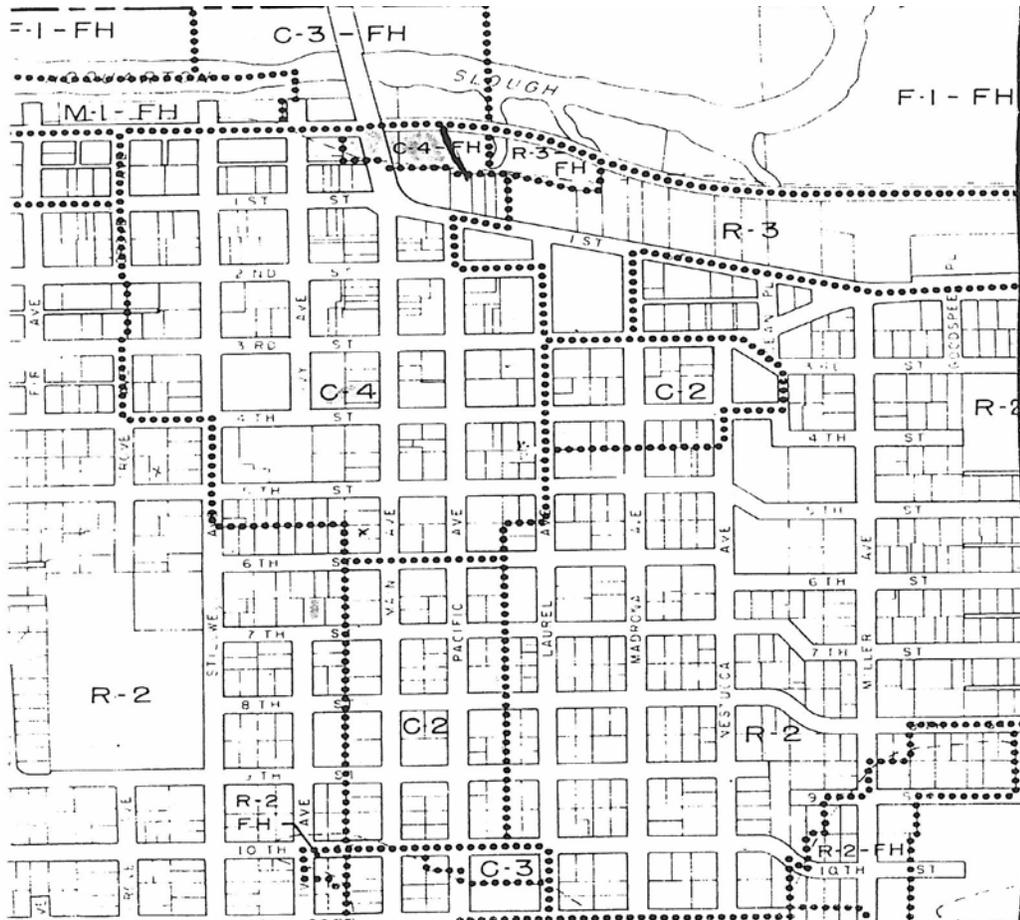
H. Lot Coverage: No requirements, only that all other lot and parking requirements are met.

7. Signs: Permitted as per Section 24.

SECTION 11 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

8. Off-Street Parking and Loading. Off-Street Parking and loading spaces or an equivalent as accepted by the Planning Commission shall be provided as required in Section 25.

Exception: The parking and loading requirements shall be exempted from the area contained by the C-4 District of Ordinance No. 830, the former Zoning Ordinance, as shown on the map which is made part of this Section of Ordinance #979, attached hereto below.



9. Other Required Conditions.

- A. All uses, excepting automobile, truck, trailer and boat sales, car washes, automobile service stations and drive-up windows shall be conducted wholly within an enclosed building.
- B. In any C-C district directly across the street or abutting any R-7.5, R-5.0 or R-O District, the parking and loading area shall be set back at least ten (10) feet from the street right-of-way. These areas shall be appropriately landscaped either along the residential street frontage, side yard or rear yard to protect the character of adjoining and adjacent residential property. Such landscaping shall be maintained.
- C. Site Plan Review as per Section 22.

SECTION 11 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

- D. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- E. All uses in the C-C District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.
- F. Nothing herein contained shall be deemed to prohibit the use of vacant property or secondary/accessory use of the subject property for Urban Farming gardening or fruit raising for subsistence or commercial uses. Also see Section 23 of this ordinance, applying to Special Uses where Applicable.***
- G. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.***
- H. New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.***

SECTION 12 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

1. Purpose. This district is intended to provide for those heavier commercial and light industrial uses, nonpolluting high tech processing and assembly, warehousing, related office and research facilities as well as small scale cottage industries located in existing built-up areas of the City.
2. Uses permitted outright. The following uses are permitted in the I-L District.
  - A. Commercial activities (as listed below):
    1. Building/Landscaping material sales and supplies including lumber yards, nurseries, and greenhouses;
    2. Special Trade Contractor facilities for plumbing, roofing, sheet metal, electrical, heating and air conditioning, tents and awnings, cabinet and carpentry, and similar construction and construction related activities. This includes the establishment of a sales office, storage of equipment and materials, and fabrication and repair for the special trade;
    3. Automobile sales and service station, including towing services and vehicle washing and polishing facilities;
    4. New and used automobile, truck, motorcycle, trailer, recreational vehicle, agricultural vehicle, mobile home, industrial equipment and boat sales, services and storage;
    5. Retail tire sales and tire recapping, service and repair, painting and body shop;
    6. Bulk cleaning and laundry plants and services;
    7. Feed and seed stores, and wholesale distribution facilities;
    8. Welding shop, blacksmith;
    9. Mini-storage with a maximum storage unit size of 1,000 square feet
  - B. ~~Any commercial enterprise conducted in accordance with the provisions of this Section, provided that commercial retail or commercial service uses shall be secondary to a light industrial use or a commercial enterprise which is not commercial retail or commercial service in nature and which is located no more than 400 feet from the external boundary of the lot which will contain the proposed commercial use.~~
  - B. Any light industrial use conducted in accordance with the provisions of this Section. These uses include:
    2. Cabinet shops;
    3. Custom manufacturing – ceramic studios, candle-making shops or custom jewelry manufacture;
    4. Machine shops;
    5. Manufacturing, assembly, testing, research and repair of components, devices, equipment, and systems of an electronic or electromechanical nature and precision equipment;
    6. Manufacturing, compounding, bottling, processing packaging, or treatment of food and beverage products;
    7. Manufacturing, compounding, processing, printing, assembling, packaging, treatment or fabrication, or such facilities to include cosmetics, drugs, glass, leather, paint, ceramics, paper, perfume, plaster, plastics, stone, textiles, rubber, wood, metal products and chemicals;

SECTION 12 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

8. Freight terminals, including moving and storage, warehouse for short term storage, including mini-warehouse and cold storage
9. Wholesaling, storage and distribution such as RV storage, household storage and personal storage.

C. Accessory uses and buildings customarily appurtenant to a permitted or conditional use, such as:

1. Incidental storage, garages, sheds for storage.
2. Dwelling units for caretakers and night watchmen are permitted as accessory uses when incidental to a permitted use.
3. Single-Family (attached or detached) dwellings, Multi-family dwellings, for permanent live/work conditions, with either a use permitted through a site plan review or a use permitted as a conditional use.

D. Urban Farming, gardening, horticulture, field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.

E. Transportation Facilities and Improvements

1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency measures;
6. Street or road construction as part of an approved subdivision or partition;

3. Site Plan Review Approval required. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement or improvement to existing buildings or structures as per Section 30.

3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.

A. Any Public Facility as defined in this Ordinance subject to the requirements of Section 23 (including subsection 3, Cemetery, Crematory, Mausoleum, Columbarium; subsection 5, Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots; subsection 10, Nursery School, Kindergarten and Child Care Centers) of this ordinance.

a. Buildings over 45 feet in height.

SECTION 12 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

C. Communication Services and facilities including wireless communication facilities (as listed in Section 23, Provisions Applying to Special Uses.

D. Eating and drinking establishments without drive-through facilities, not exceeding 3,000 square feet of gross floor area.

E. Single-Family (attached or detached) dwellings, Multi-family dwellings, for permanent live/work conditions, located above the first floor of new or existing structures, with either a use permitted through a site plan review or a use permitted as a conditional use permitted on the first floor of the structure.

E. Professional or Business service establishment.

F. Retail sales establishment not exceeding 3,000 square feet of gross floor area proposed as part of a mixed use.

H. Transportation Facilities and Improvements

1. Transportation projects that are not designated improvements in the Transportation System Plan;

2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.

I. All conditional use permits are required to be taken through the site plan review process.

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 45 feet. For exceptions, see Section 18 (3B) and Section 30 (3).
5. Lot Requirements. The following lot requirements shall be observed:
  - A. Minimum Lot Area: 5,000 square feet.
  - B. Minimum Lot Width: 50 feet.
  - C. Lot Depth: Each lot shall have a minimum depth of 100 feet.
  - D. Front Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the front yard shall be the front yard required in the abutting "R" District.
  - E. Side Yard: None, except when a side lot line is abutting a R-7.5, R-5.0 or R-O District, then the side yard shall be a minimum of 20 feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.
  - F. Rear Yard: None, except when a rear lot line is abutting a R-7.5, R-5.0 or R-O District, then the rear yard shall be a minimum of 20 feet. The portions of buildings or structures

## SECTION 12 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

along a required rear yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.

G. Lot Coverage: No requirements.

H. Site and Building Design: the following site and building design standards are required.

- 1) *Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if the entrance and opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District cause glare, excessive noise or similar conditions and have an adverse effect on property in the R-7.5, R-5.0 or R-O District.*
- 2) *Garages accessed by the alley may be provided to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.*
- 3) *Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.*
- 4) *Permanent solid waste containers and receptacles shall be screened away from public view.*
- 5) *Address numbers on buildings are oriented towards the street for clear identification of the building.*
- 6) *Building Sites.*
  - a) *Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review. -*
  - b) *Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.*

6. Signs: Permitted as per Section 24.

7. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in Section 25.

8. Other Required Conditions.

- A. All business, service, repair, processing, *manufacturing, compounding, assembling, packaging, treatment, fabrication, bottling, packaging,* storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted wholly within an enclosed building unless screened from the "R" District by a sight-obscuring fence or wall.

## SECTION 12 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

- B. Opening to structures on sides abutting to or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions so as to have an adverse effect on property in the R-7.5, R-5.0 or R-O District.
- C. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.
- D. In an I-L District directly across the street from a lot in a R-7.5, R-5.0 or R-O District, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet from the right-of-way, and said areas shall be appropriately landscaped along the residential street frontage to protect the character of the adjoining residential property. Such landscaping shall be maintained.
- E. Access point from a public road to properties in an I-L District shall be so located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character.
- F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.
- G. The emission of disturbing vibrations or of unpleasant odorous gases or matter in such quantity or at such amplitude as to be readily detectable at any point beyond the property line of the use creating the vibrations or odors is prohibited.
- H. All uses in the I-L District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive to persons residing in or conducting business in this or any other district.
- ~~I. **Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for gardening or fruit raising for subsistence or commercial purposes, or tree farming/nursery for commercial purposes.**~~
- I. See Section **23** applying to Special Uses where applicable.
- J. **All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.**
- K. **New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.**

SECTION 13 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

1. Purpose. This district is intended to provide for the establishment of light and heavier industrial uses essential to the development of a balanced economic base in an industrial environment with a minimum conflict between industrial uses and residential and light commercial uses.

2. Uses permitted outright. The following uses are permitted outright in the I-G District:

A. Any outright permitted use in a Light Industrial, I-L Zone and conducted in accordance with the provisions of this section.

B. Any accessory use permitted in a Light Industrial Zone is permitted when accessory to a permitted use or an approved conditional use.

~~C. Agricultural Supplies and Services – Feed and Grain Stores, Crop Dusting or Tree Service Firms~~

~~D. Automotive and Equipment: Automotive Wrecking Yard;~~

~~E. Automotive and Equipment: Fleet Storage – Taxi Fleets, Mobile Catering Truck Storage or Auto Storage Garages;~~

~~F. Automotive and Equipment: Repairs, Heavy Equipment – Truck Transmission Shops, Body Shops or Motor Freight Maintenance Groups;~~

~~G. Automotive and Equipment: Sales/Rentals, Heavy Equipment – Aircraft Dealers, Boat Dealers, or Heavy Construction Equipment Dealers;~~

~~H. Automotive and Equipment: Storage, Non-Operating Vehicles – Storage of Private Parking, Tow-Aways or Impoundment Yards;~~

~~I. Essential Services – Streets, Roads, Alleys, Public Right-Of-Ways, Pipelines, Power Lines, Distribution Feeders and Poles;~~

~~J. Extensive Impact Services and Utilities – Limited to Fire Stations, Communication Structures, and Utility Substations;~~

~~K. General Industrial – manufacturing, compounding, processing, publishing, assembling, packaging, treatment or fabrication of materials and property, cabinet shops, textiles and metal fabrication;~~

~~L. Heavy Industrial – Processing of Raw Materials and Tannery;~~

~~M. Scrap Operations – Junk Yards, Paper Salvage Yards, Auto Salvage Yards or Appliance Salvage Yards;~~

~~N. Solid Waste Transfer Facility or Recycling Depots;~~

SECTION 13 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

*O. Wholesaling, Storage and Distribution: Heavy – Monument or Stone Yards, Grain Elevators, Open Storage Yards or Petroleum Storage Facilities;*

*P. Wholesaling, Storage and Distribution: Storage in Association with an Authorized Manufacturing Operation.*

~~*3. Site Plan Approval required. Site Plan Review shall be required before the issuance of a permit for any new construction or substantial remodeling or improvement or improvement to existing buildings or structures as per Section 30.*~~

3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit as per Section 27.

A. Any public facility, *including those listed in Section 12 of this ordinance.*

~~*B. Any commercial service or commercial retail use not exceeding 3,000 square feet of gross floor area that is compatible with other existing or planned adjacent uses.*~~

C. Any commercial *service or commercial retail use not exceeding 3,000 square feet of gross floor area that is permitted as a Conditional use in a General Industrial Zone if provided it is secondary to an industrial or light industrial use which is located no more than 40 feet from the external boundary of the lot which will contain the proposed commercial use part of a mixed use with any other permitted or conditional use identified in this section provided that the uses are demonstrated to meet both of the following conditions and the criteria listed in Section 27 of this ordinance:*

- 1. compatible with other uses on the proposed site; and*
- 2. compatible with other existing or planned adjacent uses.*

~~*D. Building over 100 feet in height.*~~

*E. Communication Services and facilities including wireless communication facilities (as listed in Section 23, Provisions Applying to Special Uses.*

~~*F. Multi-family dwelling, located above the first floor of a new or existing structure, with any other use permitted or conditional use identified in this section provided that the uses are demonstrated to meet both of the following conditions and the criteria listed in Section 27 of this development code:*~~

- ~~*1. compatible with other uses on the proposed site; and*~~
- ~~*2. compatible with other existing or planned adjacent uses.*~~

~~*G. Transportation Facilities and Improvements*~~

- ~~*1. Transportation projects that are not designated improvements in the Transportation System Plan;*~~

SECTION 13 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

**2. ~~Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~**

**H. All conditional use permits are required to be taken through the site plan review process.**

4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see Section 13 (4D), Section 27 and Section 21.
5. Lot Requirements. The following lot requirements shall be observed:
  - A. Minimum Lot Area: 5,000 square feet.
  - B. Minimum Lot Width: 50 feet.
  - C. Lot Depth: Each lot shall have a minimum depth of 100 feet.
  - D. Front Yard: None, except when a front lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the front yard shall be the front yard required in the abutting "R" District.
  - E. Side Yard: None, except when a side lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the side yard shall be a minimum of 20 feet. The portions of buildings or structures along a required side yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.
  - F. Rear Yard: None, except when a rear lot line is abutting a lot in an R-7.5, R-5.0 or R-O District, then the rear yard shall be a minimum of 20 feet. The portions of buildings or structures along a required rear yard which are above the 20 foot height must be inset an additional one-half foot for each foot of height exceeding 20 feet.
  - G. Lot Coverage: No requirements.
  - H. Site and Building Design: the following site and building design standards are required.
    - 1) Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention except if the entrance and opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District if such access or openings cause glare, excessive noise or similar conditions and have an adverse effect on property in the R-7.5, R-5.0 or R-O District.
    - 2) Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.
    - 4) Permanent solid waste containers and receptacles shall be screened away from public view.
    - 5) Address numbers on buildings are oriented towards the street for clear identification of the building.

SECTION 13 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

**6) Building Sites.**

**a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per Site Plan Review. -**

**b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.**

6. Signs: Permitted as per Section 24.
7. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in Section 25.
8. Other Required Conditions.
  - A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted wholly within an enclosed building unless screened from the R-7.5, R-5.0 or R-O District by a sight-obscuring fence or wall.
  - B. Opening to structures on sides adjacent to or across the street from an R-7.5, R-5.0 or R-O District shall be prohibited if such access or openings will cause glare, excessive noise or similar conditions so as to have an adverse effect on property in the R-7.5, R-5.0 or R-O District.
  - C. Motor vehicle, boat, or trailer rental, sales or storage lot shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas. The above listed along the frontage, side and rear yard (rear yard where applicable), shall use landscaping to protect and maintain the character of the adjoining property and frontage area. Such landscaping shall be maintained.
  - D. In any I-G District directly across the street from or abutting a R-7.5, R-5.0 or R-O District, the parking and loading area and outdoor display or storage areas shall be set back at least ten (10) feet from the right-of-way, and said areas shall be appropriately landscaped along the residential street frontage and side yards, to protect the character of the adjoining residential property. Such landscaping shall be maintained.
  - E. Access point from a public road to properties in an I-G District shall be located as to minimize traffic congestion and to avoid directing traffic onto local access streets of a primarily residential character. See Site Plan Criteria as per Section 22.
  - F. All materials, including wastes, shall be stored and all grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create health or fire hazards.

SECTION 13 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

*G. Nothing herein contained shall be deemed to prohibit the use of vacant property or prohibit the secondary/accessory use of the subject property for **Urban Farming gardening or fruit raising** for subsistence or commercial purposes.*

H. See Section 28 applying to Special Uses where applicable.

I. *All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.*

J. *New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.*

SECTION 14 - PUBLIC & SEMI-PUBLIC OR P & S-P DISTRICT

1. Purpose. To recognize ***existing public facility land use and*** areas for those uses which generate large public gatherings, ***and to provide for the development of public facility services and other public-oriented uses.***
2. Permitted Uses. The following uses listed below are allowed ***permitted in the P & S-P District:***
  - A. Fairgrounds
  - B. Granges, fraternal organizations' meeting halls
  - C. Public/semi-public schools (including colleges)
  - D. Churches
  - E. Parks
  - F. City, county and state school offices
  - G. Public/semi-public convention centers
  - H. Maintenance and operation of existing structures
  - I. Accessory uses/***Accessory Structure*** customarily appurtenant to a permitted or approved conditional use (***examples tennis, roller skating, storage shed, garage.***)
  - J. Urban Farming, gardening, horticulture, field crops, orchards, berries, nursery or flower stock and other agricultural uses for subsistence or commercial purposes; as described in Section 23 of this development code.***
  - K. Any use conducted in areas designated as Public & Semi-public prior to the adoption of this criteria.***
  - J. Transportation Facilities and Improvements***
    1. Normal operation, maintenance;
    2. Installation of improvements within the existing right of way;
    3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;
    4. Landscaping as part of a transportation facility;
    5. Emergency measures;
    6. Street or road construction as part of an approved subdivision or partition;
3. ***Site Plan Review Approval required. Site Plan Review shall be required before the issuance of a permit for any new construction, expansion of an existing structure or use or substantial remodeling or improvement or substantial improvement to existing buildings or structures as per Section 30 of this Development Code.***

SECTION 14 - PUBLIC & SEMI-PUBLIC OR P & S-P DISTRICT

3. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.

A. Public offices, including outdoor storage *and maintenance facilities.*

B. Motor and non-motorized race track and/or events, and similar uses

C. Utility substations

D. Water and sewer pumping facilities

E. Golf courses, including miniature golf

F. Public Facilities (*as defined in Section 3 of this development code*)

G. Transportation Facilities and Improvements

1. Transportation projects that are not designated improvements in the Transportation System Plan;

2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.

*H. All conditional use permits are required to be taken through the site plan review process, as per Section 22 of this Development code.*

4. Dimensional Standards.

A. Height Regulations. None.

B. Lot Requirements. None.

5. Development Standards.

A. *Off-street Parking and Loading. Off-street parking in the P & S-P District shall conform to the standards and criteria as set in Section 25 of this development code.* Surfaced parking areas shall not be required for short-term uses that generate large parking requirements *and shall meet the standards set in "D", Site and Building Design, below.*

B. *Signs. Signs in the P & S-P District shall conform to the standards and criteria as set in Section 24 of this development code.*

C. *Design Review, Site and General Development. All new development or expansion of an existing structure or use in the P & S-P shall be subject to the standards and criteria as set in Section 22 and Section 26 of this development code.*

*D. Site and Building Design: the following site and building design standards are required.*

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1. Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.
2. Parking lots are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.
3. Garages accessed by the alley may be provided to reduce the dominance of the garage and automobile presence on the property, and improve attractive and pedestrian-friendly streetscapes.
4. Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.
5. Permanent solid waste containers and receptacles shall be screened away from public view.
6. Address numbers on buildings are oriented towards the street for clear identification of the building.
7. Building Sites.
  - a) Size and Shape. The size, shape, width and orientation of building sites shall be appropriate for the type of development and use contemplated, and shall be consistent with the lot size provisions as per site plan review.
  - b) Lot and Parcel Side Lines. The lines of lots and parcels, as far as practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall radial to the curve.
8. Pedestrian and Bicycle Access and Circulation
  - a) Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of this development code.
  - b) Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.
  - c) Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of Section 22. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of Section 22. Pathways used to comply with these standards shall conform to all of the following criteria:

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1. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 6 feet wide and located within a 10 foot right-of-way or easement that allows access for emergency vehicles;
2. If surrounding streets are lighted, pathways shall also be adequately lit.

E. Access Requirements and Management. Access requirements and management will be determined on the basis of the Traffic Capacity Analysis as per Section 22 (19G), access management standards as per Section 22 (16) and the City of Tillamook Transportation System Plan.

F. Land Divisions. All partitioning, subdividing and planned unit development shall be subject to the procedures, standards and criteria as set in Section 29 of this development code.

1. Large Building Sites. In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

6. Other Required Conditions.

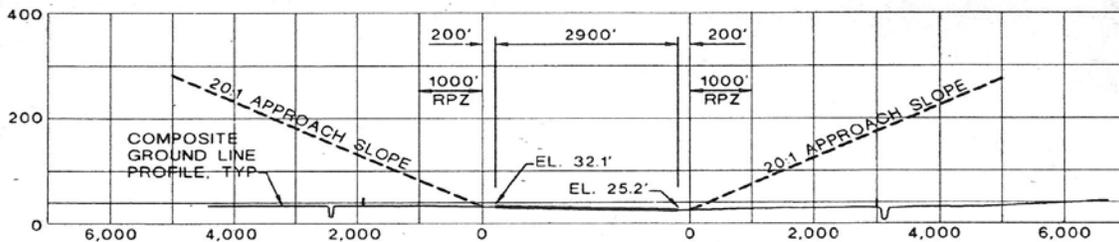
- A. All business, service, repair, processing, storage or merchandise display on property abutting or across the street from a lot in a R-7.5, R-5.0 or R-O District shall be conducted behind appropriate sight screening.
- B. Motor vehicle, boat, or trailer storage lots shall be drained and surfaced with rock or pavement except in those portions of the lot maintained as landscaped areas.
- C. All uses in the Public & Semi-Public District shall be carried on in such a manner that they do not create smoke, gas, odor, dust, sound, vibration, soot, heat, glare, or lighting to a degree which might be obnoxious or offensive.
- D. All conditional use permits are required to be taken through the site plan review process as listed in Section 30 of this development code.
- E. New development or substantial remodel is subject to the site plan review process as listed in Section 30 of this development code.

SECTION 15 - AIRPORT **APPROACH** OVERLAY ZONE, OR **AAO** DISTRICT

1. Purpose. In order to carry out the provisions of this overlay zone, there ~~are~~ **is** hereby created and established ~~certain an~~ **Airport Approach Overlay District** which includes all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Tillamook County Airport in Tillamook County **at the Port of Tillamook Bay**. ~~Such~~ **The Airport Approach Overlay District (AAO District)** ~~are~~ **is** shown on the current ~~Airportspace and~~ **Approach and Clear Zones Plan Maps**, adopted by the Port of Tillamook Bay **and the City of Tillamook**.

~~Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Tillamook and Tillamook County.~~

2. Scope. To prevent the establishment of air space obstructions in airport approaches and surrounding areas **including the Horizontal Surface and Conical Surface**, through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Tillamook.
3. Compliance Authorization. In addition to complying with the provisions of the ~~primary underlying~~ **primary underlying** zoning district, uses and activities shall comply with the provisions of this overlay zone, **as required by the City, the Port of Tillamook Bay and the FAA**. In the event of any conflict between any provisions of this overlay zone and the ~~primary underlying~~ **primary underlying** zoning districts, the more restrictive provision shall apply.
4. Permitted Uses Within the Airport Approach Safety Zone. This area extends for a horizontal distance for 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.



- A. Farm use, excluding the raising and feeding of animals which would be adversely affected by aircraft passing overhead.
- B. Landscape nursery, cemetery or recreation areas which do not include buildings or structures.
- C. Roadway, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet.
- D. Pipeline.

E. Underground utility wire.

**F. Single family dwellings, mobile homes, duplexes and multi-family dwellings, and structures accessory to a permitted use when authorized in the underlying zoning district**

**G. Structures that meet the height restrictions listed in Section 6.**

**H. Transportation Facilities and Improvements**

1. Normal operation, maintenance;
2. Installation of improvements within the existing right-of-way;
3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;
4. Landscaping as part of a transportation facility;
5. Emergency measures;
6. Street or road construction as part of an approved subdivision or partition;

4. Conditional Uses.

~~A. A structure accessory to a permitted use when authorized in the primary underlying zoning district.~~

~~B. Single family dwellings, mobile homes, duplexes and multi family dwellings, when authorized in the primary underlying zoning district, provided the landowner signs and records in the deed and mortgage records of Tillamook County a Hold Harmless Agreement and Navigation and Hazard Easement and submits them to the airport sponsor and Tillamook City Planning Department with a height greater than the height allowed in the Airport Approach Safety Zone.~~

**A.** Commercial and industrial uses, **and buildings and uses of a public works, public service or public utility nature** when authorized in the **primary underlying zoning** district, provided the use does not result in the following:

- 1) Creating electrical interference with navigational signals or radio communication between the airport and aircraft.
- 2) Making it difficult for pilots to distinguish between airport lights or others.
- 3) Impairing visibility.
- 4) Creating bird strike hazards.
- 5) Endangering or interfering with the landing, taking off or maneuvering of aircraft intending to use the airport.
- 6) Attracting large numbers of people.

SECTION 15 - AIRPORT ~~APPROACH~~ OVERLAY ZONE, OR ~~AAO~~ DISTRICT

~~B. Buildings and uses of a public works, public service or public utility nature. Places of public assembly.~~

~~E. Transportation Facilities and Improvements~~

~~1. Transportation projects that are not designated improvements in the Transportation System Plan;~~

~~2. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~

5. Procedures for a Conditional Use Permit. An applicant seeking a conditional use shall follow procedures set forth in the conditional use section, Section 27, of this Ordinance ~~Information accompanying the application~~ and shall also include the following information accompanying the application:

A. Property boundary lines as they relate to the Airport Imaginary Surfaces;

B. Location and height of all existing and proposed buildings, structures, utility lines and roads; and a

C. A statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.

6. ~~Limitations~~ Restrictions for Development in the AAO District.

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above.

1) No structure in the Horizontal Surface shall extend a height greater than 150 feet.

2) No structure in the Conical Surface shall extend a height greater than 200 feet.

~~B. No place of public assembly shall be permitted in the Airport Approach Safety Zone.~~

C. No structure or building shall be allowed within the Clear Zone.

D. Whenever there is a conflict in height limitations prescribed by this overlay district and the primary underlying zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

E. No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.

~~F. In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a~~

SECTION 15 - AIRPORT *APPROACH* OVERLAY ZONE, OR *AAO* DISTRICT

~~declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 45 Ldn. The planning and building department will review building permits for noise sensitive developments.~~

SECTION 16 - HAZARDS OVERLAY ZONE, *OR HO DISTRICT*

1. Purpose. The purpose of this *overlay* zone is to avoid development hazards in the areas of the City and the Urban Growth Boundary, which have been mapped as inundation zones (limit construction of new essential facilities and special occupancy structures as defined in ORS 455.447 in tsunami inundation zones). The following special regulations apply to all properties, which lie wholly or partially within one or more of these areas (refer to Tsunami Hazard Map of Tillamook Quadrangle).

2. Scope

*A. Protect life and property from natural disasters and hazards.*

*B. Provide appropriate safeguards to protect development from natural hazards.*

3. Authorization. *In addition to complying with the provisions of the underlying zoning district, uses and activities shall comply with the provisions of this overlay zone, as required by ORS 455.447.*

4. Hazard Overlay Zone Boundaries. The boundaries of the HO zone shall be the same as the boundaries of the ~~inundation zones~~ *Cascadia Subduction Zone Tsunami Inundation Zone Map for Tillamook*. These areas shall be ~~mapped and shall be~~ part of the Zoning Ordinance. The underlying zoning *district* regulations shall remain in effect and all development shall be subject to the requirements of both the underlying zone *district* and the Hazards Overlay Zone.

5. Site Investigation Required. A site investigation shall be required by the City for *subdivision, partitioning, conditional use or other site development approved by the City Planning Commission* in the Hazards Overlay Zone. The City Planning Official shall require the site investigation in all *areas land use applications handled administratively* in which *City Planning Commission approval is not required. Otherwise, the City Planning Commission shall require the investigation as part of a subdivision, partitioning, conditional use or other site development approval.* Site investigation reports shall be performed by an *especially* qualified engineer or engineering geologist registered by the State to practice as such. In areas requiring specialized knowledge, such as *Tsunami* inundation zones, the City may require that a person with experience or training in such areas be employed.

~~Facility class regulations categories:~~ *Some* Essential facilities and *some* new special occupancy structures shall not be constructed in tsunami inundation zones established by Department of Geology and Minerals Industries (DOGAMI), unless specifically exempted by ORS 455.446 or given an exception by the DOGAMI governing board.

*Some other* New "essential facilities", *other* special occupancy structures and all new hazardous facilities and major structures defined in ORS 455.447 that are constructed in a tsunami inundation zone are mandated to seek advice from DOGAMI, *but are not necessarily prohibited from tsunami inundation zones (See OAR 632-05 adopted by DOGAMI for specific provisions).*

6. Method for Minimizing Inundation Zone Hazards.

SECTION 16 - HAZARDS OVERLAY ZONE, *OR HO DISTRICT*

- A. ~~The owner or developer will have a new site investigation report and for the site prepared to determine the nature and extent of inundation area on the site,~~ unless the Planning Commission determines that an adequate site investigation report has already been undertaken, ~~for the entire portion of the site proposed for development, the owner or developer will have a new site investigation report and for the site prepared to determine the nature and extent of inundation area on the site.~~
- B. The method used to conduct the site investigation report must be acceptable to a qualified engineering geologist and acknowledged by DOGAMI ~~approved by the Planning Commission.~~
- C. If the detailed site investigation report indicates that significant amounts of inundation area are in locations required for development, the developer or owner shall have a report prepared by a qualified engineering geologist, which indicates suitable techniques to minimize potential hazards to facilities on the parcel ~~or~~, adjacent and nearby property.
7. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.
- A. Transportation Facilities and Improvements
- ~~1. Normal operation, maintenance;~~
  - ~~2. Installation of improvements within the existing right of way;~~
  - ~~3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;~~
  - ~~4. Landscaping as part of a transportation facility;~~
  - ~~5. Emergency measures;~~
  - ~~6. Street or road construction as part of an approved subdivision or partition;~~
  7. Transportation projects that are not designated improvements in the Transportation System Plan;
  8. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.

SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

1. Purpose. This district implements the Tillamook Town Center Plan. The district is intended to create a pedestrian-oriented, mixed-use downtown core and preserve and enhance the historic buildings and character of the key historic period of the Town Center which is dated prior to 1950. Existing buildings in the downtown core reflect architectural styles that were popular as late as the 1940s. The most recognized features from this timeframe are:

- ◆ Buildings with no setback from the sidewalk.
- ◆ Uniform architectural rhythm of alternating columns and bays.
- ◆ Large storefront display windows at street level suitable for commercial use.
- ◆ Upper stories, typically for residential use, with “punched” masonry openings and double-hung windows.
- ◆ Articulated parapets and cornices that vary from building to building
- ◆ Masonry as the predominant building material.

Existing buildings should be restored to their historic forms. New buildings should be compatible with the historic forms described above. In an effort to promote quality design for new infill buildings and the rehabilitation of existing buildings, and so far as practicable, all original exterior materials and details (including doors and windows) should be preserved according the criteria as described in this section.

All new structures, additions and uses should be compatible with historic forms described above and the prevailing character of the surrounding area to create harmony between the existing architectural character and new elements introduced into the Town Center.

Streetscape.

The Town Center should be a pedestrian friendly environment resulting from a combination of features: storefronts, sidewalks, streetlights and other amenities. New construction and rehabilitation should contribute to making the Town Center an inhabitable place that is pleasant for walking, providing a buffer zone of parked cars between automobile traffic and pedestrians, while also reinforcing the rhythm of the street in accordance with the Town Center Master Plan and Resolution 1625.

- ◆ Places provided for public activities. Informational kiosks, historical markers, and flagpoles are encouraged.
- ◆ Places provided with certain services: drinking water, places to sit and rest, places to stand out of the rain or sun, with accessible benches out of pedestrian flow.
- ◆ Unsightly signs and unused sign supports removed; signs better relating to the pedestrian installed.
- ◆ Streetlights and sidewalk elements not obscuring line of vision from automobiles.
- ◆ Historically appropriate streetlights installed.
- ◆ Trash receptacles attractive, serviceable, durable and easily maintained.
- ◆ Street trees on all streets in the Town Center Overlay District.

In cases of conflict, this overlay district supersedes the standards of the underlying zone.

2. Outright Permitted Uses. The following uses are permitted outright in the TC District:

SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

A. Uses and structures lawfully existing on the effective date of the **original** adoption of the Town Center Overlay District ~~{01/03/02}~~ which are non-conforming as defined by Section 31 shall be deemed **legal** non-conforming and may be altered, and/or expanded consistent with Section 31.

B. Residential Uses

1) Upper Floor Residential (**single-family and multi-family**).

2) **Housing for the Elderly or Disabled** .

3) **Ground Floor Residential Uses (single-family and multi-family) occupying less than twenty-five percent (25%) of the ground floor of multi-level commercial buildings, provided that commercial store fronts are maintained on the street front.**

**C. Commercial, Educational and Professional Uses, Operations and Activities**

1) Commercial Retail.

2) **Commercial Services.**

3) Hotels.

4) Restaurants.

5) Medical, Dental, Veterinary Clinics.

6) Pharmacy.

~~D. Historic Retail Overlay. For properties located within the Historic Retail Overlay, on Main Avenue between First Street and Fourth Street and Second Street between Ivy Avenue and Pacific Avenue, ground floor spaces facing the street shall be limited to commercial retail uses only.~~

**D. Public Facilities**

**E. Any uses in buildings incidental/secondary/accessory customarily appurtenant to a permitted use, such as incidental storage.**

**F. This section specifically does not include:**

1) **outdoor entertainment or dancing unless approved by the City Council,**

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- 2) *peddlers or mobile sales stands and pushcarts unless approved by the City Manager, and*
  - 3) *sale of liquor, beer or other alcoholic beverages for consumption on the premises without a security plan that has been approved by the City Council.*
3. ~~Conditional Uses.~~ The following conditional uses may be permitted subject to a conditional use permit and Performance Review Conditions:
- A. ~~Auto Oriented and Auto Dependent Uses.~~ Auto-oriented and auto-dependent uses including but not limited to drive-through facilities and other vehicle repair/sales/services (e.g. gas stations, car washes, oil change facilities, and other vehicle repair/sales/services, drive thru restaurants, drive thru banks and similar uses) are not permitted in the TC District.
  - B. ~~Light industrial fabrication, with the construction, manufacturing, assembly, combining of diverse, typically standardized parts.~~
  - C. ~~Emergency Services.~~
  - D. ~~Transportation Facilities and Improvements~~
    - 1) ~~Transportation projects that are not designated improvements in the Transportation System Plan.~~
    - 2) ~~Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~
  - E. ~~Buildings over 100 feet in height or 4 stories.~~
  - F. ~~Electronic/Digital Display Signs/Reader boards.~~
  - G. ~~In permitting a conditional use, the Planning Commission may impose, in addition to the criteria listed in Section 27, and regulations and standards expressly specified in the Development Code, other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:~~
    - 1) ~~Development of a Preservation Plan for historic sites and structures;~~
    - 2) ~~Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;~~

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- ~~3) Requiring landscaping and maintenance thereof;~~
- ~~4) Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;~~
- ~~5) Requiring means of pedestrian/bicycle access pathways to serve the property;~~
- ~~6) Increasing Limiting the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;~~
- ~~7) Limiting size, location and number of signs;~~
- ~~8) Limiting the location, coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;~~
- ~~9) Increasing, limiting, or prohibiting openings in sides of buildings or structures;~~
- ~~10) Enclosure of storage areas and limitation of outside display and/or storage of merchandise;~~
- ~~11) Requiring maintenance of grounds;~~
- ~~12) Regulating noise, vibration, fumes, etc.;~~
- ~~13) Regulating time for certain activities;~~
- ~~14) Establishing a time period within which the proposed use shall be developed;~~
- ~~15) The requirement of a bond for removal of such use within a specified period of time;~~
- ~~16) Requiring any future enlargement or alteration of the use be reviewed by the Planning Commission and new conditions imposed;~~
- ~~17) Requiring specific lot size, yard dimensions, open spaces or buffer areas;~~
- ~~18) And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.~~

**3. Performance Review and Standards Conditions. Performance Review will be handled by the Planning Commission and is the examination of activities and their locations based on measurable adverse externalities and effects on adjoining properties controlling the intensity of the land use, not the use itself, with the following performance standards conditions. Applicability shall be determined by the City Planner Planning Commission.**

SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

- A. New uses and/or development in the Town Center may be permitted subject to a review and a determination of compliance with the following performance review standards conditions:
1. The proposed uses and/or development shall preserve the historic integrity of and provide affirmative maintenance for structures and sites with a historic context dated prior to 1950.
  2. No uses and/or development shall be permitted and no process, equipment or materials shall be used which are found by the Planning Commission to be harmful or a public nuisance to persons living or working in the vicinity by reason of fumes, dust, smoke, cinders, dirt refuse, water-carried waste, noise, vibration, illumination, glare or unsightliness, or to involve any hazard of fire or explosion.
  3. Adequate fire access routes and clearances must be demonstrated and maintained. Adequacy shall be determined by the Fire Marshal. Adequate vision clearance for traffic safety shall also be provided.
  4. All activities onsite shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas; gasoline service stations; outdoor dining, entertainment, or recreation areas; nurseries; garden shops; Christmas tree sales lots; and bus stations.
  5. The following standards in sections B1 through B7 of this subsection shall be applied unless the subject property overlaps with an area subject to an ~~City Council~~ approved City master plan, in which case the relevant aspects of the master plan shall prevail.
  6. All commercial operations, activities, and enterprises shall emphasize pedestrian or bicycle access.
- B. For commercial and multi-family development, The applicant shall submit a development proposal for the following elements, as applicable to the proposal to conform to the performance review conditions. Applicability shall be determined by the City Planner.
1. Pedestrian Plan: A pedestrian circulation plan that provides adequate pedestrian access in the vicinity and within the project. The plan must provide compacted, safely lighted walkways and entrances suitable for use by the handicapped.
  2. Traffic Plan: A traffic plan that provides adequate vehicle circulation in the vicinity of and within the project. The traffic plan must coordinate internal and external transportation networks, including bikeways and mass transit to extent possible. Traffic noise must be minimized.

3. *Loading Plan: A plan for loading dock or space that provides adequate room for safe truck backing and turning movements.*
4. *Open Space Plan: A plan assuring that alterations and additions to existing buildings, and new construction, are compatible with neighboring properties in terms of the relative proportion of impervious/covered area to open space. Any landscape alterations for commercial, fabrication, educational, or professional uses shall be made in accordance with the standards contained in Section 22.*
5. *Parking Plan: A parking plan describing the impacts upon the City's parking program for both automobiles and bicycles, unless adequate on-site parking can be provided without damaging the integrity of the property.*
6. *Public Safety Plan: A plan for minimizing the likelihood of criminal activity by eliminating areas that are neither clearly private nor clearly public and by using landscaping that allows maximum observation while providing desired aesthetics.*
7. *Perimeter Plan: A plan for the perimeter of the project to protect adjacent properties from noise, visual incompatibility, light glare, heat pumps, fans, or other potential nuisances. This may be accomplished through screening, setbacks, siting, or other means.*

C. In permitting a conditional use, *the Planning Commission may impose*, in addition to the criteria listed in Section 27, and regulations and standards expressly specified in the Development Code, *other conditions found necessary to protect the best interests of the surrounding property or neighborhood, or the city as a whole. These conditions may include, but not be limited to, the following:*

- 1) *Development of a Preservation Plan for historic sites and structures;*
- 2) *Requiring fences, walls or landscape screening and/or buffering where necessary to reduce noise, glare and maintain the property in a character in keeping with the surrounding area;*
- 3) *Requiring landscaping and maintenance thereof;*
- 4) *Increasing street widths, controlling the location and number of vehicular access points to the property for ingress/egress;*
- 5) *Requiring means of pedestrian/bicycle access pathways to serve the property;*
- 6) *Increasing Limiting the number of off-street parking and loading spaces required; surfacing and proper drainage of parking areas;*

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- 7) Limiting size, location and number of signs;
  - 8) Limiting the location, coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property;
  - 9) Increasing, limiting, or prohibiting openings in sides of buildings or structures;
  - 10) Enclosure of storage areas and limitation of outside display and/or storage of merchandise;
  - 11) Requiring maintenance of grounds;
  - 12) Regulating noise, vibration, fumes, etc.;
  - 13) Regulating time for certain activities;
  - 14) Establishing a time period within which the proposed use shall be developed;
  - 15) The requirement of a bond for removal of such use within a specified period of time;
  - 16) Requiring any future enlargement or alteration of the use be reviewed by the Planning Commission and new conditions imposed;
  - 17) Requiring specific lot size, yard dimensions, open spaces or buffer areas;
  - 18) And such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes set forth in this section.
- ~~45. Auto Oriented and Auto Dependent Uses. Auto-oriented and auto-dependent uses including but not limited to drive-through facilities and other vehicle repair/sales/services are not permitted in the TC District (e.g. gas stations, car washes, oil change facilities, and other vehicle repair/sales/services, drive-thru restaurants, drive-thru banks and similar uses). Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 50 ~~100~~ feet. For exceptions, see 3(e), and 9, of this section. ~~In the Historic Retail Overlay, buildings shall be a minimum of 2 stories and a maximum of 4 stories.~~~~
56. Design Lot Requirements.
- ~~A. Lot Coverage: see 9 of this section for further requirements.~~
- B. Lot Area: No maximum lot area.

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C. Lot Width/Depth.

1) Building Width.

- ◆ The width should not exceed that which was traditional for the building styles of the Town Center dated prior to 1950.
- ◆ The width should maintain the traditional scale and proportion of the building style and be visually compatible with adjacent historic buildings. Where building sizes will not be equivalent or comparable, larger building facades shall be broken down into units that resemble the size of existing storefront facades.

D. Front Yard Setback: Minimum of zero (0) feet and a maximum of ten (10) feet. The 10-foot maximum applies to the first fifteen (15) feet of building height only. Upper stories may step back for balconies or other outdoor space. For exceptions see 9 of this section. The 10-foot maximum setback area may be used only for plazas, outdoor seating, or other useable pedestrian space related to the adjacent business (~~no parking lots or driveways are allowed between the building and sidewalk~~). ~~Within the Historic Retail Overlay, a zero (0) foot setback is required for all floors.~~ See Section 10(B) for Building Frontage requirements.

- ~~1) Public Facilities: Minimum of twenty five (25) feet and a maximum of fifty (50) feet.~~
- ~~2) Off-Street Parking for vehicles (autos, trailer, boats, etc.): Minimum of ten (10) feet (except basement or upper floor off-street parking garages) and shall be screened.~~

E. Side Yard Setback: No requirements ~~except for the following:~~

- ~~1) Corner lots: a maximum of ten (10) feet shall apply for the parcel lines adjacent to a public street and the areas within the Vision Clearance Area;~~
- ~~2) Public Facilities: Minimum of fifteen (15) feet.~~
- ~~3) Side yard setback areas shall only be used for pedestrian areas or other useable space related to the adjacent business (no parking lots or driveways are allowed between the building and sidewalk). Actual side yard setbacks will be determined by building frontage requirements.~~

F. Rear Yard Setback: No requirements.

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G. Vision Clearance Areas: Vision clearance areas shall comply with Section 21 of this ordinance.

H. Site review as per Section 22, Development Standards.

67. Signs. Signs should not be the dominant feature of a building or site, yet they are a key component in identifying businesses and contributing to the livelihood of the street with their individuality. Signs should allow for pedestrian and automobile traffic to identify businesses without detracting from the architecture or overpowering the streetscape.

A. Wall signs, window signs, marquee signs, canopy and blade signs attached to buildings shall be compatible in scale without obscuring the architectural features, and shall not exceed a size of 40 square feet each.

B. ~~Blade signs are encouraged;~~ Freestanding, plastic and internally illuminated acrylic sign faces are not allowed.

C. Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

D. The use of gold leaf window signs at an appropriate scale is recommended.

E. Historic product signs painted on building sides should be preserved when possible, as they contribute to the character of the commercial area.

F. Sandwich board signs shall be allowed to be placed on the sidewalk, in the ROW, per use on the subject property.

G. Electronic/Digital Display Signs/Reader-boards shall require Performance Review  
Murals are prohibited in the Town Center Zone District.

78. Off-Street Parking, Loading and Circulation.

A. For commercial uses in the Town Center Overlay District, off-street parking is not required. For residential uses, parking shall be provided at a minimum of 1 space per dwelling unit and a maximum of 1 space per bedroom. Exceptions to the minimum requirement may be approved by the city when it is demonstrated that the type of housing proposed does not require parking, and/or when it is shown that use of on-street spaces during off-peak hours will provide adequate parking for the area. Civic uses shall provide parking consistent with the requirements of Section 25.

B. Off-Street Parking lots shall be placed to the side or rear of buildings in accordance with the Building Orientation Standards as described in 10(A) of this section and Section 22.

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~~Exceptions to this standard that allow parking at the side of the building are allowed to the extent that required parking cannot be located to the rear of the building due to other requirements of this Code, in which case the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided to the side of the building. When rear parking is not possible,~~ All vehicular driveway entries shall be patterned to differentiate them from sidewalks. *No parking lots shall be placed in the front of buildings.*

- C. For corner lots, parking areas shall not be located within 20 feet of an intersection, as measured from the midpoint of the curb return arc to the edge of the parking area (curb or wheel stop) on corner lots.
- D. Loading and service areas (e.g., trash enclosures) shall be located *in such a manner* to minimize conflicts with public pedestrian areas, and shall be screened with plantings, shall provide convenient access for trucks, and minimize noise and other impacts with adjoining uses. *Loading and* service areas shall be located to the rear or sides of buildings, or in alleys when available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.
- E. *Off-Street* Parking areas shall be separated from buildings by either a raised concrete walkway or landscaped strip with a minimum width of 6 feet. Situations where parking stalls directly abut buildings shall be avoided except where wheel stops are provided.
- F. *Off-Street Parking areas shall be screened from the street by a street wall or arcade between 6 feet and 15 feet in height, and extending a maximum width to screen the view of parked vehicles and allow for safe circulation at the minimum driveway widths required according to Section 25.*
- G. Rear parking lots shall be designed and located contiguous to each other to the greatest extent practicable so that vehicles can travel from one private parking lot to the other (reciprocal access) without having to enter the street. Shared parking and circulation aisles coordinated between adjacent businesses and/or developments are strongly encouraged.
- 89. For properties ~~located within the Historic Retail Overlay,~~ *on Main Avenue between First Street and Fourth Street and Second Street between Ivy Avenue and Pacific Avenue,* ground floor spaces facing the street shall be limited to commercial retail uses only. *buildings shall be a minimum of 2 stories and a maximum of 4 stories, with a zero (0) foot setback for all floors. Continuous storefronts shall occupy one hundred percent (100%) of the parcel width at the front setback line.*

## SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

**210.** Site Planning and General Building Design Standards. The following standards are intended to promote a desired level of future development quality that will stimulate investment and strengthen economic vitality in the Town Center, and renew a positive physical image of the downtown core.

- A. Building Orientation: All new buildings shall be oriented to public streets. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances. Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard.
- B. Building Frontage: On sites with 100 feet or more of public street frontage, at least eighty percent (80%) of the site width shall be occupied by buildings placed within the maximum setback. For sites with less than one hundred (100) feet of public or private street frontage, at least sixty percent (60%) of the site width shall be occupied by buildings placed within the maximum setback. ~~For sites located in the Historic Retail Overlay, continuous storefronts shall occupy one hundred percent (100%) of the parcel width at the front setback line.~~
- C. Differentiation between spaces: Differentiation shall be provided between ground-level spaces and upper stories. For example, bays or balconies for upper levels, and awnings, canopies or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art, may also be used.
- D. Ground Floor Windows and Openings in the surface of a structure: Ground floor windows and openings in the structure surface shall be provided on the first floor building facade that faces a street. The main front elevation(s) of buildings shall provide ~~at least~~ sixty (60%) to eighty (80%) percent windows, transparencies or other openings at the pedestrian level (on corner lots, this provision applies to two elevations).
- E. Commercial Storefront. The continuous commercial fronts of the Town Center make for a consistent, pedestrian friendly streetscape for a wide variety of businesses. The storefront is predominately made up of glazing with only structure and decoration revealed. The upper stories consist mostly of wall with "punched" window openings. New construction and rehabilitation should maintain the continuity of the multi-story buildings and the clear distinction between street level storefront and upper floor offices or residences through facade treatment and articulation.

### 1) Entrances

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- ◆ Primary entrances should be recessed, glazed and oriented to the street rather than to a rear or interior alley.
- ◆ Tiled floors should be used as they are highly effective in marking the recessed entrance.

### 2) Windows

- ◆ Discourage introducing or ~~e~~Changing the location or size of windows or other openings that alter the architectural rhythm, alignment or character of the original building is prohibited.
- ◆ Except for transom windows, windows should not break the plane of the facade.
- ◆ Clear plate glass should be used for display windows, and they should be incorporated with transom windows.
- ◆ Storefront windows shall ~~sho~~uld be no closer than 18 inches from the ground (bulkhead height). The maximum bulkhead height for new construction should be 36 inches.
- ◆ Vertical, double-hung windows, either singly or in groups, should be used on the upper levels.
- ◆ Use of painted wood or dark finished metal is preferable to “natural” aluminum.
- ◆ When considering new window fenestration (window size, size of window panes, mullion type window materials), it is important that the new design be sympathetic and compatible with the facade theme of the whole block.
- ◆ Obstructing or covering mezzanine windows is discouraged.

### 3) Storefront Facades

- ◆ Vertical structural lines (columns, piers, window patterns) should be carried down to the ground. If the lower storefront materials are different, use similar colors and forms to integrate the building facade.
- ◆ Non-historic materials above or below storefront windows (such as small areas of decorative stone) should be replaced with material of craftsmanship, color and texture that distinguishes historic from other buildings.
- ◆ Street level columns and bays for display windows should be preserved or used. They should provide a clear visual division at the property line.
- ◆ Doors should be accentuated with simple details such as a handsome brass door pull, brass kickplate or an attractive painted sign.

F. Roof Form. Roof forms contribute to the identity of the Town Center because historically they were flat with parapets, false fronts or gables concealed by a parapet or false front, in contrast to the pitched roofs in the residential neighborhoods. New construction and rehabilitation should maintain the traditional storefront architecture of the downtown in articulation of its roof forms along the street edge.

- ◆ Roof forms should be consistent with those commercial buildings of the key historic period of the Town Center which is dated prior to 1950.

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- ◆ Parapet and flat roofs are recommended. Pitched roof forms associated with residential structures are not recommended, unless concealed by a parapet.
  - ◆ Detailing of the parapets with patterned or relief cornices and stepping is recommended.
  - ◆ Tile, shake shingle and thick composition roofs are strongly encouraged. Standing seam metal, corrugated metal, fiberglass, high contrast or brightly colored glazed tile, and crushed rock roofs are prohibited.
- G. Cornices and Architectural Detail. Cornices are important architectural elements. They give interest to the roofline, breaking up the flat lines of a straight parapet wall; they give a building its own individuality.
- ◆ Repair existing cornices; if they have been covered up, remove the applied materials and restore; if they have been removed, consider replacing.
  - ◆ Sheet metal cap flashing should be kept to a minimum unless the building has a flat parapet wall.
  - ◆ If a building has decorative architectural details, clean them to restore their original character or paint them in contrasting colors to accentuate them.
- H. Awnings/Marquees. Awnings and Marquees provide a “ceiling” for pedestrian traffic, which helps to give a sense of enclosure to the street and protection from the elements. All new or replacement awnings/overhangs must be marquee style. Awnings can also enliven the street, with color, texture, and an expression of a business “personality.”
- ◆ Marquees should fit within window bays so as not to detract from architectural features of the building or obscure transom windows above display windows.
  - ◆ Marquees may pass over vertical columns or pilasters. Awnings should not pass over vertical columns or pilasters.
  - ◆ Existing awnings should have a slope of no more than 45 degrees (most now are about 60).
  - ◆ The color of the awning should be compatible with the building.
  - ◆ The marquees shall be flat, horizontal metal canopies suspended by chains or rods, if original, should be used as they provide cover for pedestrians and shade within the store.
  - ◆ The use of internally illuminated, plastic, and/or barrel awnings are prohibited as they detract from architectural features with incompatible materials that are out of scale.
- I. Color. Color can dramatically affect the appearance of buildings and should be kept clean and in good repair and carefully considered in relation to the overall design of the building. Color can also affect the apparent scale and proportion of buildings by highlighting architectural elements such as doors and windows.
- ◆ Historic masonry facades should not be painted.

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- ◆ Minimize the number of colors on the building's exterior in order to maintain a cohesive appearance with minimum visual distraction. Commercial buildings shall use no more than four colors.
- ◆ The color palette chosen for a building should be compatible with the colors of adjacent buildings in the Town Center. Subdued colors are recommended for the overall color scheme. A bright trim color may be appropriate if it can be shown to enhance the general appearance of the building.
- ◆ Colors must be selected from the color chart approved by Council resolution. Bright neon paint colors and large areas of intense white colors shall be avoided.

J. Rear Entrances.

- ◆ Signs should be modestly scaled to fit the casual visual character of the alley or rear parking area.
- ◆ An awning can soften rear facades and provide a pleasant protected space.
- ◆ The rear entry door should be wood and glass similar to the front door.
- ◆ Security lighting should be modest and should focus on the rear entry door.
- ◆ Selective use of tree plantings, potted plants and other landscaping can subtly improve a rear facade.
- ◆ Refuse containers and service facilities should be screened from view by solid masonry walls and landscaping to screen walls and help deter graffiti.

1011. Landscaping and Screening. Landscaping and screening shall be required, in accordance with the following standards (These standards apply in the TC District and supersede the landscape standards in other sections of this ordinance):

- A. All areas not occupied by structures, parking lots or pedestrian plazas that are visible from public right of ways shall provide landscaping. Landscaping shall include a mix of vertical and horizontal elements.
- B. Street trees shall be required on at least one side of all streets except Main and Pacific Avenues between First and Fourth Streets. Species should be compatible with the design features provided below, and shall provide continuity with nearby landscaping. In accordance with Resolution 1625 and the Town Center Streetscape Design, street trees shall be planted on the north side of the street right-of-way and shrubs or no planting is required on the south side of the street right-of-way for those streets extending east-west. Street tree species to be planted and minimum tree planting dimensions are described in Section 26. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
- ◆ Tree Canopies shall be a minimum of 10 feet diameter.
  - ◆ Trunk setback from curb shall be a minimum distance of 2 ½ feet, maximum distance of 3 feet.

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- C. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles with screening elements is required and shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features approved by the City Planner.
- D. Drought-resistant vegetation is strongly encouraged. Irrigation systems shall be installed to support landscaping that is not drought-resistant.

**F. Streetscape.**

~~*The Town Center should be a pedestrian friendly environment resulting from a combination of features: storefronts, sidewalks, streetlights and other amenities. New construction and rehabilitation should contribute to making the Town Center an inhabitable place that is pleasant for walking, providing a buffer zone of parked cars between automobile traffic and pedestrians, while also reinforcing the rhythm of the street in accordance with the Town Center Master Plan and Resolution 1625.*~~

- ~~◆ *Places provided for public activities. Informational kiosks, historical markers, and flagpoles are encouraged.*~~
- ~~◆ *Places provided with certain services: drinking water, places to sit and rest, places to stand out of the rain or sun, with accessible benches out of pedestrian flow.*~~
- ~~◆ *Unsightly signs and unused sign supports removed; signs better relating to the pedestrian installed.*~~
- ~~◆ *Streetlights and sidewalk elements not obscuring line of vision from automobiles.*~~
- ~~◆ *Historically appropriate streetlights installed.*~~
- ~~◆ *Trash receptacles attractive, serviceable, durable and easily maintained.*~~
- ~~◆ *Street trees on all streets in the Town Center Overlay District.*~~

**1112.** Roof-Mounted Equipment. Roof-mounted equipment (e.g., HVAC) shall be screened from view from the street by providing a parapet or cornice at least equal in height to the equipment and by painting the equipment to match the roof. For flat roofs, the parapet shall surround the perimeter of the building. Screening shall be compatible with rooflines and materials so that the rooflines are harmonious.

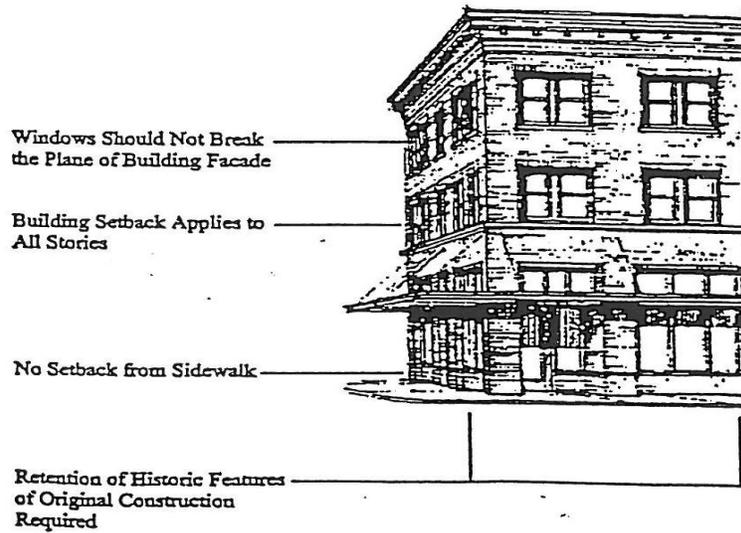
**1213.** Other Required Conditions.

- A. Site Plan Review as per Section 30.
- B. The following graphics shall be used as a guide to comply with the standards in this section.

**SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT**

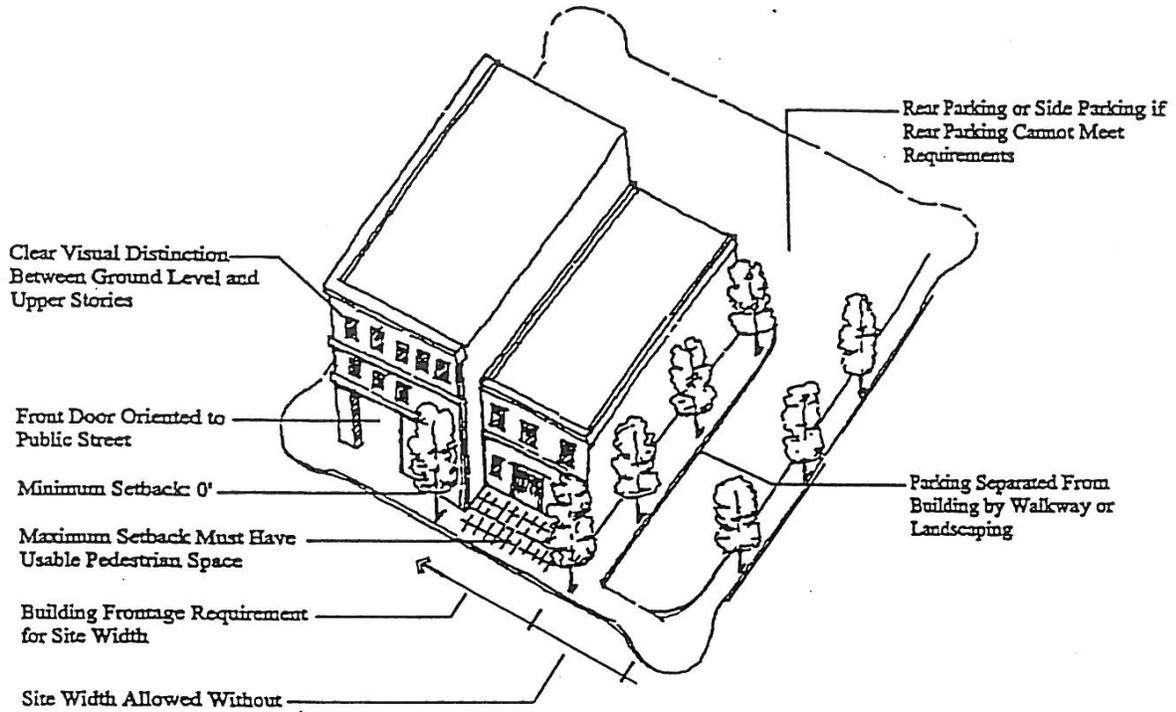


**Tillamook Town Center District  
Site Planning and  
General Building Design**

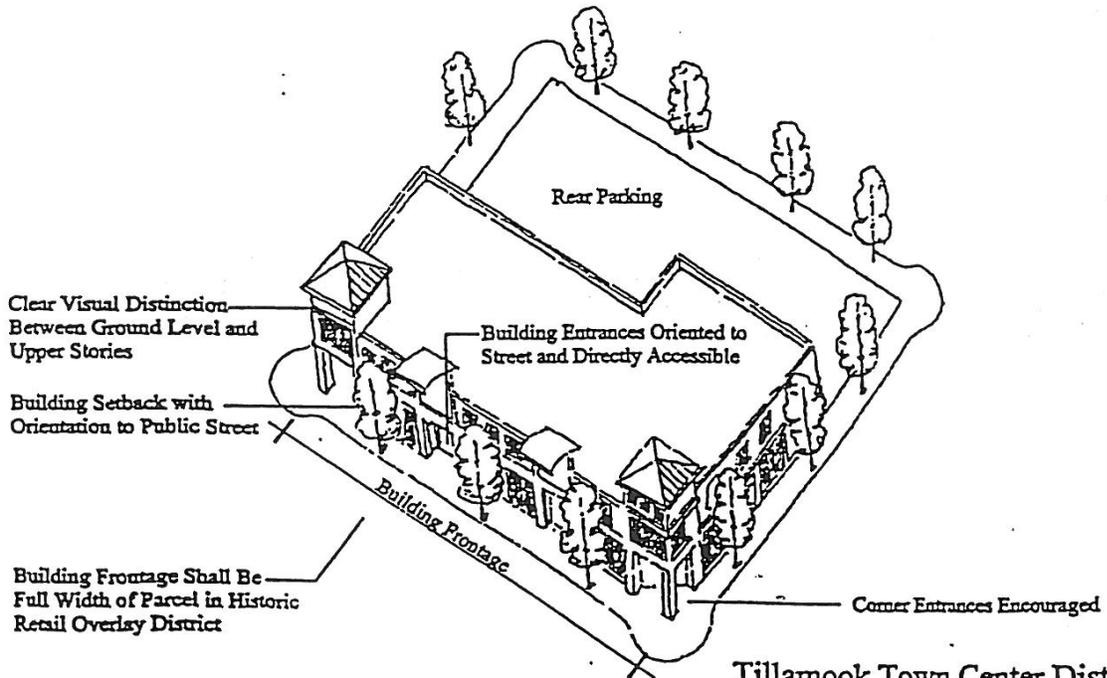


**Tillamook Town Center District  
Site Planning and  
General Building Design  
(Historic Retail Overlay District)**

SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT

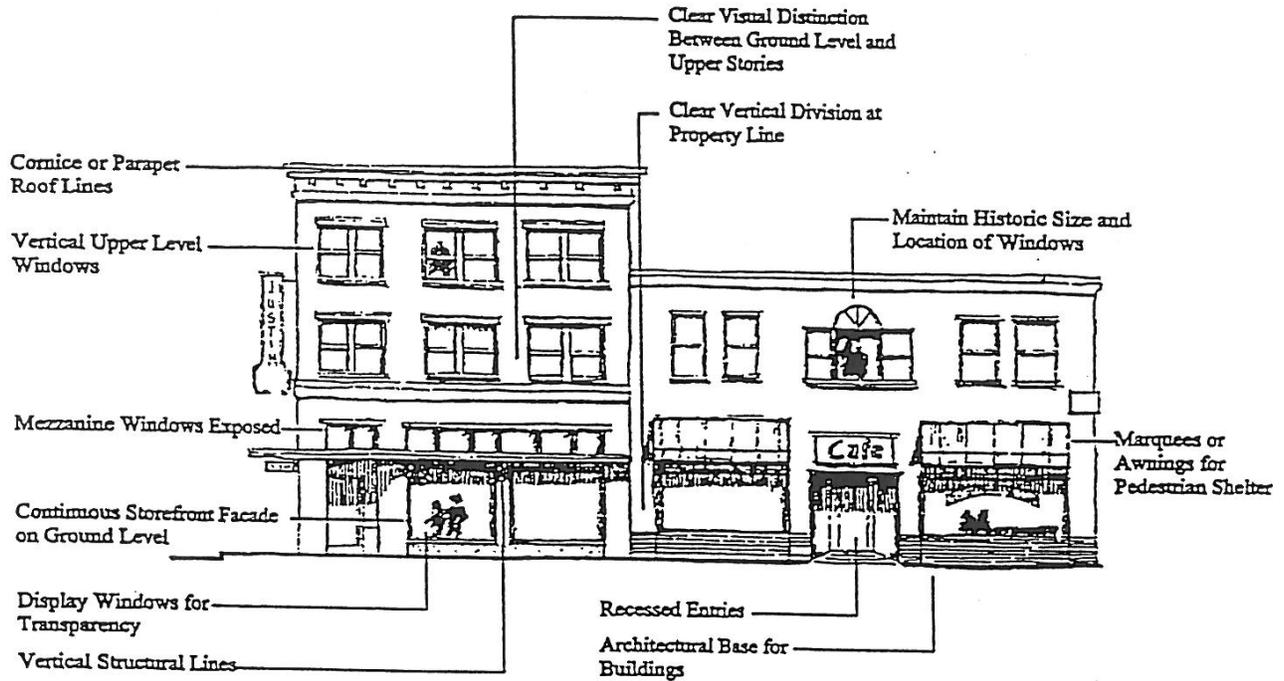


Tillamook Town Center District  
Lot Requirements, Parking,  
and Circulation

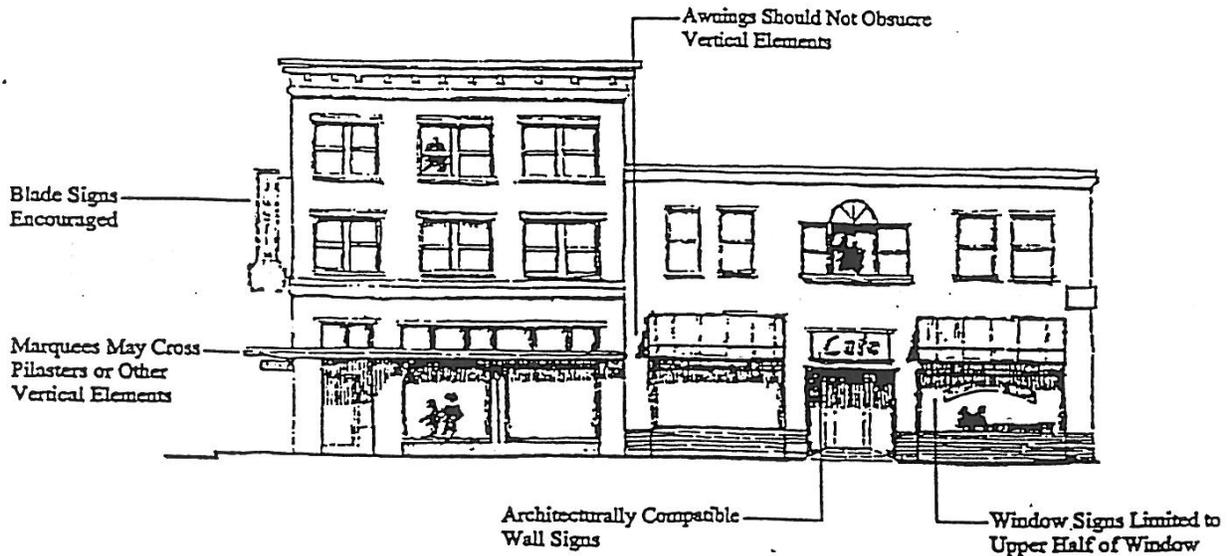


Tillamook Town Center District  
Site Planning and  
General Building Design

SECTION 17 - TOWN CENTER OVERLAY DISTRICT, OR TC DISTRICT



Tillamook Town Center District  
Historic Architectural Guidelines



Tillamook Town Center District  
Awnings and Signs

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

### 1. Purpose.

~~A. The purpose of the Water Resources Protection Overlay (WRPO) District is to implement the *City of Tillamook* Significant Wetland and Riparian ~~Corridor Resource~~ policies of the City of Tillamook Comprehensive Plan and to guide development and conservation of significant wetlands, streams and riparian corridors identified in the City of Tillamook Significant Riparian/Wetlands Inventory (*Local Riparian/Wetlands Inventory*) and on *the City of Tillamook Significant Wetlands and Riparian Corridor Map (Significant Wetlands and Riparian Corridor Map)*. This section allows use of property while establishing clear and objective standards to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide. Specifically, this ordinance is intended to protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, limit development in significant riparian corridors, and reduce the effects of flooding. This ordinance attempts to meet these goals by excluding structures from areas adjacent to fish bearing lakes and streams, and their associated wetlands, and by restricting vegetation removal or other alterations in those areas.~~

### 2. Scope.

- ~~A. To allow use of properties while establishing clear and objective standards to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecological and land conservation functions these areas provide.~~
- ~~B. To protect habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses and for aquatic life, control erosion and limit sedimentation, limit development in significant riparian corridors, and reduce the effects of flooding.~~
- ~~C. To exclude structures from areas adjacent to fish bearing lakes and streams, and their associated wetlands, and restrict native vegetation removal or other alterations in those areas.~~

### 3. Applicability and Generalized Mapping

A. The WRP overlay district applies to all wetlands, streams and riparian corridors, identified as significant in the City of Tillamook Wetlands and Stream Corridors Map contained in the City's Comprehensive Plan. This generalized map is based on the City of Tillamook Wetlands and Riparian ~~Corridor~~ Inventory ~~prepared by Brophy and Wilson in 1999, hereby adopted by reference~~. The *Significant Wetlands and Riparian Corridor* Map shows the general location of significant resources. However, the edge of the wetlands area cannot be determined, until a wetland delineation is completed by a qualified person.

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

The standards and procedures of this section:

- 1) Apply to all development proposed on a lot or parcel located within, or partially within, the WRPO District;
  - 2) Are in addition to the standards of the underlying zone; and
  - 3) In cases of conflict, this **ordinance overlay district** supersedes the standards of the underlying zone.
- B. The City of Tillamook wetlands and stream corridors map identifies the significant water resources designated in subsection 2 of this Section.
- C. Applicable riparian and wetlands setbacks. The applicant shall be responsible for providing a map of the precise location of the top of the streambank, the wetland edge, and/or the riparian setback at the time of application submittal.
- D. The inventory of significant wetlands and riparian corridors contained in the Comprehensive Plan identifies all significant wetlands, identifies which streams are fish-bearing, and specifies the stream-size category. Based on the classification contained in this inventory, the following significant wetlands and riparian corridor setbacks shall be established:
- 1) Along all streams identified in the **Local Riparian/Wetlands Inventory**, the riparian corridor boundary shall be 50 feet from the top of bank. This includes the following water bodies:
    - a) Colby Creek
    - b) Dougherty Slough
    - c) Hall Slough
    - d) Holden Creek
    - e) Hoquarten Slough
    - f) Jack Creek
    - g) Trask River
    - h) Wilson River
  - 2) Along all significant wetlands as designated in the **Local Riparian/Wetlands Inventory**, the wetlands boundary shall be measured horizontally 50 feet from the line of non-aquatic vegetation.
  - 3) Where the riparian corridor includes all or portions of a significant wetland identified in the **Local Riparian/Wetlands Inventory**, the distance to the riparian corridor boundary shall be measured from the upland edge of the wetland.
  - 4) ~~Except as provided for in D(4),~~ The measurement of distance to the riparian corridor boundary shall be from the top of bank. In areas where the top of the bank cannot be

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

clearly determined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.

4. Activities Permitted and Prohibited within the Riparian Area. This Section outlines the uses and conditions associated with development in the WRPO District as required by OAR 660-230-090 (8) (a - c).

- A. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed to minimize intrusion into the riparian area, and no other options or locations are feasible:
- 1) Streets, roads, and paths;
  - 2) Drainage facilities, utilities, and irrigation pumps;
  - 3) Water-related and water-dependent uses, ~~except within the designated coastal shorelands boundary where alterations may be allowed only for water-dependent uses~~;
  - 4) Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;
  - 5) Non-conforming uses existing fully or partially within the riparian corridor may be expanded, provided the expansion does not occur within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall comply with the standards of this ordinance;
  - 6) Existing lawn within the riparian corridor may be maintained, but not expanded to further intrude into the riparian corridor;
  - 7) Shoreline stabilization and flood control structures that legally existed on the effective date of this ordinance may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the ~~Director~~ City and appropriate state natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.
- B. Removal of riparian vegetation is prohibited, except for:
- 1) Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 2) Removal of vegetation necessary for the development of approved water-related or water-dependents uses, ~~except within the designated coastal shorelands boundary, where removal may be allowed for only water-dependent uses. Vegetation removal~~ shall be kept to the minimum necessary to allow the water-dependent or water-related use;
  - 3) Trees in danger of falling and thereby posing a hazard to life or property may be felled, following consultation and approval from the Public Works Director. The Public Works Director may require these trees, once felled, to be left in place in the riparian corridor.
  - 4) Existing landscaping, established prior to the effective date of this ordinance may be maintained. However, no new encroachment into the riparian corridor shall be allowed. Consultation with the Oregon Department of Fish and Wildlife (ODFW) is required prior to trimming/pruning of riparian/wetland vegetation in order to minimize the adverse effect of the trimming on water quality and aquatic habitat.
- C. Exceptions: The following activities are not required to meet the standards of this section:
- 1) Commercial forest practices regulated by the Oregon Forest Practices Act;
  - 2) Normal and accepted farming practices other than buildings or structures, ~~occurring on land zoned for exclusive farm use and~~ existing in the riparian area ~~since~~ prior to the date of adoption of this ordinance.
- D. Development proposed within any wetland or stream, in addition to meeting the standards of this Section, shall also be approved by Division of State Lands (DSL) and Army Corps of Engineers (CoE).
- E. Exemptions.
- 1) When performed under the direction of the City, and in compliance with the provisions of the City of Tillamook Public Works Improvement Standards and Specifications, as well as Riparian Setbacks in this Ordinance, the following shall be exempt from the provisions of this ordinance:
    - a) Emergency repairs to public facilities; and
    - b) Routine maintenance or replacement of existing facilities.
  - 2) When performed under consultation with ODFW and other authorities as appropriate, the following shall be exempt from the provisions of this ordinance:
    - a) Stream and wetlands restoration and enhancement programs; authorized by appropriate permits;

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- b) Non-native vegetation removal;
  - c) Planting of native plant species; and
- F. Any permitted crossings of significant riparian corridor waterways shall be conducted in consultation with the ODFW, DSL, and CoE.
5. Application Requirements. All development applications on lots within, or partially within, the WRPO District shall submit the following information, in addition to other information required by this ~~code~~ ordinance.
- A. Underlying Zone District Permitted Uses. The applicant shall prepare a plan that demonstrates that the use will be constructed and located so as to minimize grading, native vegetation removal, and the area necessary for the use. The City ~~Manager~~ may require additional information where necessary to determine WRPO District boundaries or to mitigate identified impacts from a proposed development, including but not limited to:
    - 1) Site survey as prescribed in applicable Zoning Clearance P permit application;
    - 2) A map showing the name and location of streams including streambanks and significant riparian corridors including adjacent wetlands;
    - 3) A map showing the location of any wetlands;
    - 4) A map showing the riparian setback area.
  - B. Underlying Zone District Conditional Uses and Land Division Developments. The applicant shall prepare a required site specific survey. If any conditional use permit or Planned Unit Development activity is proposed within significant water resource site setbacks, the applicant shall provide a survey of the entire site that precisely maps and delineates the following:
    - 1) The location of streams and significant riparian corridors, including adjacent wetlands, and the tops of their respective stream banks or wetland boundaries;
    - 2) Significant wetlands;
    - 3) The area enclosed by the riparian setback;
    - 4) Property lines and easements, existing public rights-of- way, structures, roads and utilities;
    - 5) Vegetation, including trees or tree clusters and under-story vegetation;
    - 6) Existing and proposed contours at 2-foot intervals.

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

6. Development Standards. The following shall apply to all development, including native vegetation removal and excavation, in the WRPO District. No application for uses identified in this section shall be deemed complete until the applicant has addressed each of these standards in writing.
- A. Alternatives considered. In general, land development is expected to occur outside the WRPO District significant water resource setback areas. Therefore, development applications must carefully examine upland alternatives for the proposed use, and explain the reasons why the proposed development cannot reasonably occur outside of the water resource or riparian setback area.
  - B. Minimize siting impacts. The proposed use shall be designed, located and constructed to minimize excavation, loss of native vegetation, erosion, and adverse hydrological impacts on significant water resources. **Site Analysis shall be provided to the City.**
    - 1) For land divisions, the applicants must certify that any adverse water quality impacts of the development proposal will be minimized consistent with best management practices.
    - 2) The development shall intrude into water resource or riparian setbacks as little as possible, recognizing the operational needs of the proposed development.
  - C. Construction materials and methods. Where development within the riparian area is unavoidable, construction materials or methods used within the riparian setback area shall minimize damage to water quality and native vegetation.
  - D. Alteration Requiring Mitigation. If a use is proposed within a significant resource site or riparian setback area, a mitigation plan shall be prepared and implemented.
    - 1) Permanent alteration of the riparian area by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of subsection 5 of this section.
      - a) **Unless permitted under subsection 4(A), a** variance to the riparian setback approved through the procedures of Subsection 7 of this section.
      - b) Proposals for development activities within the riparian area shall be reviewed by **ODFW** under its Fish and Wildlife Habitat Mitigation Policy. Mitigation recommendations by ODFW may become conditions for approval of a proposed alteration of a wetland or riparian corridor.
    - 2) Conditional uses **in the underlying zoning districts , with the criteria listed in Section 27 of this ordinance,** may be approved **in the WRPO District** where the applicant can demonstrate, **through site analysis,** that there are no reasonable alternatives and that the proposed use(s) are designed and constructed to minimize intrusion into the significant resource.

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

~~3) Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.~~

~~a) Transportation Facilities and Improvements~~

- ~~1. Normal operation, maintenance;~~
- ~~2. Installation of improvements within the existing right-of-way;~~
- ~~3. Projects identified in the adopted transportation System Plan not requiring future land use review and approval;~~
- ~~4. Landscaping as part of a transportation facility;~~
- ~~5. Emergency measures;~~
- ~~6. Street or road construction as part of an approved subdivision or partition;~~
- ~~7. Transportation projects that are not designated improvements in the Transportation System Plan;~~
- ~~8. Transportation projects that are not designated and constructed as part of an approved subdivision or partition.~~

E. **Erosion and Vegetation** Plan implementation. A schedule of planned erosion control and re-vegetation measures shall be provided, which sets forth the progress of construction activities, and mitigating erosion control measures. The approved Erosion Control or Re-vegetation Plan shall be implemented and maintained as follows:

- 1) Erosion control measures shall be installed prior to any stripping or excavation work.
- 2) The applicant shall implement the measures and construct facilities contained in the approved Erosion Control Plan in a timely manner. During active construction, the applicant shall inspect erosion control measures daily, and maintain, adjust, repair or replace erosion control measures to ensure that they are functioning properly.
- 3) Eroded sediment shall be removed immediately from pavement surfaces, off-site areas, and from the surface water management system, including storm drainage inlets, ditches and culverts.
- 4) Water containing sediment shall not be flushed into the surface water management system, wetlands or streams without first passing through an approved sediment filtering facility or device.
- 5) In addition, **prior to fencing placement and excavation,** the applicant shall call for **City building** inspection. Prior to the foundation inspection for any building, **the applicant shall call for inspection** to certify that erosion control measures are installed in accordance with the erosion control plan.

### 7. Variances

A. In cases where the riparian corridor unduly restricts the development of a lot or parcel legally created before the effective date of this ordinance, a property owner may request a

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

variance to the riparian setback. **In addition As a replacement to Section 32 of this ordinance,** granting of a variance requires findings that:

- 1) The proposed development represents a reasonable and legal use of the lot or parcel considering the zoning **district requirements**; and
  - 2) Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in similarly zoned parcels; and
  - 3) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity and has exhausted all **other** options available under this ordinance to relieve the hardship; and
  - 4) The variance is the minimum necessary to retain a use of the property and to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality; and
  - 5) Granting the variance will not be materially detrimental to the public welfare or be injurious to property or improvements in the neighborhood of the premises and no significant adverse impacts on water quality, erosion or slope stability will result from approval of the variance, or these impacts have been mitigated to the greatest extent possible; and
  - 6) The variance will be in general harmony with the intent and purpose of this ordinance, and will not adversely affect any officially adopted comprehensive plan provision.
8. **Mandatory Notification of Permitting Agencies. A riparian corridor and isolated wetlands not designated as significant resources, and** wetlands that do not qualify as significant in City of Tillamook Local Wetland Inventory may be subject to permitting requirements of the Division of State Lands and the Army Corps of Engineers. To effectively coordinate permitting responsibilities the City of Tillamook will notify the Division of State Lands of all development applications that may impact wetland resources in the City. The applicant shall be responsible for obtaining any applicable development permits from State and Federal agencies.
- A. Notification Procedure:
- 1) The City of Tillamook shall require written application for all Wetland modifications at the time of local permit application.
  - 2) The City shall record the application **statement** and forward a copy of the application to the Division of State Lands.

## SECTION 18 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 3) The City shall not allow review or approval of any application for permit that includes the intent to modify a wetland or riparian resource until such time as the permitting agencies have approved a modification permit.
- 4) The City shall report, in writing, a record of modification of the riparian and wetland resources not included on the Significant Riparian Corridor and Wetland List to all permitting agencies with a jurisdictional interest.

### 9 Changes to inventory maps

- A. Claims of an error in the mapped location of a wetland or riparian corridor on the Significant Wetlands and Riparian Corridor Map may be considered as part of an application for a subdivision, partition, lot line adjustment, site plan review, conditional use permit or variance.
- B. Claims that an identified significant wetland or riparian corridor should be deleted from, or added to, the Significant Wetlands and Riparian Corridor Map shall be considered through the Plan Amendment process.
- C. All Claims of map errors shall be supported by adequate inventory information and analysis to justify the claim, and shall be verified by the Oregon Division of State Lands.

**SECTION 19 - ESTUARY STANDARDS, REQUIREMENTS AND SHORELAND OVERLAY DISTRICT**

1. **Purpose.** The purpose of the Estuary Standards and Requirements and Shorelands Overlay District is to bring under special review those projects involving development within designated estuaries in an effort to recognize, protect, maintain, and where appropriate, restore the unique environmental, economic and social values of said estuaries.

2. **Scope. Recognition, protection, maintenance and restoration where appropriate, of the unique environmental, economic and social values of the designated estuaries in the City.**

**Estuary Standards shall be applied to all estuarine waters, intertidal areas, submerged and submersible lands and tidal wetlands up to the line of non-aquatic vegetation or the Mean Higher High Water (MHHW) line, whichever is most landward.**

3. **Standards.** For all areas designated as estuary, **Section 3.1-- of the Tillamook County Development Code shall apply by the following standards are hereby adopted by** reference and **shall be** made a part of this **Ordinance this Development Code.**

**A. Section 1.030(c) of Tillamook County Ordinance No. 33, Definitions for Estuary Zones, Shorelands Overlay Zone and Water Dependent Development Zone.**

**B. Section 3.100 of Tillamook County Ordinance No. 33, Estuary Zones.**

**C. Section 3.106 of Tillamook County Ordinance No. 33, Estuary Conservation 1 Zone (EC1).**

**D. Section 3.120 of Tillamook County Ordinance No. 33, Review of Regulated Activities.**

**E. Section 3.140 of Tillamook County Ordinance No. 33, Estuary Development Standards.**

A. The Conditional use provisions of Section 27 of this Ordinance shall be applied **in lieu of the Article 6 provisions of Tillamook County Ordinance No. 33 as referenced in Section 3.106(3) and 3.120(3) for applications** under **said Ordinance this Development Codes.**

**F. The appeal procedures of Section 33 of this Ordinance shall be applied in lieu of the Article 10 provisions of Tillamook County Ordinance No. 33 as referenced in Section 3.120(5)(c) of said Ordinance.**

B. Tillamook Bay Estuary Management Unit Designation Maps and Tillamook Bay Estuary Zoning Maps H, I and J of Tillamook County Ordinance No. 33.

4. 4. **Tillamook County's Section 3.090:** Shoreland Overlay Zone (SHO). For all areas designated as **shorelands**, **Section 3.090 of the Tillamook County Development Code shall apply by the following standards are hereby adopted by** reference and **shall be** made a part of this **Ordinance Development Code.**

The City of Tillamook incorporates by reference the County shoreland overlay zone into its proposed appended county coastal ordinances in order to fully address the coastal ordinances.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

1. Purpose. It is the purpose of *this section of* the ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - A. To protect human life and health;
  - B. To minimize expenditure of public money and costly flood control projects;
  - C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
  - D. To minimize prolonged business interruptions;
  - E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
  - F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
  - G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
  - H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.
  
2. Findings of Fact. The flood hazard areas of Tillamook City are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
  - A. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood proofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.
  - B. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:
    - 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
    - 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

- 3) Controlling the alteration of natural flood plains; stream channels, and natural protective barriers, which help accommodate or channel flood waters;
  - 4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
  - 5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.
3. Statutory Authorization. The legislature of the State of Oregon has in ORS Chapter 227 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Common Council of Tillamook City, Oregon does ordain as follows:
4. DEFINITIONS. Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application. *Many of these definitions also appear in Section 3, Definitions, of this ordinance. All the definitions listed below apply to this section.*

Appeal means a request for a review of the City Manager's interpretation of any provision of this ordinance *section of the Zoning Ordinance development code* or a request for a variance.

Area of Shallow Flooding means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

Area of Special Flood Hazard means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designation on maps always includes the letters A or V.

*Critical Facility means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals,*

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

***police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.***

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

***Elevated Building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, sheer walls, post piers, pilings, or columns.***

Flood or Flooding means a general and temporary condition of partial complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

***Foundation (permanent): primary support for a structure through which the imposed load is transmitted to the footing or earth.***

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 5B-(1)b.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New Construction means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

**Recreational Vehicle means a vehicle which is:**

- 1) Built on a single chassis;**
- 2) 400 square feet or less when measured at the largest horizontal projection;**
- 3) Designed to be self-propelled or permanently towable by a light duty truck; or**
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.**

Start of Construction includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. **For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.**

Structure means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started, or
  - 2) If the structure has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

The term does not, however, include either:

- 1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
- 2) Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

Variance means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

### 5. GENERAL PROVISIONS

- A. Lands to Which This Ordinance Applies. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the *City of Tillamook City*.
- B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Tillamook, dated May 1, 1978, and as amended with accompanying Flood Insurance Maps, as *subsequently* amended *by FEMA*, are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 210 Laurel Avenue in Tillamook, Oregon.
- C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing therein contained shall prevent the City of Tillamook from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. In the Interpretation. In the interpretation and application of this ordinance, all provisions shall be:
  - 1) Considered as minimum requirements;
  - 2) Liberally construed in favor of the governing body; and,
  - 3) Deemed neither to limit nor repeal any other powers granted under State statutes.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

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

### 6. ADMINISTRATION

#### A. Establishment of Development Permit

1) Development Permit Required. A development permit, ***such as the City Zoning Clearance Permit, City Flood Hazard Development Permit, Tillamook County Construction Permit,*** shall be obtained before construction or development begins within any area of special flood hazard established in Section 3B. The permit shall be for all structures including manufactured homes, as set forth in the "Definitions", and for all development including fill and other activities, also as set forth in the "Definitions."

2) Application for Development Permit. Application for a development permit shall be made on forms furnished by the City Manager and may include but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, ***all of*** the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been flood proofed;
- c) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in Section 5B-(2) and
- d) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Local Administration. The City Manager is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions. ***The City Manager may delegate to appropriately trained staff.***

C. Duties and Responsibilities of the City Manager. Duties of the City Manager shall include, but not be limited to:

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

### 1) Permit Review

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 5C are met.

### 2) Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 3B, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Manager **may** obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State or other source, in order to administer Sections 5B, SPECIFIC STANDARDS, and 5C, ENCROACHMENTS.

### 3) Information to be Obtained and Maintained

- a) Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 4C-(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved flood proofed structures:
  - (1) Verify, ~~and~~ record, **and maintain** the actual elevation **and elevation certification** (in relation to mean sea level), and
  - (2) Maintain the flood proofing certifications required in Section 5B (2).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.
- d) For manufactured homes, maintain the anchoring certifications required in sub sections 5(A) (1) (c) of this section.

### 4) Alteration of Watercourses

- a) Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

- 5) Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 4.D.

### D. Variance Procedure

#### 1) Appeal Board

- a) The Tillamook City Planning ~~and Zoning~~ Commission as established by Tillamook City shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Tillamook City Planning ~~and Zoning~~ Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Manager in the enforcement or administration of this ordinance.
- c) In ~~passing~~ reviewing upon such applications, the Tillamook City Planning ~~and Zoning~~ Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - (1) The danger that materials may be swept onto other lands to the injury of others;
  - (2) The danger to life and property due to flooding or erosion damage;
  - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (4) The importance of the services provided by the proposed facility to the community;
  - (5) The necessity to the facility of a waterfront location, where applicable;
  - (6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - (7) The compatibility of the proposed use with existing and anticipated development;
  - (8) The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
  - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

- d) The Tillamook City Planning ~~and Zoning~~ Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- e) The City ~~Manager~~ shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

### 2) Conditions for Variances

- a) Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (1-10) in Section 4D-(1)c have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
- b) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.
- c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
  - (1) A showing of good and sufficient cause;
  - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- f) Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
- g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of flood proofing than water tight or dry-flood proofing, where it can be determined that such action will have low damage

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

potential, complies with all other variance criteria except 4D-(2) a, and otherwise complies with Sections 5A-(1) and 5A-(2) of the GENERAL STANDARDS.

### 7. PROVISIONS FOR FLOOD HAZARD REDUCTION

A. General Standards. In all areas of special flood hazards, the following standards are required:

#### 1) Anchoring

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
- c) A registered architect or engineer shall certify that the anchoring system is in conformance with "a" or "b" above prior to final inspection.

#### 2) Construction Materials and Methods

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

**d) *An elevation certificate for all new construction and substantial improvements shall be provided to the City for both pre-construction (Part 1) and the final lowest floor certification (Part 2) by the property owner.***

#### 3) Utilities

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

### 4) Subdivision Proposals

- a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

- 5) Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study or from another authoritative source [Section 4C (2)], applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 3B, Basis for Establishing the Areas of Special Flood Hazard or Section 4C(2), Use of Other Base Flood Data, the following provisions are required:

### 1) Residential Construction

- a) New construction and substantial improvement of any residential structure shall have the lowest flood, including basement, elevated to two feet above base flood elevation **as determined with an elevation certificate.**
- b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exist of floodwaters. Designs for

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 2) Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to two feet above the base flood elevation **as determined with an elevation certificate**; or, together with attendant utility and sanitary facilities, shall:
- a) Be flood proofed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water;
  - b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 4C-(3)b.
  - d) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 5B-(1)b.
  - e) Applicants flood proofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).
- 3) Manufactured Homes
- a)** All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is two feet above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection 5A-(1).
  - b)** ~~All manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or~~

## SECTION 20 - FLOOD HAZARD OVERLAY ZONE, OR FHO DISTRICT

~~other foundation elements that are no less than 36 inches in height above grade or have their lowest floor two feet above the base flood elevation, if this allows for the use of a lower foundation. A manufactured home which incurs substantial damage as the result of a flood, must be elevated two feet above the base flood elevation.~~

- b) All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the bottom of the longitudinal chassis frame beam shall be at or above the Base Flood Elevation (BFE) and be securely anchored to an adequately designed foundation system to resist floatation, collapse and lateral movement. Electrical crossover connections shall be a minimum of 12 inches above the BFE. Crossover ducts are allowed below the BFE, but shall be constructed to prevent floodwaters from entering or accumulating within system components. This may require an engineer's certification.**
- c) Recreational Vehicles.** Recreational vehicles may occupy a site in a Special Flood Hazard Area for periods of 180 consecutive days or greater providing they are fully licensed and ready for highway use, on its wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Recreational vehicles that do not meet these criteria become manufactured homes and must be anchored and elevated pursuant to Section 20(5)(A)(1)(b) of this ordinance.
- 4) **Floodways.** Floodways are designated within areas of special flood hazard established in subsection 3(b) of this Section. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential the following provisions apply:
- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless **a "no-rise"** certification by a registered professional civil engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (1) The supporting technical data for "no-rise" certification shall be based upon a step-back water analysis and conveyance compensation analysis as required by FEMA and the procedures for "No-Rise" certification for proposed developments in the regulatory floodway.**
- b) If subsection "a" above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Subsection 5 of this Section.

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- C. Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point within the flood zone.
- D. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
- 1) New construction and substantial improvements of residential structures with AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified).
  - 2) New construction and substantial improvements of nonresidential structures within AO zones shall either:
    - a) Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
    - b) Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 5B-(2)c.
    - c) Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
- ~~d) Recreational vehicles placed on sites within AO Zones on the community's FIRM either:~~
- ~~i) Be on the site for fewer than 180 consecutive days;~~
  - ~~ii) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
  - ~~iii) Meets the requirements of 5(B) f this section and the elevation and anchoring requirements for manufactured homes.—~~
- e) **Critical Facility.** Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA)(100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical

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*facility construction within the SFHA shall have the lowest floor elevated three (3) feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above the BFE. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the BFE shall be provided to all critical facilities to the extent possible.*

8. RESTRICTIONS

- A. Restrictions. Restrictions regarding height, rear yards, side yards, front yard setbacks, minimum lot area, signs, vision clearance and parking space shall be the same as set forth in each specific zone located within the Flood Hazard Overlay Zone area.
- B. Prohibited Uses. It shall be unlawful to erect, alter, maintain or establish in a flood hazard overlay zone any building, use or occupancy not permitted or allowed in the foregoing provisions, except existing non-conforming uses, which may continue as provided in Section 31.

## SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

1. Purpose. The purpose and intent of the Development Standards is to bring ~~under special review~~ those projects involving building design and the development of land under special review where ~~inappropriate~~ development impacts that may cause a conflict between uses in the same adjoining district shall are be minimized, and to promote the general welfare by directing attention to site planning, and giving regard to the natural environment and the elements of creative design to assist in conserving and enhancing the appearance of the city, and to support the promotion and maintenance of healthful and safe conditions upon surrounding properties and neighborhoods, thereby ~~adversely~~ affecting the public health, safety, and general welfare. Review of Site Plans is intended to promote functional, safe, and attractive developments, which maximize compatibility with surrounding developments and uses and with the natural environment. Review of Site Plans mitigates potential land use conflicts resulting from proposed development through specific conditions attached by the review body. Review of Site Plans focuses on the layout of a proposed development, including building placement, setbacks, location of parking areas, pedestrian access, external storage areas, external lighting, open areas, and landscaping.

2. Scope. The provisions of this Section shall be applicable to:

A. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City of Tillamook

B. The extension or widening of existing public or private street rights-of-way, easements, or street improvements including those which may be proposed by an individual, or which may be required by the City in association with other development approvals.

C. The construction or modification of any utilities or sidewalks or private street easements with the provision of an adequate area for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way and for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff.

D. The provisions of this Section shall apply to all land partitions and subdivisions, planned unit developments, conditional use permits, single-family, duplex and multi-family dwelling developments, multiple use structures and development, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

3. Modification of these Site Development Standards.

A. The application of these standards to a particular development shall be modified as follows:

1) Development standards, which are unique to a particular use, or special use, shall be set forth within the district or in that section governing the use.

2) Those development standards which are unique to a particular district shall be set forth in the Section governing that district.

4. Public Works Design Standards.

**SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS**

**A. All developments will comply with any applicable portions of the most current city design and public facilities standards.**

**B. Application of Public Works Design Standards. Standards for the provision and utilization of public facilities or services available within the City of Tillamook shall apply to all land developments in accordance with the following table of reference. No development permit shall be approved unless the following improvements are provided prior to occupancy or operation.**

Public Facilities Improvement Requirements Table						
	Fire Hydrant	Street Improvements	Water Hookup	Sewer Hookup	Storm Drainage	Street Lights
Single Family Dwelling & Duplex	No	C-2	Yes	Yes	Yes	No
Multi-family Dwelling	Yes	Yes	Yes	Yes	Yes	Yes
New Commercial Building	Yes	Yes	Yes	Yes	Yes	Yes
Commercial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
New Industrial Building	Yes	Yes	Yes	Yes	Yes	Yes
Industrial Expansion	C-1	C-3	Yes	Yes	Yes	Yes
Major & Minor Partition, Yes		Yes	Yes	Yes	Yes	Yes
Subdivisions, PUD, and Manufactured Home Park		Yes	Yes	Yes	Yes	Yes

**Legend:** No = Not required; Yes Required;

C = Conditional, as noted:

**C-1. Fire Hydrants for Commercial or Industrial Expansions**  
One or more fire hydrants are required when the total floor area of a new or expanded building exceeds 2,500 square feet, or the proposed use is classified as Hazardous (H) in the Uniform Building Code or Uniform Fire Code.

**C-2. Street Improvements for Single Family Dwellings & Duplexes**  
New single-family dwellings & duplexes, which require a street extension, must provide street improvements to City street standards.

**C-3. Street Improvements for Commercial or Industrial Expansions**  
Lots fronting on County roads must obtain access permits from the Tillamook County Public Works Department. The City will require improvement to full City standards when the use meets any of the following criteria:

a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the **most recent** Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or

b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight.

**5. Standards for Improvements. In addition to other requirements, all improvements shall conform to the requirements of this Ordinance and any other improvement standards or specifications adopted by the city, and shall be installed in accordance with the following procedure:**

**A. Improvement work including excavation, clearing of trees or other work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the tentative plan of a subdivision or partition. All plans shall be prepared in accordance with requirements of the city.**

**B. Improvement work shall not be commenced until the city has been notified in advance, and if work has been discontinued for any reason it shall not be resumed until the city has been notified.**

**C. All required improvements shall be constructed under the inspection, and to the satisfaction, of the city. The city may require changes in typical section and details if**

*unusual conditions arise during construction, which warrant such change in the interests of the city.*

*D. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made.*

*E. Fire Hydrant standards*

1. The maximum distance between a new primary building and the nearest Fire Hydrant shall be 250 feet for residential development and 150 feet for commercial development. If the above standards cannot be met, the installation of an additional hydrant that would satisfy the applicable standard shall be required of the applicant.
2. Hydrants shall have a 250 foot maximum spacing between hydrants. Any such new Fire Hydrant shall have a minimum flow of 1,000 gallons per minute and shall be on a minimum 8-inch waterline. All other specifications not listed must be engineered to meet American Insurance Association (A. I. A.) or N. F. P.A. standards.

*F. Cable Utility Standards*

1. All new electric, telephone, and cable connections are subject to approval by the City Public Works Supervisor and shall be placed underground.
2. Utilities shall be restricted to one side of the street in new developments, or the closest side of the utility must be at least 10 feet from where trees are to be planted. Utilities should be in areas of compacted soils, such as under roadbeds or sidewalks, to discourage roots in the utility zone. Where underground utilities cannot avoid being placed within the drip line of resource trees, tunneling, a minimum of two feet in depth, or hand digging trenches with all roots one inch or larger left intact and smaller roots cleanly cut on the tree side of the trench, shall be the means of installing these utility lines.
3. Service lines from the right-of-way shall be located as far as possible from all trees or designated tree planting locations. If utilities must be placed within drip lines of *resource significant* or heritage trees, lines shall be tunneled at a minimum of two feet in depth (keeping as far from the tree trunk as possible, but in no circumstance within five feet of *the* tree trunk).
4. For a period of four years after the overlay or reconstruction of a City street, there shall be no cutting of the pavement for the installation of utilities lines without the approval of the City's Public Works Committee.

*G. Grading standards.*

The grading of the street right-of-way and lot constructed at the time of the subdivision or development construction shall be under the supervision of an engineer, geologist, or landscape architect who is knowledgeable and skilled in the treatment of soils, soil stabilization and soil erosion. Due consideration shall be given to the existing terrain, cross

## SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

slope and vegetation. Excessive grading of the right-of-way or the lot areas or removal of large amounts of vegetation will not be permitted. Approval of the grading plan by the city engineer and the planning commission shall be given prior to any construction.

### 6. Improvement Requirements.

Improvements to be installed at the expense of the applicant or land owner and at the time of development, subdivision or partition:

- A. Streets. Public streets, including alleys, within the subdivision and public streets adjacent but only partially within the Subdivision shall be improved. Upon completion of the street improvement, monuments shall be re-established and protected in monument boxes at every public street intersection and all points of curvature and points of tangency on their center lines.
- B. Drainage System. If any portion of any land proposed for development is subject to flood hazard, poor drainage, or geologic hazards an adequate system of drainage must be provided, and may include storm drains, retention ponds, dikes, or pumps.
- C. Structures. Structures specified as necessary by the city for drainage, access and public safety, shall be installed.
- D. Sidewalks. Sidewalks shall be installed to conform to city standards unless a variance has been granted by the City Council.
- E. Sewers. Sanitary sewer facilities connecting with the existing city sewer system and storm water sewers, of design, layout and location approved by the Tillamook City Public Works Design Standards shall be installed.
- F. Water. Water mains and fire hydrants of design, layout and location approved by the city shall be installed.
- G. Street Lighting. Street lighting of an approved type shall be installed on all streets at locations approved by the city.
- H. Street Name Signs. All streets shall be legibly marked with street names signs not less than two (2) in number at each intersection, according to specifications furnished by the City.
- I. Improvements of Easements. Whenever the safety of adjoining property may demand, any easement for drainage or flood control purposes shall be improved in a manner approved by the City.
- J. Underground Utilities. All utilities shall be installed underground, **if unless** determined to be economically **in**feasible upon review by the Planning Commission.

### 7. Storm Drainage.

#### A. Plan for Storm Drainage and Erosion Control .

- 1) No construction of any facilities in a development shall be permitted until a storm drainage and erosion control plan for the project is prepared by an engineer

SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

registered in the State of Oregon and approved by the City. Due to its percolation and absorption properties which help to slow and dissipate storm runoff, open space is hereby regarded as a public facility and a valuable aspect of the City's infrastructure. This plan shall contain at a minimum:

- a. The methods to be used to minimize the amount of runoff, filtration, and pollution created from the development both during and after construction.
  - b. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans.
  - c. Calculations used by the engineer in sizing storm drainage facilities.
- 2) General Standards: All development shall be planned, designed, constructed and maintained to conform to the standards described in the City Stormwater Master Plan and the City Public Works Standards to:
- a. Protect and preserve existing natural drainage channels ~~to the maximum practicable extent~~ identified on the City Stormwater Master Plan. Protection shall be assured by not altering existing channels and providing a 20 foot setback from the banks of the existing channel.
    1. Exceptions include the continuation of existing practices and development already within the 20 foot setback, emergency repairs to the drainage channel and routine maintenance or replacement of existing facilities as approved by the City Public Works Director;
  - b. Protect development from flood hazards as required in Section 20 of the Ordinance;
  - c. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
  - d. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeding, pleasing of grading;
  - e. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development;
  - f. Provide dry wells, French drains, or similar methods, as necessary to supplement storm drainage systems;
  - g. Avoid placement of surface detention or retention facilities in road rights-of-way. In order to prevent degradation of a natural watercourse, the City may require the watercourse to be bridged or spanned.

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- 3) In the event a development or any part thereof is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This does not imply maintenance by the City.
- 4) Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized.
- 5) Prior to acceptance of a storm sewer system by the City, the storm sewers shall be flushed and inspected by the City. All costs shall be born by the developer.

8. Utility Lines and Facilities.

A. Standards.

- 1) The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site.
- 2) All development, which has a need for water service, shall install water facilities and grant necessary easements pursuant to the requirements of the City.
- 3) All development, which has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground.
- 4) All development, which has a need for public/private sanitary sewers, shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. No storm drainage conveyances shall be **outlet or** connected to the City's sanitary sewer system.
- 5) All land divisions or other development requiring subsurface disposal systems shall be prohibited except for:
  - a. Development of land divisions **in the Mutual Interest Area** shall conform to the requirements of that district.
  - b. Parcels which have unique topographic or other natural features, which make sewer extension impractical as, determined on a case-by case basis by the City Public Works Director.
- 6) All developments proposing sub-surface sewage disposal shall receive approval for the system from the City of Tillamook. Said systems shall be installed pursuant to ORS 454.605 and 454.745 and Chapters 171, 523 and 828, and the Oregon Administrative Rules 340, Division 7.

- B. Utility Easements. Easements for sewers, drainage, water mains, public utility installations, including overhead or underground systems, and other like public purposes, shall be dedicated, reserved or granted by the land developer in widths not less than five

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feet on each side of rear lots or parcel lines, alongside lot or parcel lines and in planting strips wherever necessary, of lesser width as approved by the City.

9. Access Management. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways as required by the City of Tillamook Transportation System Plan (TSP). Major roadways, including arterials, and collectors, serve as the primary system for moving people and goods within and through the city. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

A. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

B. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required). These methods are “options” to the developer/subdivider.

1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, alley access is preferred.

2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.

3. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below.

C. Subdivisions Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).

*D. Through Lots and Parcels. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Open Space Land Use District (O District); Single Family Residential (R 7.5 and R-5.0); Multiple Use Residential (R-O); Neighborhood Commercial District (C-N); Highway Commercial District (C-H); Central Commercial District (C-C District); Town Center District (TC); Light Industrial (I-L); General Industrial (I-G) unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in these zones, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner’s association, etc.).*

*E. Access Spacing: Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:*

*1. Local Streets. A minimum of 10 feet] separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e. streets not designated as collectors or arterials).*

*2. Collector Streets. Access spacing on collector, and at controlled intersections (i.e. with four-way stop sign or traffic signal shall be 50 feet for a collector.*

*3. Arterials. Access spacing on arterial streets, and at controlled intersections (i.e. with four-way stop sign or traffic signal shall be 100 feet. Access to Highway 101 shall be subject to the applicable standards and policies contained in the Oregon Highway Plan.*

*4. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection ‘6’, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.*

*10. Land for Public Purposes.*

*A. The City Planning Commission or City Manager Designate, may require the reservation for public acquisition, at a cost not to exceed acreage values in the area prior to subdivision, or appropriate areas within the subdivision for a period not to exceed one year providing the city has an interest or has been advised of interest on the part of the state highway commission, school district or other public agency to acquire a portion of the area within the proposed subdivision for a public purpose, including substantial assurance that positive steps will be taken in the reasonable future for the acquisition.*

**B. The City planning commission may require the dedication of suitable areas for parks, playgrounds, and transportation rights-of-way, subject to rough proportionality with the impacts being created.**

**11. Minimum Street Standards for the creation of roads, easements and rights-of-way. Please refer to the most recently adopted City design standards. All streets shall be graded for the appropriate development standard. The developer shall improve the extension of all streets to the centerline of existing streets with which subdivision or development streets intersect.**

A. General. The location, width and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, to the proposed use of the land to be served by the streets and to the comprehensive plan adopted by the city. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. The arrangement of streets in a subdivision shall either:

1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or
2. Conform to the City Comprehensive Plan to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

**B. Minimum right-of-way. Unless otherwise indicated in the Comprehensive Plan, the widths of the streets, alleys, and other public ways, in feet, shall comply with the requirements of the standard drawings in the City of Tillamook's Transportation Systems Plan (TSP). Where existing conditions of topography or the size and shape of land parcels, or other like physical conditions, make it otherwise impractical to provide buildable lots, the planning commission may accept a narrower right-of-way with suitable allowance for increased width at strategic locations for turning lanes, parking bays, or similar special design features.**

**C. Reserve strips. Reserve strips or street plugs controlling the access to streets shall be required for the protection of the public welfare and for substantial property rights. The control and disposal of the land composing such strips or street plugs shall be placed within the jurisdiction of the city, by deed, under conditions approved by the planning commission or city council.**

**D. Alignment. All streets, as far as practicable, shall be in alignment with existing streets by continuations of the centerlines thereof. The staggering of street alignment resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the centerlines of the streets.**

**E. Future extension of streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision or development. Reserve strips and street plugs shall be required to preserve the objectives of street extension. The planning commission may require the improvement of a suitable turnaround at the temporary dead end.**

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F. Intersection angles. Streets shall be laid out to intersect at 90 degrees, except where topography requires a lesser angle, but in no case less than 60 degrees. Streets shall have at least 30 feet of tangent adjacent to the intersection unless the topography justifies a lesser distance.

G. Intersection corner rounding. The property line at each block corner shall be rounded with a curve adequate to allow a radius of not less than 25 feet at the edge of road surface and provide utility and sidewalk space. A greater radius at the edge and corresponding block corner radius may be required if the streets intersect at other than right angles.

H. Curve radius. Centerline radii of curves shall be not less than 300 feet on arterial streets, 200 feet on collector streets or 100 feet on all other streets and shall be to an even 10 feet.

I. Grades. No street or highway shall have a grade of more than twelve percent (12%) unless, because of topographical conditions, the planning commission determines that a grade in excess of twelve percent is necessary.

J. Half-streets. Half-streets, while generally not acceptable, may be approved when essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the planning commission finds it will be practical to require the development of the other half when the adjoining property is subdivided. Whenever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract. Reserve strips and street plugs shall be required to preserve the objectives of the half-streets.

K. Cul-de-sac. A cul-de-sac, while generally not acceptable, may be approved when essential to the reasonable development of the project, when in conformity with the other requirements of these regulations, and shall be as short as possible.

a. Cul-de-sacs shall only be allowed when one or more of the following conditions exist:

- Physical or topographic conditions make a street connection impracticable. Such conditions include but are not limited to freeways, railroads, steep slopes (greater than 20% grade) wetlands or other bodies or water where a connection could not reasonably be provided.
- Buildings or other existing development on adjacent lands physically preclude a connection now or in the future considering the potential for redevelopment; or
- Where streets would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of the date of adoption of the City's Transportation System Plan, which precluded a required street connection.

b. Cul-de-sacs shall have maximum lengths of 600 feet. All cul-de-sacs shall terminate with circular turnarounds.

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**c. Cul-de-sacs or dead end hammerhead streets shall be connected with walking or bicycle paths in accordance with Section 15, Pedestrian and Bicycle Access and Circulation.**

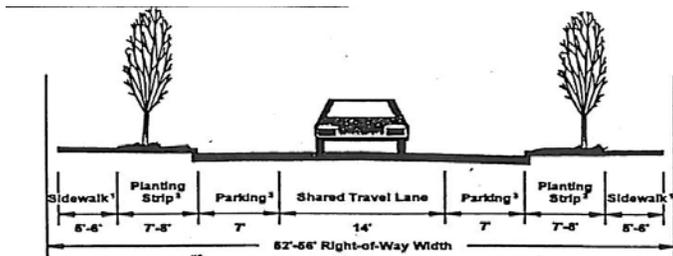
**L. Existing streets. Whenever existing streets adjacent to or within a proposed development area are of inadequate width, additional right-of-way shall be provided at the time of development. No street with pavement less than two years old shall be cut to install any utilities unless approval is given by the City Public Works Director.**

**M. Street names. No street name shall be used which will duplicate or be confused with the names of existing streets in Tillamook and vicinity except for extensions of existing streets. Streets which are an extension of, or are in alignment with, existing streets shall have the same name as the existing street. Street names and numbers shall conform to the established pattern in the city and shall be subject to the approval of the planning commission.**

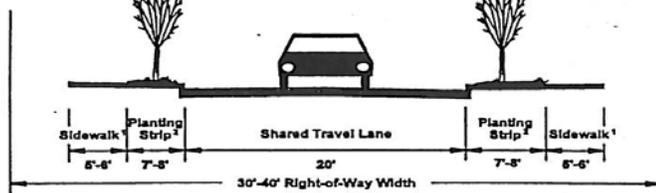
**N. Marginal access streets. Where a subdivision or development abuts or contains an existing or proposed arterial street, the planning commission may require marginal access streets, reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the front, rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.**

**O. Alleys. Alleys are encouraged where feasible.**

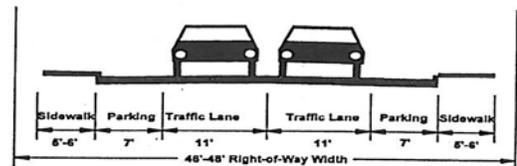
**P. The following cross-section drawings show the standards for each type of roadway in the City.**



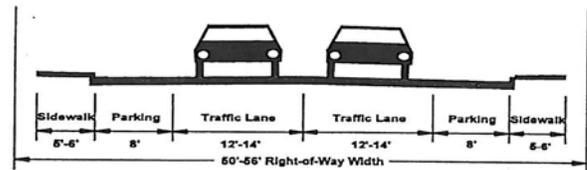
**Local Road**



**Alternative Local Road<sup>4</sup>**

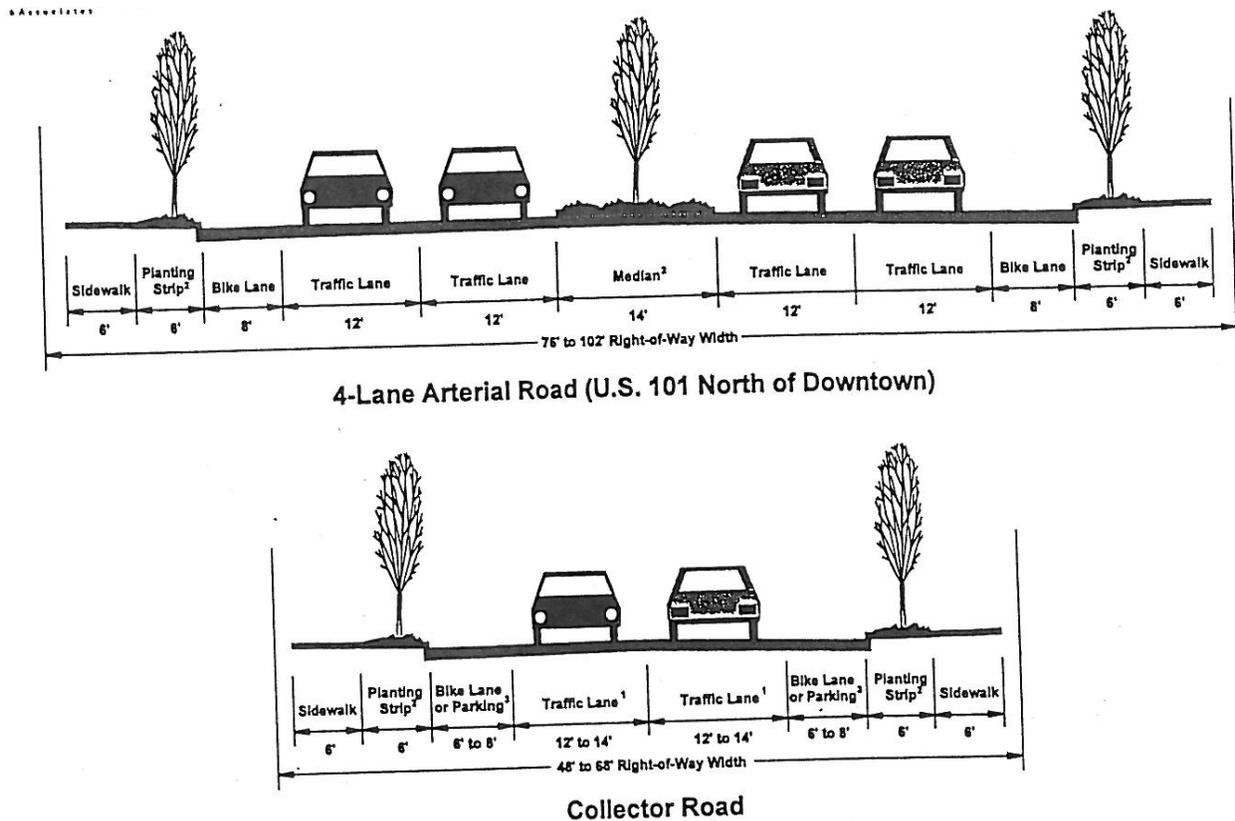


**2-Lane Arterial Road (U.S. 101 Downtown - Main Avenue)<sup>4</sup>**



**2-Lane Arterial Road (U.S. 101 Downtown - Pacific Avenue)**

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**12. Approval of streets and ways.**

**A. Creation of streets.**

**1. The creation of a street shall be in conformance with the requirements for the development, except that the planning commission may approve the creation of a street to be established by deed without full compliance with the regulations applicable to a development when the planning commission has sufficient assurance that the proposed street or enlargement thereof shall be improved to city standards and when the City Planning Commission finds any of the following conditions exist:**

**a. The establishment of the street, or, the extension or widening thereof, is initiated by the city council and declared essential for the purpose of general traffic circulation and the partitioning of land is of incidental effect rather than the primary objective of the street.**

**b. The tract in which the street is to be dedicated is an isolated township of one (1) acre or less.**

**2. In those cases where approval of a street may be given without full compliance with the regulations applicable to developments, a copy of the proposed deed shall be submitted to the city at least five (5) days prior to the planning commission meeting at which consideration is requested. The deed and such information as may be submitted shall be reviewed by the City Planning Commission and if not in conflict with the standards of these regulations, shall be approved with conditions necessary to**

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preserve these standards. Upon approval, the City Planning Commission shall forward the said deed to the City Council with recommendations that the same be accepted, and with further recommendations as to the improvement requirements and assurance thereof which the planning commission recommends as a condition to acceptance of this street.

B. Before Finalization and acceptance of any site plan approval, conditional use permit, planned unit development, final plat of a subdivision, final map of a partition; commercial and industrial site development, multi-family dwellings and multiple use structure development, the applicant shall install required street and sidewalk improvements and repair existing streets and other existing public facilities damaged in the development of the property.

### 13. Blocks

A. General. The length, width and shape of blocks shall be designed with due regard to providing building sites for the use contemplated, consideration of needs for convenient access, circulation, control and safety of street traffic, and recognition of the limitations and opportunities of topography.

B. Maximum Block Size. In commercial - Neighborhood Commercial (C-N), Town Center (TC), and Central Commercial (C-C), the maximum block length along Local and Collector streets shall be 500 ft. In all other zones, block length along Local and Collector streets shall not exceed 600 feet between street corner lines of rectilinear developments unless it is adjacent to an arterial street or unless the topography of the location of adjoining streets justified as exception. Along an Arterial street, the maximum block length shall be 1,800 feet.

C. Minimum Block size along Arterial streets. The recommended minimum length of blocks along an arterial street is 1,000 feet. A block shall have sufficient width to provide for two tiers of building sites unless topography or the location of adjoining streets justifies an exception.

### 14. Lots.

A. Size and shape. Lot size, shape, width and orientation shall be appropriate for the location of the subdivision or development, solar orientation and for the type of use contemplated. The width of every lot shall comply with the requirements of the zoning ordinance. Lots shall have an average depth of not less than 100 feet unless existing conditions or topographic conditions make it mandatory that lots be reduced in depth, in which case the lot depth may not be less than 80 feet. These minimum standards shall apply with the following exceptions:

1. In areas that will not be served by a public sewer, minimum lot size shall be increased to conform with the requirements of the Tillamook County Health Department and shall take into consideration problems of water supply and sewage disposal.

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2. Where property is zoned and planned for industrial or commercial use, other standards may be permitted at the discretion of the planning commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
3. The lot layout shall be in agreement with the area designations shown on the adopted Comprehensive Plan.

B. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lot faces.

15. Site and Building Design: The site and building design standards as listed in each of the City of Tillamook zone districts are required.

A. Siting Standards: All new buildings should face the street where feasible except if conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property. Primary ground floor entrances must orient to streets and/or the pedestrian entrance shall be the visually predominant entrance. The original topography and grade of building sites should be maintained to the greatest extent feasible.

B. Signs. As per Section 24.

C. ~~Color – Exterior Structures.~~

~~The use of color on buildings, structures, and accessory uses shall be in keeping with the surrounding environment and uses. New construction and commercial development shall be required to select from the appropriate list of colors that has been adopted by the Commission.~~

D. Historic Resources

1) Sites currently listed on the Statewide Inventory of Historic Sites and Buildings, as well as any future sites of historic importance, shall be subject to additional site review criteria.

2) In addition to the requirements of this section, any demolition, interior remodeling or alterations to an historic building, or development of an historic site shall be subject to an additional public hearing. At the time of mailing of the public notice, the City shall give 45 days notice to the State Historical Preservation Office and local historic interest groups of the proposed development in order to determine an appropriate course of action. The testimony of these groups shall be included in the staff report to the Planning Commission.

16. Pedestrian and Bicycle Access and Circulation

A. Purpose. The primary pedestrian and bicycle circulation plan is addressed in the City's adopted Transportation System Plan (TSP). The TSP provides for a Pedestrian System Plan and a Bicycle System Plan to ensure safe, direct and convenient pedestrian and

## SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

bicycle circulation. New streets should be constructed to the standards specified in the TSP to allow for pedestrian and bicycle access. New development, as stated in section 4 of these development standards, shall provide a continuous pedestrian and/or multi-use pathway system. The placement of a sidewalk or pathway along the frontage(s) of a subject property is required. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections (a) and (b) below:

B. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of City Ordinances, Streets, and the Standards and Specifications document for the City.

C. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets.

D. Pathway connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Street Standard of this section. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments as per Cul-de-Sac standards of this section. Pathways used to comply with these standards shall conform to the criteria listed in each zone.

E. Design and Construction. Pathways shall conform to with the City’s most current design standards and all of the standards in 1 & 2 below:

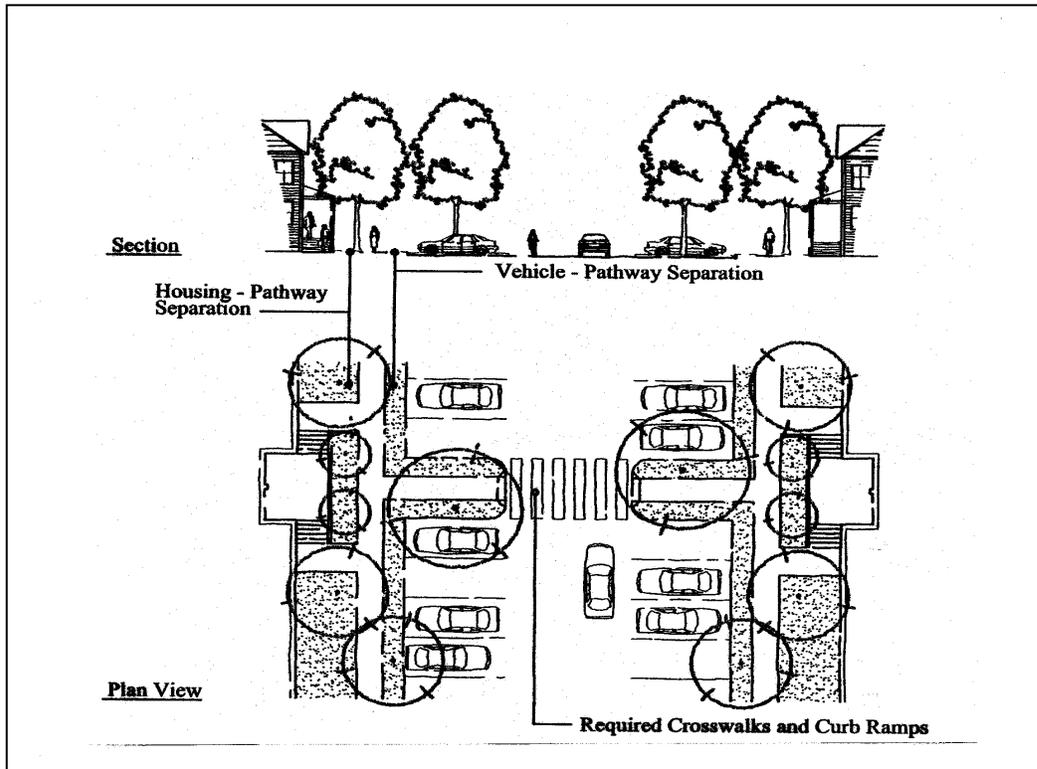
1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.

2. Pathway Surface.

a. Pedestrian Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 5 feet wide, and shall conform to ADA requirements.

b. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials as listed in “a” above, at least 6 feet wide, and shall conform to ADA requirements. (See also, City of Tillamook Street and Storm Drainage Design Standards Section 3.02, Walks, Ramps, Driveways and Curb Cuts. No matter which surface is utilized, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators.

Figure 22-17 - Pathway Standards



3. Unless the pathway is shared between adjacent property owners, a minimum of five (5) feet between the pathway surface and the property line is required.

4. All pathways shall be completed as part of development, not delayed to coincide with individual building/housing construction.

F. Utility Service.

1) It shall be required that whenever feasible, electric, telephone and other utility lines shall be located underground except if conditions such as topography or other circumstances over which the applicant has no control apply to the property.

2) Utility lines and installations remaining above the ground shall be located to the rear of the site so as to have a harmonious relationship to adjacent and abutting properties and the site.

3) Solid waste disposal containers shall be screened and placed away from public view in an areas as indicated in site plan (as per subsection 6b(6)).

G. Agricultural Buffering

1) All rear lot lines abutting the Tillamook County F-1 Zone shall be fenced.

2) A 20 foot setback and additional landscaping shall be required to avoid conflicting uses for agricultural protection except if conditions such as lot size, shape,

topography or other circumstances over which the applicant has no control apply to the property.

- 3) In conjunction with the abutting or adjacent Tillamook County F-1 Zone, as part of the requirements for development, the following declaratory statement be entered into the building permit and chain of title.

"The subject property is located adjacent to or abutting an area designated by Tillamook County and recognized by Tillamook City for agricultural uses. Accepted farm practices in these adjacent or abutting areas may create inconvenience for the owners of adjacent properties. However, Tillamook City does not consider it the agricultural operator's responsibility to modify farm practices to accommodate owners or occupants of surrounding property, with the exception of such operator's violation of existing federal and state or local laws."

#### H. Wetlands Planning Area

- 1) The intent of this subsection is to provide adequate protection for environmentally sensitive areas in all zones within the UGB. Areas of concern include perennial streams, sloughs, rivers, and wetlands with their associated fish and wildlife species and riparian wetland vegetation. The location of these areas is shown in the "Wetland Planning Map for the City of Tillamook City", adopted herein by this reference.

- 2) The following is a list of protection policies, as listed in Section 21 of this ordinance, for riparian vegetation:

a) A setback of 50' shall be required for all buildings and construction that are not water dependent, on all wetlands, mainstreams of the Trask and Wilson Rivers, Hoquarten, Dougherty, and Hall Sloughs.

b) Riparian vegetation shall be maintained in the above setbacks where it exists, and is encouraged to be re-established whenever practical.

c) For streams and sloughs, setback measurements shall be measured horizontally from the ordinary high water line. For wetlands, setback measurements shall be measured horizontally from the line of non-aquatic vegetation.

d) The applicant shall be responsible for obtaining any applicable development permits from State and Federal agencies.

- 3) All structures shall be located outside of areas listed in (2) above, unless direct water access is required in conjunction with a water-dependent use or if the Oregon Department of Fish and Wildlife determines that because of natural features such as topography, a narrower riparian area protects equivalent natural values.

- 4) Exemptions from (3) above and from the applicable setback requirement for the front or rear yard that is opposite the riparian area may be granted without a variance for uses on lots of record as of the date of adoption of this ordinance, where the combination of setbacks required by this section result in a buildable lot depth of less than 45 feet. Exemption from the riparian setback shall be minimum necessary to

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accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.

2) In the event of a proposed development within a wetland or setback area, a copy of the proposed development as per Section 22 5(a-g) will be submitted to the O.D.F.W. for review.

3) O.D.F.W. shall have a 30-day review period from the date of application in which to provide written comments and recommendations on the proposed development. During this review period, no site alteration shall be allowed to take place. The recommendations issued by the O.D.F.W. will be presented as part of the staff recommendation and shall be followed by the appropriate reviewing body in determining the appropriate development action.

I. Agreement for improvements. Before the Planning Commission's approval is certified on the final plat, the developer shall either install the required subdivision improvements in accordance with the plans and specifications hereunder, or shall execute and file with the city recorder an agreement between themselves and the city, accompanied by a bond complying with the requirements below, guaranteeing the installation of the said subdivision improvements and specifying a period within which the same shall be completed in accordance with the plans and specifications approved under this Section hereof and providing that if they fail to complete such work within such period the city may complete the same and recover the full cost and expense thereof from the developer or their surety. The agreement shall also provide for reimbursement of the city by the developer for the cost of inspection by the city engineer, and for the placing of any required monuments which have been deferred until after improvements. Such agreement shall be in form approved by the city attorney and may also provide for the construction of the improvements in units and for an extension of time under conditions therein specified.

J. Construction plans. Construction drawings certified by a licensed civil engineer prepared on 24" x 36" base material showing in detail all improvements required to be constructed including, but not limited to, streets, curbs and gutters, storm sewers, sanitary sewers, water distribution system, street tree locations, street lights and monuments, shall be submitted to the city engineer who shall examine the same prior to conditional approval of the final map by the Planner. Upon finding that the drawings conform with applicable city codes and other construction requirements for such improvements and are in accord with sound engineering principles and practices, the engineer shall submit the said plans to the Planner for approval. No alteration or change of the construction drawings shall be made by the developer or the city without the express mutual consent of both parties. No construction shall be started prior to approval of said plans and specifications by the Planner. On completion of the construction the developer shall submit to the city engineer a complete set of "as built" drawings, in the manner prescribed by law.

K. Improvement procedures. In addition to other requirements, subdivision or development improvements installed by the developer shall conform to the requirements of this section and improvements standards and specifications adopted by the city, and where there is no requirement or specification expressly set forth in this code or adopted by the city relating

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to any such improvement or part thereof, the developer shall have the right to employ the standards and specifications prepared by the American Public Works Association. The improvements shall be installed in accordance with the following procedure:

1. Work shall not begin until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the subdivision or development proposal, the plans shall be required before the approval of the final plat.
2. Work shall not begin until the city has been notified in advance. ~~and~~ If work has been discontinued for any reason for a period of one year, it shall not be resumed until the city has been notified.
3. Improvements shall be constructed under the inspection and to the satisfaction of the city. The city may require changes in typical sections and details if unusual conditions arise during the construction to warrant the change in the public interest. The city reserves the right to:
  - a. Require the developer to provide supervision of the improvements by a qualified engineer, or
  - b. Require the developer to deposit three percent of the anticipated construction costs to be applied to the retention of a supervising engineer. Said deposit shall be applied to the cost of the supervising engineer; if the cost exceeds three percent the developer shall pay the additional; if it is less than the three percent a refund will be made to the developer. When the developer's engineer performs the inspection, a certification of construction inspection shall be issued with the "as built" drawings.
4. All underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of such streets. Stubs for service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street improvements when service connections are made. Storm sewers that are required as a result of a drainage study prepared by a registered professional engineer, shall be installed by the developer.
5. A reproducible map showing all public improvements as built shall be filed with the city upon completion of said improvements.
6. "As built" drawings of all improvements constructed within the development.-Said drawings shall define the exact location of all underground utilities and surface drainage as they were constructed. The location of such utilities shall be determined by the developer at the time of construction and independent of the utility company's records. When utilities cross permanent structures such as sidewalks or curbs the location of the utility shall be indicated on the permanent structure.

17. Bonding and assurances.

- A. On all projects where public improvements are required:

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1. To assure full and faithful performance of the improvement agreement, the developer shall file with the said agreement a personal undertaking signed by all persons having a beneficial interest in the subject property, which undertaking shall be approved in form by the city attorney and shall be one of the following:
  - a. Co-signed by at least one additional person who shall not be related to the developer by blood or consanguinity. The developer and co-signer shall submit evidence of financial responsibility in affidavit form which satisfies the city that the financial resources of the surety signing the bond provide reasonable assurance of the ability of the developer to proceed in accordance with the agreement; or
  - b. Co-signed by a surety company authorized to transact business in the state of Oregon, or,
  - c. Secured by the deposit of cash or cashier's check, governmental bearer bonds or other like cash security available to the city in case of default in the undertaking, the deposit to be in the penal amount of the bond or
  - d. A letter of assignment from an authorized financial institution. Letter of assignment shall be held in force by the city until improvements are deemed complete by the city. The city shall have access to funds guaranteed by the letter of assignment in case of default in the undertaking and said letter of assignment shall only be terminated with approval of the City;
2. Approve and release such bonds upon the completion of the project. A portion of a bond may be released as components of the project are completed;
3. Require a development agreement containing the conditions of approval to be signed by the developer and recorded with Tillamook County;
4. Require the applicant execute and file with the City Manager an agreement between himself/herself and the City specifying the period within which required improvements and repairs shall be completed and providing that, if the work is not completed within that period specified, the City may complete the work and recover the full cost and expense, together with court costs and attorney fees necessary to collect said amount from the land developer.
  - a) The agreement shall also provide the reimbursement of the City for the cost of inspection by the City of the improvements to be installed.
  - b) The agreement may also provide for the construction and improvements to be completed in units and for an extension of time under the conditions therein specified

B. The bond shall be released when the city finds the completed project conforms to the approved site development plan and all conditions of approval are satisfied. In the event the developer shall fail to complete all improvement work in accordance with the provisions of this code and the city shall have completed same, or if the developer shall fail to reimburse the city for the cost of inspection, engineering and incidental expenses, and to

## SECTION 22 –SITE DEVELOPMENT STANDARDS AND REQUIREMENTS

cover cost of replacement and repair of existing streets or other improvements damaged in the development of the project, the city shall call on the surety for reimbursement, or shall appropriate from any cash deposit funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the city, it shall release the remainder of such bond or cash deposit, and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the city, the developer shall be liable to the city for such difference.

*C. Landscaping shall be installed within six months of issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the planner is filed with the city, assuring such installation within six months after occupancy.*

*1. Security may consist of a faithful performance bond payable to the city, cash, certified check or such other assurance of completion approved by the city; and*

*2. If the installation of the landscaping is not completed within the six-month period, the security may be used by the city to complete the installation.*

*D. The applicant shall ensure that all occupants of the completed project, whether permanent or temporary, shall apply for and receive a city business license prior to initiating business.*

*E. Guarantee. The developer shall guarantee all materials and equipment furnished and work performed against any defect in materials and workmanship which becomes evident within three (3) years after the acceptance of the work by the city. A warranty bond shall be submitted to the City shall in the amount of 20 percent of total project cost and remain in full force and effect during the guaranty period and correction of any faulty work shall be promptly executed by the developer, or, if corrected by the city, shall be the responsibility of the surety. In the case of a cash deposit the city council may determine, upon completion of the improvement, whether all or a reasonable part of the deposit should be retained as a reasonable security for such guarantee.*

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1. *Purpose: The purpose of this section is to establish limitations for special land uses which have been identified because of particular characteristics. These characteristics, for special uses, must be carefully regulated in terms of all development proposals. The standards in this section relate to the special characteristics of the uses identified in this section and, unless otherwise specified, are to be applied in addition to all other applicable standards prescribed in this Development code. In the event that the standards contained in this section differ from other applicable standards of this Development code, the more stringent standards shall prevail.*

~~2. Adult Businesses:~~

~~A. Applicability. This subsection shall apply to any "adult business" and "adult use" as those terms are defined in Section 4 and permits these uses outright in the Multiple Use Residential (R-0), Neighborhood Commercial (C-N), Town Center (TC), Central Commercial (C-C) and Highway Commercial (C-H) zones as long as they meet the requirements of Section 28 (2A-2B) and all other applicable zoning requirements.~~

~~B. Permit Required:~~

- ~~1) An adult business use proposed for a new building or type of development that requires Site Plan Review per Section 22, subsection 3 is subject to a Site Plan Review.~~
- ~~2) An adult business use proposed for an existing building is subject to a Building Permit prior to conducting the adult business or use.~~

2. Automobile Service Stations. In addition to other standards of this Development code, automobile service stations, where permitted *outright or* as a conditional use, shall comply with the provisions of this section. Service stations shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with the appropriate district regulations.

A. A sight-obscuring fence or wall not less than five (5) feet nor more than six (6) feet in height shall be provided between the service station and abutting property in an R-7.5, R-5.0 or R-O District. Said wall or fence shall be reduced to a three foot maximum in any required front yard setback.

B. All lighting shall be of such illumination, direction and color as not to create a nuisance on adjoining property or a traffic hazard.

C. Vision clearance area as per Section *21 shall be required at all access points.*

3. Animal Hospitals, *Kennels, Breeding Grounds* and Veterinary Clinics. A veterinary clinic, *kennel, breeding ground* or animal hospital shall not be located within 100 feet of a lot in any

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R-7.5, R-5.0 or R-O District, and the applicant shall show that adequate measures and controls shall be taken to prevent offensive noise and odor. No incineration of refuse shall be permitted on the premises.

4. **Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries.**

**A. Any building housing poultry or other smaller farm animals, such as coops, hutches, pens shall be located not less than twenty-five feet from every lot line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.**

**B. All barns, corrals, stables and paddocks housing livestock and larger farm animals shall be located on the rear half of a lot and not closer than fifty feet to any property line. Odor, dust, noise, flies or drainage shall not be permitted to create or become a nuisance to surrounding property.**

**C. The keeping of any farm animals shall be in buildings that fully comply with building and sanitary codes;**

**D. The keeping of any farm animals shall follow best animal husbandry practices as determined by OSU Extension services.**

**E. Barns, Coops, Corrals, and Hutches, Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries Farm and Animal Husbandry is allowed in the following zone districts: OS, R-7.5, R-5.0, R-O, C-N, C-H, C-C, I-L, I-G.**

5. **Bed and Breakfast Establishments.** A structure designed for a single-family residence where one (1) or more rooms are available for transient lodging and where a morning meal is **provided to guests, staff and owners only.** In addition to required parking per Section 25 of this development code, the additional parking spaces ~~cannot~~ **shall not** be located in the front yard and must be asphalted. Signing shall be per Section 24 of this development code. All necessary State and County permits, certifications, or requirements shall be obtained as a condition of approval of a bed and breakfast service, including compliance with OAR Chapter 333, Division 170. Minimal outward modification of the structure or grounds may be made only if such changes are compatible with the character of the neighborhood and the intent of the zoning district in which it is located, and with appropriate City approval where required. **Such establishments shall be owner-operated and occupied.**

6. **Cemetery, Crematory, Mausoleum, Columbarium.** A cemetery, crematory, mausoleum or columbarium shall have its principal access on a major street or road with ingress and egress so designed as to minimize traffic congestion and shall provide required off-street parking space. Cemeteries located within any R-7.5, R-5.0 or R-O District or abutting such "R" District shall

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establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.

7. Churches, Hospitals or Other Religious or Charitable Institutions. In any R-7.5, R-5.0 or R-O District, all buildings shall be set back a minimum of 15 feet from a side or rear lot line and all off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.
8. Circuses, Carnivals, Animal Rides, Animal Displays, Amusement Rides, Flea Markets, Christmas Tree Lots. A circus, carnival, animal ride, animal display or amusement ride or flea market may be permitted for a term not to exceed 30 days in an "C" or "I" District, except a C-N District, with the written approval of the City Manager ***and an approved Zoning Clearance Permit***. Christmas tree sales lots may be permitted in an R-5.0 or R-O ***Zoning*** District after receiving permission in writing from the City Manager ***and an approved Zoning Clearance Permit***. The City Manager may require suitable guarantees that any property used for said purposes shall be restored to a neat and orderly condition after termination of said uses. The City Manager's decision may be appealed to the Planning Commission through the General Appeals procedure set forth in Section 33.

***9. Commercial Excavation – Removal of earth products.***

***A. Before a conditional use permit for the commercial excavation and removal of earth products can be granted, plans and specifications showing the location of the premises, grading plan, existing and proposed drainage, proposed truck access, existing vegetation and plant material on the site, and details of proposed reclamation following excavation and removal of earth products relating to regrading and revegetation of the site shall be submitted to, and approved by, the planning commission.***

***B. Any deviation from the plans as approved by the planning commission will serve as grounds for revocation of the conditional use permit.***

***C. In reviewing the application, the commission may consider the most appropriate use of the land, distances from the property lines, the protection of pedestrians and vehicles, the prevention of the collection and stagnation of water at all stages of the operation, screening and/or berming of the excavation project site from adjoining properties, and the reclamation and rehabilitation of the land upon termination of the operation.***

***D. A bond may be required to insure performance for reclamation of the project site following removal of such earth products. The original overburden shall be replaced at the completion of the project.***

9. Community Building, Social Halls, Lodges, Fraternal Organizations and Clubs in an R-7.5, R-5.0 or R-O District. All buildings shall be set back a minimum of 15 feet from a side or rear lot line; there shall be no external evidence of any incidental commercial activities taking place within the building. All off-street parking facilities shall be adequately screened from abutting property, and no sign shall exceed six (6) square feet in area or be internally illuminated.

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10. Drive-In Theaters. Drive-in theaters shall be located only on an arterial street and shall provide ingress and egress so designed as to minimize traffic congestions, shall be so screened from an R-7.5, R-5.0 or R-O District or dwelling that any noise shall not disturb neighboring residents, shall maintain signs and other lights only in such a way as not to disturb neighboring residents, and shall be so designed that the screen will be set back from and shall not be clearly visible from any highway.
11. Electric Car Charging Station (see Automobile Service Station): shall meet parking stall standards listed in Section 25 of this development code.
12. Gardening (such as a Community or Allotment Garden)/Horticulture (such as field crops, orchards, berries, nursery or flower stock and other agricultural uses)/Animal Husbandry is allowed for non-commercial purposes subject to the requirements of 13 (B-F) below. For small scale enterprises located in the R-0, R-7.5 or R-5.0 Zone District, temporary harvest time display and sale of agricultural products, primarily based on products raised or grown on the premises shall be subject to an application process with administrative approval. Limitation on commercial use may be required.

13. Urban Farming.

- A. The use of vacant property in the OS, R-7.5, R-5.0, R-0, C-N, C-H, C-C, I-L, I-G Districts for Urban Farming gardening or fruit raising horticulture for commercial or non-profit purposes or sustenance is allowed within the Urban Growth Boundary until the vacant property is converted to urban development. These uses are considered interim uses until public facilities and services can be provided in an economical manner and urban development of the site would result in compact urban growth and sequential development.
- B. Produce that can be grown on these farms include fruits, vegetables, and livestock.
- C. Animal keeping of commonly domesticated animals, on these farms, including pastureland is allowed with the following requirements:
  - 1) Sanitation. Proper sanitation shall be maintained for all animals at all times to prevent any condition which may be dangerous or detrimental to the health of the public or animals, or constitute a nuisance.
  - 2) Fencing. Fencing is required and shall be designed and constructed to confine all animals to the site on which the animal is kept.
  - 3) Enclosures. An enclosure is required and shall be designed and constructed to provide shelter from the weather for all animals kept outdoors on the development site. The requirements are listed in subsection 4, Barns, Coops, Corrals, and Hutches,

**Paddocks, Pens for Farm Animals, Livestock and Poultry Farms and Eggeries, of this section.**

**D. Lot Area Minimum = 5,000 square feet**

**E. Minimum Setbacks:**

**1) Front Yard = 10 feet**

**2) Side and Rear Yard = 10 feet**

**F. Minimum parcel dimensions for Animal Husbandry, livestock, shall be determined by Best Management Practices available at the OSU Extension Office.**

**G. An Urban Farm used for commercial or non-profit purposes shall meet the State requirements listed in ORS 568.900, and provide the City with a copy of the approved permits from the State Department of Agriculture for water quality and the use of herbicides, pesticides, and fungicides.**

**H. Sustainable and/or organic practices are encouraged for all Urban Farms.**

14. Home Occupation. A lawful commercial activity or occupation conducted within a dwelling and/or accessory building provided there is a dwelling on the property. Home occupations shall be a secondary/accessory use of the premises, permitted by right in all residential units, subject to the following standards:

A. Appearance of Residence:

- 1) The home occupation shall maintain the residential character of the building by assuring that the occupation is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.
- 2) The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- 3) The home occupation shall not violate any conditions of development approval (i.e. prior development permit approval)
- 4) No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

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- 5) The home occupation shall not exceed 25% of the ground floor of the dwelling; or occupy no more than 500 square feet of a garage, either attached or detached; or occupy no more than 500 square feet of any other outbuilding;
- 6) Baby sitting/Day care facilities with twelve (12) or fewer children shall be considered a home occupation.

### B. Storage:

- 1) Outside storage and use of yard areas for storage of tools, equipment and materials, visible from the public right-of-way or from inside a residence located on adjacent properties, is prohibited.
- 2) On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
- 3) Storage of inventory products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.
- 4) Outside yard areas may be used for playground equipment for home occupations involving the care of children by a baby sitter or day care facility.

### C. Employees:

- 1) The home occupation shall be operated by members of the family residing within the dwelling with no more than one (1) full time, non-family equivalent employee at the home occupation site at any given time.
- 2) Additional individuals may be employed by or associated with the home occupation, so long as they do not report to the home occupation site or pick-up at/deliver to the home.
- 3) The home occupation site shall not be routinely used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

### D. Advertising and Signs:

- 1) One (1) sign, according to Section 24 of this Development code, shall be allowed for the home occupation. In no case shall the sign exceed the size of three (3) square feet if inside or flush against the dwelling, or two (2) square feet if located elsewhere.
- 2) No visual advertisement signs specifically indicating the home occupation is anything more than a residential occurrence or advertising other products shall be allowed.

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- 3) No stock in trade shall be displayed upon the home occupation site.

### E. Vehicles, Parking and Traffic:

- 1) One (1) commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or another location on the home occupation site.
- 2) There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 6 p.m. to 7 a.m.
- 3) There shall be no more than one client or customer's vehicle at any one time and no more than eight (8) per day at the home occupation site.
- 4) Parking for the business is to be the same as for the normal residential occupancy, with no additional parking for the establishment, either on, or off street. Traffic created by the business or customers of the business shall not be of a volume or frequency that will cause disturbance or inconvenience to nearby land uses.

### F. Business Hours:

- 1) There shall be no restrictions on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 6 p.m. only, subject to A & E above and Section 25 of this Development code.

### G. Prohibited Home Occupation Uses:

- 1) Any activity that produces radio or television interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line is prohibited.
- 2) Any activity involving on-site retail is prohibited, except the sale of items ***via telecommunications and mail, or*** that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by the home business are allowed subject to A - F above.
- 3) Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration is prohibited, such as:

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- a) Ambulance service;
- b) Animal hospital, veterinary services, kennels or animal boarding;
- c) Auto and other vehicle repair, including auto painting;
- d) Beauty shops;**
- e) Barber shops;**
- f) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;
- ~~g) Kindergartens;~~
- ~~h) Horticultural Nurseries;~~

H. Enforcement:

- 1) Non-Compliance. Any home occupation, which does not comply with the requirements of this Section and the provisions of the underlying district, shall be considered a violation of this Development code and shall be subject to the penalties and remedies of Section 36.
- 2) All uses conducted on the subject property shall comply with all requirements of the Uniform Building Code, the Environmental Health Division and any other applicable state or federal laws.

**I. Revocation. The permit for a home occupation may be revoked by the City Planner for a violation of any conditions above imposed or authorized, but the City Planner, before revoking a permit, shall give the permittee reasonable notice and an opportunity to be heard.**

**14. Home-based Education.**

15. Housing for the Elderly or Handicapped. The purpose of this section is to establish standards for housing, developments for the elderly within the R-5.0, R-O and C-C Districts. Housing developments for the elderly shall be exempted from applicable district regulations only insofar as the provisions in this section conflict with appropriate regulations.

- A. The minimum lot area for single and two-family dwellings shall be 5,000 square feet. For each additional dwelling unit, the lot area shall be increased by 500 square feet. (This aspect

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cannot be changed once granted like the parking below can, so you may wish to rethink this one)

- B. Off-street parking area = .75 space per dwelling unit.  
Improved off-street parking = .33 space per dwelling unit.  
As long as the multiple family development serves as housing for the elderly in terms of the original intent for the development, the smaller parking requirement shall apply. Any applicant must provide a site plan showing the total off-street parking area including access and parking spaces in the event the development ceases to serve as housing for the elderly or requires additional parking. In the event that the development ceases to serve as housing for the elderly in terms of the original intent of the development, the larger off-street parking area required in this section shall apply and shall be immediately improved and developed. In the event that the improved off-street parking area does not meet the parking needs of the development, the Planning Commission may require development of the total or larger off-street parking area.
- C. Site plan approval is required subject to the requirements of Section 22.
- D. Proof is required that the development qualified for housing assistance under a Governmental Housing Program for elderly or handicapped persons.

16. Landing Strips for Aircraft, Heliports. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidents of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic, both land and air, shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights. New landing strips and heliports shall not be construed to be a permitted use in any district established by this Development code unless and until a Conditional Use Permit shall first have been secured ~~therefore~~.

17. Manufactured Home Standards on Individual Lots. A manufactured home permitted as a dwelling on an individual lot shall be in compliance with the following standards and regulations as a minimum. In such cases where the standards set forth in a specific zone are more restrictive, the more restrictive standards shall govern. In all zones where permitted on individual lots, manufactured homes shall meet the following special standards:

- A. Be multi-sectional and enclose a space of not less than 1,000 square feet.
- B. Have a roof with at least a pitch of 2 in 12.
- C. Shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the

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community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

- D. The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.
- E. The owner of the manufactured home shall be the owner of the lot on which the manufactured home is located, except as approved by the Commission.
- F. The manufactured home shall be provided with a bathroom, toilet, and bathtub or shower which are connected to running water and to the Tillamook City sewage disposal system, and which are located in a room or rooms which afford privacy to the occupant.
- G. The manufactured home unit shall have the Oregon "Insignia of Compliance" as provided for by state law. All pre-owned and pre-occupied units (i.e. used) shall be inspected by the Building Official prior to installation and occupancy to insure compliance with applicable standards required for the "Insignia of Compliance" and to insure that such units are in such a condition as to not be detrimental to the public health, safety and general welfare to adjoining properties.
- H. Each habitable room in the unit shall have an average ceiling height of not less than 7 feet, 0 inches, and no portion of the ceiling height in a habitable room shall be less than 6 feet, 10 inches.
- I. The manufactured home shall be placed upon and securely anchored to a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturers' instructions approved by the State Department of Commerce, and all road and transient lights, wheels and the hitch shall be removed.
- J. The manufactured home shall have a continuous perimeter of skirting that shall be composed of the same material and finished as the exterior of the manufactured home or of brick, concrete or masonry block within 30 days of placement of manufactured home. Such skirting shall be secure against the entrance of animals, but there shall be provisions for ventilation and access to the space under the unit.
- K. All plumbing, electric and gas service connections shall be made according to instructions approved by the State Department of Commerce.
- L. All manufactured home accessory building and structures shall comply with Oregon State Department of Commerce and Tillamook City Construction and installation standards. Manufactured home accessory structures include porches and steps, awnings, cabanas,

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carports, or any other structure or addition that depends in part on the manufactured home for its structural support, or in any manner is immediately adjacent to or attached to the manufactured home. ~~Such structures or additions shall not total more than 30% of the total living space of the manufactured home and such structures or additions combined.~~ Roofing and siding materials shall be of similar material and color and complimentary to the existing manufactured home unit. Ramadas and cabanas are permitted.

- M. The owner of the property shall remove the foundation and all accessory structures and additions to the manufactured home and permanently disconnect sewer, water and other utilities if the manufactured home is removed from its foundation unless otherwise authorized by the City. In the event the owner fails to accomplish said work within 30 days from the date on which the manufactured home is moved from its foundation, the City may perform such work and place a lien against the property for the cost of such work. This condition shall not apply in the event that the manufactured home is replaced on the original foundation or on the original foundation as modified, or by another approved manufactured home within 30 days of the original unit's removal. Said lien may be initiated by the City Manager.

18. Manufactured Home Subdivisions.

- A. A manufactured home subdivision shall be a subdivision created by sale of lots for the placement of manufactured homes in conjunction with traditional residences. A manufactured home subdivision shall be created to the standards of the Tillamook City Land Division Standards Development code and all lots shall conform to the requirements of the applicable zoning district. In no case shall any manufactured home subdivision be of lesser standards than those specified for Manufactured Home Parks (See Section 3). Lots created in a Manufactured Home Subdivision which do not meet the standard lot area for traditional dwellings in a particular zoning district may be used only for a manufactured home and not for any other form of dwelling.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the occupants of a manufactured home or any other person in a manufactured home subdivision.
- C. All streets in a Manufacture Home Subdivision shall conform to the standards specified in the Tillamook City Street Standards Ordinance.

19. Manufactured Dwelling Parks. A Manufactured Dwelling Park shall be for the rental of spaces for the siting of manufactured dwellings containing at least 500 square feet of space. A manufactured dwelling park shall be built to State standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the Commission's approval prior to occupancy.

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- A. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by State law.
- B. The space provided for each manufactured dwelling shall be provided with piped potable water and electrical and sewerage connections.  
The number of spaces for manufactured dwellings shall not exceed twelve (12) for each acre of the total area in the manufactured dwelling park, except that the Commission may vary this density as follows:
- 1) If dedicated open space equals 50% or more of the total area of the park, a maximum 10% increase in units per acre may be granted.
  - 2) If, in addition to No. 1, a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional 5%.
  - 3) If, in addition to No. 1 and 2, an approved recreation/community building is provided, an additional 10% increase of units/acre may be allowed (maximum total increase possible = 25%).
- C. A manufactured dwelling shall occupy not more than 40% of the contiguous space provided for the exclusive use of the occupants of the manufactured dwellings and exclusive use of space provided for the common use of tenants, such as roadways, general use structures, parking spaces, walkways, and areas for recreation and landscaping.
- D. No manufactured dwelling in the park shall be located closer than 12 feet from another manufactured dwelling or from a general use building in the park. No manufactured dwelling accessory building or other building or structure on a manufactured dwelling space shall be closer than 10 feet from a manufactured dwelling accessory building or other building or structure on another manufactured dwelling space. No manufactured dwelling or other building or structure shall be within 20 feet of a public street, property boundary or 10 feet of another property boundary.
- E. A manufactured dwelling permitted in the park shall be by the following standards as determined by an inspection by the building official.
- 1) It shall have a State insignia indicating compliance with Oregon State Manufactured Dwelling Construction Standards in effect at the time of manufacture, and including compliance for reconstruction or equipment installation made after manufacture.
  - 2) Notwithstanding deterioration which may have occurred due to misuse, neglect, accident or other cause, the manufactured dwelling shall meet the State standards for manufactured dwelling construction evidenced by the insignia.

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- 3) It shall contain not less than 225 square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
- 4) It shall contain a bathroom, toilet, shower or tub, and sink in a kitchen or other food preparation space.
- F. A manufactured dwelling permitted in the park shall be provided with a continuous skirting, and if a single-wide unit, shall be tied down with devices that meet State standards for tie down devices.
- G. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- H. ~~The land which is used for park purposes shall be surrounded, except in front yard setback areas, by a sight-obscuring fence or hedge not less than six (6) feet in height. The fence or hedge shall be maintained in a neat appearance.~~
- I. If the park provides spaces for 50 or more manufactured dwelling units, each vehicular way into the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the fire department and 9-1-1.
- J. If a manufactured dwelling space or permanent structure in a park within the Urban Growth Boundary is more than 500 feet from a public fire hydrant, the park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided with 500 feet of such space or structure. Each hydrant within the park shall be located on a vehicular way and shall conform in design and capacity to the public hydrants in the City.
- K. Open Space. A minimum of at least 2,500 square feet plus 100 square feet per manufactured dwelling space shall be provided for a recreational play area group or community activities. (no play area is required if the individual manufactured dwelling spaces contain in excess of 4,000 square feet.) The planning Commission may require this area to be protected from streets, parking areas, or the like, by a fence or the equivalent, that conforms to fence regulations, but at least 30 inches in height where allowed by fence standards. Unless otherwise approved, no required open space area shall contain less than 2,500 square feet. Recreation areas shall be improved with grass, plantings, surfacing or buildings suitable for recreational use.

No recreation facility created within a manufactured dwelling park wholly to satisfy the requirements of this section shall be open to, or offered in itself to, the general public.

- L. Parking space requirement. A parking space shall be provided for each manufactured dwelling space on the site. In addition, guest parking spaces shall also be provided in every

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manufactured dwelling park within 200 feet of the manufactured dwelling spaces served and at a ratio of one parking space for each two manufactured dwelling spaces.

- M. All manufactured dwelling parks over 10 acres in size shall be located so as to have access on a street designated as a minor collector or higher order street.
- N. All manufactured dwelling parks containing a total site area of 20 acres or more shall provide a secondary access to the trailer park. Such secondary access shall enter the public street system at least 150 feet from the primary access.
- O. Lighting shall be installed along the access ways of the trailer park and the recreation area with lights 100 feet apart. Wire for service to light poles and manufactured dwelling spaces shall be underground, except in the Flood Hazard Overlay Zone where wires for service may be above ground as approved by the Commission.
- P. Roadways within the park shall be paved and shall be not less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway, and an adequate designated area is provided and improved for guest parking tenant recreational vehicles (such area shall be designed and improved to provide not less than one parking space per each two spaces in the park).
- Q. No manufactured home park shall be created on a site less than one acre.

20. *Murals and Public Artwork.*

*A. A mural and public artwork may be located anywhere in the city provided it is first approved by the City Beautification Committee and then a City Zoning Clearance Permit is issued by the City Planner in accordance with the procedures and criteria listed in this section.*

*B. An application for a mural and/or public artwork shall be filed with the City Planning Department and shall include:*

- 1. The name of the artist and work samples;*
- 2. Description of the materials to comprise the mural and/or public artwork and manner of application;*
- 3. A statement regarding the durability of the materials and safety concerns of any elements considering the location and positioning of the mural and/or public artwork; and*
- 4. Plans and/or specification for the proposed mural and/or public artwork including a*

picture, graphic or other description.

5. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of the location of the mural or public art. Said notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.

C. Not less than 15 or more than 45 days after submittal of a complete application, the City Beautification Committee shall meet and review the application. The Beautification Committee shall recommend to the City Planner that a mural and/or public artwork be issued a Zoning Clearance Permit upon a finding that:

1. The mural and/or public artwork will enhance the aesthetic beauty conform within the thematic program established by City Resolution of the area of its proposed location;
2. The information regarding durability and expected maintenance requirements is accurate; and
3. The materials to be used and the manner of application will not require excessive maintenance by its owner, and a plan to assure maintenance and safety is provided.

D. In making its determination, the Beautification Committee will consider evidence that the proposal will not negatively conform within the thematic program established by City Resolution impact the use of the surrounding area, and may consider the opinions of the owners and occupants of affected properties. Absent favorable findings as required hereby, the Beautification Committee shall recommend that a Zoning Clearance Permit for a mural and/or public artwork not be issued by the City Planner.

E. Upon a favorable recommendation of the Beautification Committee, the City Planner shall review the application materials and the information received by the committee and shall, upon a determination that the application materials are complete and accurate and the findings of the Beautification Committee reasonable, issue a Zoning Clearance Permit for a mural and/or public artwork. Absent such a determination, the City Planner shall deny the application. Upon an unfavorable recommendation of the Beautification Committee, the City Planner shall not issue a Zoning Clearance Permit.

F. Within 15 days of the meeting of the Beautification Committee, the City Planner shall decide whether or not a Zoning Clearance Permit for a mural and/or public artwork shall be issued. Any person aggrieved by the decision of the City Planner may appeal such decision within 15 days thereof to the City Council Planning Commission which shall apply the standards set forth in this section in reviewing the decision of the City Planner.

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*The City Council Planning Commission may affirm, reverse or reverse with modifications the decision of the City Planner. The decision of the City Planning Commission Council shall be final.*

21. Nursery Schools, Kindergartens ~~and~~, Child Care Centers, and Family Child Care Homes. Nursery schools, kindergartens ~~and~~, child care centers, and family child care homes serving more than six (6) children shall have ~~a minimum site size of 5,000 square feet and~~ shall provide and thereafter maintain outdoor play areas with a minimum area of ~~100~~ 75 square feet per child ~~of total capacity and provide and maintain an indoor activity area with a minimum of 35 square feet per child~~. In any R-7.5, R-5.0 or R-O, or "C" or "I" District, a site-obscuring fence of at least four (4) feet but not more than six (6) feet in height shall be provided separating the play area from abutting lots. ~~Adequate off-street parking and loading space shall be provided. A child care center shall meet the requirements listed in OAR 414-300-0000 through 414-300-0415. A family child care home shall meet the requirements listed in OAR 414-350-0000 through 414-350-0405. Nursery schools, kindergartens, child care centers, serving more than six (6) children shall meet criteria and standards listed in Section 22 (Site Development Standards).~~
22. Recreation Vehicle Parks. A recreation vehicle park shall be for the rental of spaces for the temporary sitting of "recreational vehicles" or mobile homes containing less than 500 square feet of space. A recreation vehicle park shall be built to state standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the Commission's approval prior to occupancy.
- A. The space provided for each recreation vehicle shall be not less than 700 square feet exclusive of any space used for common areas, such as roadways, general use structures, walkways, parking spaces for vehicles other than recreation vehicles, and landscaped areas.
  - B. Roadways shall not be less than 30 feet in width if parking is permitted on the margin of the roadway, or less than 20 feet in width if parking is not permitted on the edge of the roadway. Roadway shall be paved with asphalt, concrete, paver, or ~~similar impervious gravel~~ surface and designed to permit easy access to each recreation vehicle space.
  - C. A space provided for a recreation vehicle shall be covered with crushed gravel or paved with asphalt, concrete or similar material and be designed to provide runoff of surface water. The part of the space which is not occupied by the recreation vehicle, not intended as an access way to the recreation vehicle or part of an outdoor patio, need not be paved or covered with gravel, provided the area is landscaped or otherwise treated to prevent dust and mud.
  - D. A recreation vehicle space shall be provided with piped potable water and sewage disposal service. A recreation vehicle staying in the park shall be connected to the water and sewage service provided by the park if the vehicle has equipment needing such service.

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- E. A recreation vehicle space shall be provided with electrical service.
- F. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park, and located in such number and be of such capacity that there is no uncovered accumulation of trash at any time.
- G. The total number of parking spaces in the park, exclusive of parking provided for the exclusive use of the manager or employees of the park, shall be equal to one space per recreation vehicle space. Parking spaces shall be covered with crushed gravel or paved with asphalt, concrete or similar material.
- H. The park shall provide toilets, lavatories and showers for each sex in the following ratios; for each 15 recreation vehicle spaces or any fraction thereof; one toilet, one urinal, one lavatory and one shower for men; and two toilets, one lavatory and one shower for women. The toilets and showers shall afford privacy and the showers shall be provided with private dressing rooms. Facilities for each sex shall be located in separate buildings, or, if in the same building, shall be separated by a soundproof wall.
- I. The park shall ~~provide one utility building or room containing one clothes washing machine, one clothes drying machine and~~ 15 square feet of space for clothes drying lines for each ten (10) recreation vehicle spaces or any fraction thereof.
- J. Building spaces required by subsection i and j shall be lighted at all times of night and day, shall be ventilated, shall be provided with heating facilities, shall have floors of waterproof material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.
- ~~K. Except in front yard setback areas, the park shall be screened on all sides by a sight-obscuring hedge or fence not less than six (6) feet in height, unless otherwise approved by the Planning Commission.~~
- K. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outdoor storage of materials or equipment belonging to the park or to any guest of the park.
- L. Evidence shall be provided that the park will be eligible for a Certificate of Sanitation as required by state law.

**M. A Recreational Vehicle Park is allowed in the following zone districts:**

**1) R-0 (Multiple Use Residential)**

*2) C-N (Neighborhood Commercial)*

*3) C-H (Highway Commercial)*

23. Temporary Permits.

- A. Authorization. The City Planner may, in writing and in a manner consistent with the provisions of subsections a to g herein, authorize temporary structures, including mobile homes, which are incidental to construction on the same property or which are to be used as temporary offices on the same property during construction. In either case, such authorization shall not exceed a period of 12 months.
- B. Application/Notice. The applicant shall submit an application for a temporary permit on the appropriate forms provided by the Planning Department. Notice of administrative action shall be given to all property owners within 200 feet of the external boundaries of lots or parcels affected by a temporary permit of pending administrative action on said application. Said notice shall include a summary of the nature and substance of the proposal, a brief description of the property involved, and a solicitation of oral or written comments to be submitted within ten (10) days prior to the City Planner's final action on the proposal.
- C. Standards. Applicants for temporary permits shall submit evidence as may be required to enable the City Planner to make a finding that one or more of the following conditions exist:
  - 1) The need of the temporary structure authorization is the direct result of a casualty loss such as fire, windstorm, flood, or other severe damage by the elements to a pre-existing structure previously occupied by the applicant on the premises for which the permit is sought.
  - 2) The applicant has been evicted within sixty days of the date of the application from a pre-existing occupancy of the lot or parcel for which the permit is sought as a result of:
    - a) Condemnation Proceedings by a Public Authority;
    - b) Eviction by abatement of nuisance proceedings, or,
    - c) By determination of a public body or court having jurisdiction that the continued occupancy of facilities previously occupied constitutes a nuisance or is unsafe.
  - 3) The temporary occupancy required is limited in duration by the purposes for which the permit is sought, such as Christmas tree sales, temporary banking or office facilities, parade stands, circuses, fairs or other exhibitions, and other obviously temporary needs.

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- 4) The purpose for which the temporary structure authorization is sought is incidental to the basic purpose for which the lot or parcel is being developed, and the duration of such structure is limited by the period of development, such as construction site offices or temporary real estate offices.
- D. Required Findings. Prior to granting approval of a temporary permit, the City Planner shall analyze the following criteria and incorporate such analysis in his decision;
- 1) The location, size, design, and operating characteristics of the proposed temporary structure, if applicable, will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding vicinity.
  - 2) The proposed temporary structures will not adversely affect the capacity, circulation, or generation of traffic on streets or other public ways in the vicinity.
  - 3) The use of the proposed temporary structure is consistent with the spirit and intent of the zone where the structure is to be located and does not create a substantial property right not enjoyed by others within the same zone.
- E. Temporary Permit Conditions. Reasonable, clear, and objective conditions may be imposed by the City Planner in connection with the temporary permit as necessary to meet the purposes of subsections a to g herein. Guarantees and evidence may be required that such conditions will be or are being complied with. Such clear and objective conditions shall be quantifiable whenever possible, and may include, but are not limited to, requiring:
- 1) Special yards and spaces.
  - 2) Fences and walls.
  - 3) Control of points of vehicular ingress and egress.
  - 4) Special provisions for signs.
  - 5) Landscaping and maintenance of such landscaping.
  - 6) Maintenance of the grounds.
  - 7) Control of noise, vibration, and odors.
  - 8) Limitation of operational hours for certain activities.
  - 9) A time period within which the proposed use shall be developed.

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- 10) A time limit on total duration of temporary use.
  - 11) Bond or other security for returning the affected area to equal or better condition as previously existed upon termination of temporary use.
- F. Duration of Temporary Permit. The duration of such temporary permit and attendant structure shall not exceed the period prior to the completion and occupancy of a permanent structure of 12 months, whichever comes first.
- G. Voiding of a Temporary Permit. When a temporary permit is approved, such approval shall become void six (6) months from the date of such approval if the City Planner determines substantial progress, such as substantial excavation or substantial construction, toward the desired use has not been made. The holder of such permit may apply for an extension of such approval as may be granted by the City Planner.
24. Utilities. The erection, construction, alteration, or maintenance by public utility or municipal or other governmental agencies of underground; overhead electrical, gas, steam, or water transmission or distribution systems, collection, communication, supply or disposal system including poles, towers, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings, shall be permitted in any district ***in accordance with their franchise agreement.*** Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Development code.
25. Wireless Communication Facilities (WCF)
- A. Purpose. The purpose of this section is to establish standards that regulate the placement, appearance and impact of wireless communication facilities, while providing residents and the business community with the ability to access and adequately utilize the services of these facilities support. The characteristics of wireless communications facilities are such that they have the potential to impact not only the area immediately surrounding the facility, but also the community as a whole. Because of these potential impacts, the standards are intended to ensure that the visual and aesthetic impacts of wireless communication facilities are minimized to the greatest extent possible.
- B. Application Requirements. The following items shall be provided as part of an application for the placement and construction of a wireless communication facility. These items are in addition to other information that may be required for the appropriate use permit. The City Planner may waive the requirement for submittal of any information described herein when determined that it is inapplicable based on project specific factors.
- 1) A site plan drawn to scale indicating the location of the proposed antenna(s), support structure and equipment facility and relevant dimensions.

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- 2) A photograph of the proposed antenna(s), support structure and equipment facility at a site similar to the proposal.
- 3) The materials being proposed, including the colors of the exterior materials.
- 4) Photographs of the existing site condition taken from key lines of sight and a photo simulation of the proposed facility at the proposed location from each of the lines of sight.
- 5) A map showing all existing wireless communication facility sites operated by the applicant within and adjacent to Tillamook, including a description of the wireless communication facility at each location.
- 6) A co-location feasibility study that indicates that co-location efforts were made and states the reasons co-location can or cannot occur. All antenna support structures shall be designed so as not to preclude co-location.
- 7) A description of alternatives considered for providing wireless communication service in Tillamook. The alternatives evaluated should include alternative sites, facility heights, number of facilities, and equipment utilized. Where less preferred locations or designs are proposed, the reasons why higher priority locations or designs were not selected.
- 8) A peer review study, if required by the City Planner.
- 9) The City of Tillamook will deny the permitting of a wireless communication facility if it has not been demonstrated that co-location on an existing Wireless Communication facility is not a viable solution.

### C. Location/Design Standards.

- 1) Wireless communication facilities are allowed outright in the following location(s):
  - a) Co-location or shared location on an existing wireless communication facility
- 2) Wireless communication facilities are allowed under a **Zoning Clearance Permit and** building permit if of the following design(s) and in the following location(s):
  - a) Microfacility or Minifacility attached to an existing structure;
  - b) Minifacility attached to an existing public facility such as a water tower or public building;
  - c) Minifacility attached to an existing utility pole located in a street right-of-way;

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- 3) Wireless communication facilities are allowed under a conditional use permit if of the following design and in the following location(s):
  - a) Facility is attached to an existing structure where the height or dimensions of the antenna exceed those of a minifacility;
  - b) Facility is in the shape of a new utility pole within the street right-of-way with a maximum height of 60 feet;
  - c) Facility is on a monopole not located in a street right-of-way with a maximum height of 60 feet measured from grade level.
- 4) Wireless communication facilities are prohibited if in the following design(s) and in the following location(s):
  - a) Lattice towers and support structures;
  - b) Guyed wire towers and support structures;
  - c) Speculation support structures;
  - d) Locations in the following Zone districts:
    - (1) O (Open Space District)
    - (2) R-7.5 (Single-Family Residential)
    - (3) R-5.0 (Single-Family and Duplex Residential)
    - (4) R-0 (Multiple Use Residential)
    - (5) C-N (Neighborhood Commercial)

D. Development Standards. All wireless communication facilities shall be located, designed, constructed, treated and maintained in accordance with the following standards:

- 1) Preferred locations and designs. Applicants shall consider the following sites as the preferred order for the location of proposed wireless facilities:
- 2) General Standards.
  - a) All facilities shall be installed and maintained in compliance with the requirements of the Building Codes.
  - b) All wireless communication facilities shall be designed to minimize their visual impact to the greatest extent feasible.

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- c) The smallest and least visible antennas, to accomplish the coverage objectives, shall be utilized.
  - d) Antenna(s) attached to an existing structure shall be placed so as to integrate, as much as possible, with the building's design features and materials. The maximum height for antennas shall be fifteen (15) feet from the base elevation. Roof mounted antennas and associated equipment should be located as far back from the edge of the roof as possible to minimize visibility from street level locations. Where appropriate, construction from screening to obscure the facility shall be required. Wall mounted antennas shall be integrated architecturally with the style and character of the structure, or otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. To the extent feasible, wall-mounted antennas should not be located on the front, or most prominent facade of a structure, and should be located above the pedestrian line-of-sight.
  - e) Colors and materials for wireless communication facilities shall be chosen to minimize their visibility. Wireless communication facilities shall be painted or textured using colors to match or blend with the primary background of the facility, including the skyline or horizon.
  - f) Equipment facilities shall be placed in underground vaults wherever feasible. Above ground equipment facilities shall be reviewed through the design review process of Section 22 to ensure that they are designed, sited and landscaped to minimize the visual impact on the surrounding environment.
  - g) Exterior lighting for a wireless communication facility is permitted only when required by a Federal or State authority.
  - h) A wireless communication facility placed pursuant to this section is exempt from the height requirements of the zoning district in which it is located; however, may not exceed the heights listed in 16(C) above.
- E. Peer Review. If determined appropriate, the City Planner may require a peer review study of the technical information developed by the applicant to select the proposed facilities. The purpose of a peer review is to evaluate the feasibility of alternative facility designs and locations not selected by the applicant but which have a higher design priority as described in Section 22. The applicant shall pay all costs associated with a peer review.
- F. Abandonment and Obsolescence. Any wireless communication facility that is not operated for a continuous period of twelve (12) months shall be considered abandoned, and the owner of such facility shall remove such facility within ninety (90) days of receipt of notice from the city notifying the owner of such abandonment. If such wireless communication

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facility is not removed within said ninety (90) days, the City may remove the wireless communication facility at the owner's expense. If there are two or more users of a single wireless communication facility, then this provision shall not become effective until all users cease using the wireless communication facility.

G. Antennas to which this section has no application. The provisions of this chapter do not apply to radio or television reception antennas, satellite or microwave parabolic antenna not used by wireless communication service providers, and antennas owned and operated by federally-licensed amateur radio operators.

### H. Wireless Communication Facilities Siting Issues

#### 1) Location

##### a) Preferences

(1) Co-location/Shared Facilities

(2) On Existing Structures

##### b) By zone

#### 2) Design Issues

##### a) Type of pole

##### b) Height of pole and/or antennae

##### c) Setbacks and other placement issues

##### d) Screening/ landscaping

##### e) Abandonment and obsolescence

##### f) Lighting/Security

##### g) Color & Materials

##### h) Equipment cabinets

#### 3) Review Procedure

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- a) Key review procedure to the proposed location -provide simply process for preferred locations, i.e. outright use
  - b) Site Plan Review -Some or all antenna/pole types and locations
- 4) Application Requirements
- a) Mapping of all proposed locations in city
  - b) Technical data to support locations, particularly if preferred site types are not used.
  - c) Visual impact analysis.

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of this section is to provide objective standards governing the placement and size of signs, and the responsibilities of those persons erecting said signs, within the Tillamook Urban Growth Boundary (UGB).
2. General Provisions and Standards Applicable to Signs. In addition to compliance with provisions of this Ordinance, all signs shall comply with the provisions of the Uniform Sign Code, as amended.
  - A. Conflicting Standards: Signs shall be allowed subject to the provisions of this Section, except when the provisions conflict with the specific standards for signs in the subject **zoning or overlay** district.
  - B. Signs Subject to State Approval: All signs visible to the traveling public from state highways, ~~except those between Front and 12<sup>th</sup> Streets and Miller & Beech~~, are **additionally** subject to the regulations and permit requirements of the State of Oregon Department of Transportation. Where the regulations of the State and City differ, the more restrictive regulations shall govern.
  - C. Uniform Sign Code: All signs shall comply with the provisions of the **current** Uniform Sign Code of the Uniform Building Codes, except as otherwise provided in this section.
  - D. Address Display: The signing program for a multi-family, commercial or industrial development shall include the display of the street number(s) for the development on the sign, support structure or building where it can be seen from adjacent roads. **The sign structure for an address, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area.**
  - E. Billboards: New billboards, **as defined by the State (ORS 377.700 to 377.840) as an outdoor advertising sign, not at the location of a business or an activity open to the public the owner of which leases out the space to others in the exchange of compensation for posting their message, visible from the Right-of-way.** shall not be allowed in any zoning district within the City of Tillamook and its UGB.
  - G. Blanketing: No sign shall be situated in a manner, which results in the blanketing/**covering/blocking from view** of an existing sign.
  - H. ~~**Flashing Signs: A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of blinking, flashing, fluttering, or which changes of intensity of illumination. This includes, but is not limited to, all lights on or within a building or premises or vehicles on or off the premises for the purpose of attracting attention for commercial purpose. This definition does not include time, tide, and temperature signs or portable electronic reader board signs utilized by public agencies. [move to definitions section]**~~
  - I. Illuminated Signs:

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1. ~~Internally illuminated signs or~~ Lights used to ~~indirectly~~ illuminate signs (*internally or externally*) shall be placed, shielded or deflected so as not to shine into residential dwelling units or structures, or impair the vision of the driver of any vehicle.
  2. The light intensity of an illuminated sign shall not exceed the accepted standards of the sign industry, as ~~provided by the Oregon Electric Sign Association, and~~ *is further described in Section 26 of this ordinance.*
  3. No sign or other illuminating devices shall have blinking, flashing or fluttering lights/*displays*, with the exception of a time and temperature sign ~~approved by the Planning Commission.~~ *This includes, but is not limited to, all lights on or within a building or premises or vehicles on or off the premises for the purpose of attracting attention for commercial purpose.* This subsection shall not apply to Holiday lights (e.g. Christmas Lights).
  4. ~~Internally illuminated signs are prohibited.~~
  5. No colored lights shall be used at any location or in any manner, which may be confused with or construed to be traffic signals or lights on emergency vehicles.
- J. Moving Signs: No sign structure, or portion thereof, shall be designed to rotate, flutter or appear to move, *with the exception of barber shop poles.*
- K. Maintenance: All signs together with all of their supports, braces, guys, and anchors, shall be kept in good repair and be maintained in a safe condition. All signs and the site upon which they are located shall be maintained in a neat, clean, and attractive condition. Signs shall be kept free from rust, corrosion, peeling paint, or other surface deterioration. The display surfaces of all signs shall be kept neatly painted or posted.
- L. Pre-Existing Signs: Signs and sign structures existing prior to the adoption of this ordinance, which complied with the applicable regulations existing when the sign was established, but which do not comply with one or more of the requirements of this subsection, shall be subject to the provisions ~~of Section 27~~ for Non-conforming Uses, *in this ordinance* except:
1. Alterations to a non-conforming sign which reduces, or does not increase its non-compliance with the provisions of this ordinance, including changes in display surface, sign area, height and setback, may be allowed.
  2. Sign copy which identifies or advertises a business, product or service no longer located on the same site or premises on which the sign is posted shall be replaced, or removed, within one (1) month of the change of occupancy of the premises or vacancy of the premises. Failure to use the copy area of a non-conforming sign for purposes permitted under this section for a period of more than twelve (12) consecutive months shall

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constitute a discontinuation of use as provided under Section 31 and such sign shall be removed or modified to satisfy all applicable requirements of this Section and the underlying district.

**3. Design Standards**

~~Message: The permanent copy of the sign shall clearly identify the nature of the business or development. When the name alone does not insure public recognition of the nature of the business or development, additional copy may be included as necessary.~~

~~Legibility: All forms of sign copy shall be appropriate in size, color, style, spacing and shape to produce a legible, concise, and uncluttered message as viewed from adjacent public roads or from the appropriate internal circulation road or walkway.~~

~~C. Design: Signs shall be designed using shapes, graphics, colors and material, which are coordinated and complement the development or business identified.~~

~~D. Structure: When visible, the supporting structure of the sign shall be incorporated into the overall sign design and shall be in scale with the sign. The sign structure, and any street numbers included on the sign structure, shall not be counted for purposes of determining sign area.~~

**3. Signs Allowed in each of the City of Tillamook Zone Districts**

<u>ZONES</u> <u>SIGN TYPES</u>	<u>R-7.5</u> <u>R-5.0</u>	<u>R-0</u>	<u>C-N</u>	<u>C-H</u>	<u>T-C</u>	<u>I-L</u>	<u>I-G</u>	<u>P&amp;S-P</u>	<u>O</u>
<u>Free-Standing/Ground Mounted</u>	-	<u>1 Sign per street</u> <u>24 sq f size</u> <u>5 ft height</u>	<u>1 Sign per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>10 ft height</u>	<u>1 Sign per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>20 ft height</u>	<u>1 Sign per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>20 ft height</u>	<u>1 Sign per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>20 ft height</u>	<u>1 Sign per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>20 ft height</u>	<u>2 Sign per lot</u> <u>18 sq ft size</u> <u>20 ft height</u>	<u>2 Sign per lot</u> <u>18 sq ft size</u> <u>20 ft height</u>
<u>On-Building</u>	-	<u>1 Sign per use</u> <u>24 sq ft</u>	<u>3 Signs per street</u> <u>frontage</u> <u>40 sq ft siz</u> <u>per signe</u>	<u>3 Signs per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>per sign</u>	<u>3 Signs per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>per sign</u>	<u>3 Signs per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>per sign</u>	<u>3 Signs per street</u> <u>frontage</u> <u>40 sq ft size</u> <u>per sign</u>	<u>2 Signs per street</u> <u>frontage</u> <u>18 sq ft size</u> <u>per sign</u>	<u>2 Signs per street</u> <u>frontage</u> <u>18 sq ft size</u> <u>per sign</u>
<u>Directional</u>	-	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>	<u>5 signs per lot</u> <u>3 sq ft</u> <u>3 ft height</u>
<u>Identification</u>	-	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>	<u>5 signs per lot</u> <u>12 sq ft</u> <u>6 ft height</u>
<u>Temporary</u>	-								
<u>Name Plates</u>	<u>1 Sign</u> <u>2 sq ft max size</u>	<u>1 Sign</u> <u>2 sq ft max size</u>							

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A. Residential (R-7.5, R-5.0).

1) Signs permitted outright

a) Residential Name Plates:

- 1) Shall not exceed two (2) square feet.
- 2) Shall be limited only to the title, name, and address of the occupant of the premises upon which the sign is located.
- 3) Only one (1) such sign shall be permitted upon the premises.
- 4) May be illuminated by indirect lighting only.

b) Temporary Signs as described in Section 7 of this Section.

2) Signs permitted with a Sign Permit

a) Signs pertaining to home occupations, as provided under Section 28 (12) of this ordinance:

- 1) If located inside or flush against the dwelling, the sign shall not exceed three (3) square feet in size. If not affixed to or inside the dwelling, the sign shall not exceed two (2) square feet in size.
- 2) Only one (1) such sign shall be permitted upon the premises.
- 3) May be located within the required setback area of the district provided it is situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.
- 4) May be illuminated by indirect lighting only.

B. Multiple Use Residential (R-0).

1) Signs permitted in the R-7.5 or R-5.0 Zone Districts

2) Signs identifying multiple use development, multi-family development or subdivisions:

a) Free-standing and Ground-mounted Signs.

- 1) Shall not exceed twenty-four (24) square feet, as viewed from a single direction.
- 2) Shall not exceed a height of five (5) feet above the natural ground elevation.
- 3) No more than one (1) free-standing or ground-mounted identification sign shall be allowed for a development or complex, even when more than one tax lot or ownership is included in the development. However, in mixed-use developments a separate freestanding sign may be allowed to identify the multiple uses and multi-family portion of the development.

b) On-building Signs.

- 1) Shall be reviewed as part of the architecture of the building.
- 2) Shall not exceed twenty-four (24) square feet in size.

c) Directional Signs within the development shall not exceed three (3) square feet except as provided in the district.

3) Signs identifying commercial business.

a) Free-standing and Ground-mounted Signs.

- 1) Shall not exceed twenty-four (24) square feet, as viewed from a single direction.
- 2) Shall not exceed a height of five (5) feet above the natural ground elevation.
- 3) No more than one (1) free-standing or ground-mounted identification sign shall be allowed per development or complex, even when more than one tax lot or

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ownership is included in the development. However, in mixed-use developments a separate freestanding sign may be allowed to identify the multiple uses and multi-family portion of the development.

4) Sign Clearance and Setback: see Subsection 5 of this Section below.

b) On-building Signs.

1) Shall not exceed twenty-four square feet in size.

2) No more than one (1) on-building identification sign shall be allowed per use of the development.

c) Directional, Onsite Traffic Control, and Identification Signs.

1) Shall not exceed three (3) square feet in size.

2) Shall not exceed a height of five (5) feet.

C. Neighborhood Commercial (C-N).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:

a) Shall not exceed forty (40) square feet in size.

b) Shall not exceed a height of ten (10) feet.

c) Only one (1) such sign shall be allowed per street frontage.

d) Sign Clearance and Setback: see Subsection 5 of this Section below.

e) Illumination: Such signs may be ~~internally or indirectly~~ illuminated.

2) On-building Signs identifying the use of the premises shall be allowed subject to the following conditions:

a) Shall not exceed 40 square feet in size per sign.

b) Three (3) such signs shall be allowed per street frontage.

c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

4) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.

4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.

D. Highway Commercial (C-H) and Central Commercial (C-C).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:

a) Shall not exceed forty (40) square feet in size.

b) Shall not exceed a height of twenty (20) feet.

c) Only one (1) such sign shall be allowed per street frontage.

d) Sign Clearance and Setback: see Subsection 5 of this Section below.

e) Illumination: Such signs may be ~~internally or indirectly~~ illuminated.

2) On-building Signs shall be allowed subject to the following conditions:

a) Shall not exceed 40 square feet in size per sign.

b) Three (3) such signs shall be allowed per street frontage.

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c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

4) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.

5) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.

E. Town Center Commercial (T-C).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:

2) On-building Signs shall be allowed subject to the following conditions:

a) Shall not exceed 40 square feet in size per sign.

b) Three (3) such signs shall be allowed per street frontage.

c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.

4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.

3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.

4) Marquee Signs are allowed within 1 inch of the top and bottom of the marquee with no more than 3 businesses indicated per marquee.

4) Signs in the Town Center shall also meet requirements described in Section 22 Historic Architectural Design Guidelines.

F. Light Industrial (I-L).

1) Free-standing and Ground-mounted Signs shall be allowed subject to the following conditions:

a) Shall not exceed forty (40) square feet in size.

b) Shall not exceed a height of twenty (20) feet.

c) Only one (1) such sign shall be allowed per street frontage.

f) Sign Clearance and Setback: see Subsection 5 of this Section below.

g) Illumination: Such signs may be internally or indirectly illuminated.

2) On-building Signs shall be allowed subject to the following conditions:

a) Shall not exceed 40 square feet in size per sign.

b) Three (3) such signs shall be allowed per street frontage.

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.

4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.

### G. General Industrial (I-G).

1) Free-standing and ground-mounted signs shall be allowed subject to the following conditions:

a) Shall not exceed forty (40) square feet in size.

b) Shall not exceed a height of twenty (20) feet.

c) Only one (1) such sign shall be allowed per street frontage.

d) Sign Clearance and Setback: see Section 5 below for setback requirements.

e) Illumination: Such signs may be internally or indirectly illuminated.

2) On-building signs shall be allowed subject to the following conditions:

a) Shall not exceed 40 square feet in size per sign.

b) Three (3) such signs shall be allowed per street frontage.

c) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

3) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.

4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.

### H. Public and Semi-Public (P&S-P).

1) Free-standing and Ground-mounted Signs for Public and Semi-public facilities, schools, churches, hospitals, and similar uses shall be allowed subject to the following conditions:

a) Shall not exceed eighteen (18) square feet in size.

b) Shall pertain only to the use on the premises.

c) Only two (2) such sign shall be permitted upon the premises.

d) Sign Clearance and Setback: see Subsection 5 of this Section below.

e) Illumination: Such signs may be internally or indirectly illuminated.

2) On-building Signs shall be allowed subject to the following conditions:

a) Shall not exceed eighteen (18) square feet in size.

b) Shall pertain only to the use of the building.

c) Only two (2) such sign per street frontage shall be permitted upon each building.

d) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.

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- e) Illumination: Such signs may be internally or indirectly illuminated.*
- 3) Window signs should be at eye level, placed in the upper half of the window, to entice the pedestrian.**
- ~~3) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.~~
- ~~4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.~~

**I. Open Space (O).**

- 1) Free-standing and Ground-mounted Signs for Parks, and similar uses shall be allowed subject to the following conditions:**
  - a) Shall not exceed eighteen (18) square feet in size.*
  - b) Shall pertain only to the use on the premises.*
  - f) Only two (2) such sign shall be permitted upon the premises.*
  - g) Sign Clearance and Setback: see Subsection 5 of this Section below.*
  - h) Illumination: Such signs may be internally or indirectly illuminated.*
- 2) On-building Signs shall be allowed subject to the following conditions:**
  - a) Shall not exceed eighteen (18) square feet in size.*
  - b) Shall pertain only to the use of the building.*
  - d) Only two (2) such sign shall be permitted upon each building.*
  - d) Design: On-building signs shall be incorporated into the design of the building, and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.*
  - e) Illumination: Such signs may be internally or indirectly illuminated.*
- ~~3) Directional, Onsite Traffic Control, and Identification Signs. See Section 6 below for directional, onsite traffic control and identification sign requirements and further details.~~
- ~~4) Temporary Display and Portable Signs. See Section 7 below for temporary display and portable sign requirements and further details.~~

**5. Sign Clearance** and Setbacks for Free-Standing or Ground-mounted Signs.

- A. Signs within the Downtown ~~(C-4)~~ Business District, **between Front Street and Sixth Street, Grove Avenue and Laurel Avenue,** as **defined described further** in the Central Commercial (C-C) Zone District, shall not be erected on, over or above any right-of-way for a street if any part of such sign ~~extends less than eight (8) feet above grade, or shall not be maintained on, over or above any right of way for a street if any part of such sign~~ extends less than seven (7) feet above the sidewalk grade, or closer than two (2) feet toward the inside edge of the existing curb, **and fifteen (15) feet above driveways.**
- B. Signs, other than those within the Downtown Business District, shall not be erected or maintained on, over or above any right-of-way for a street if any part of such sign extends

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less than eight (8) feet above sidewalk grade or closer than two (2) feet toward the inside edge of the existing curb, **and fifteen (15) feet above driveways.**

- C. Signs less than twenty-eight (28) square feet in size must observe at least one-half of the yard setback requirements of the zone district in which it is located.
- D. Signs greater than twenty-eight (28) square feet in size must observe the setback requirements of the zone district in which it is located.
- E. All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions.

### 6. **Directional**, On-site Traffic Control and Identification Signs

A. **Directional** On-site Traffic Control signs shall be those permanent signs which are oriented toward internal circulation roads, driveways and walkways, or which direct the flow of traffic to and from the site from adjacent roads or walkways, and within the site area, and shall observe the clear-vision requirements of the district and shall:

- 1) Not exceed a maximum of three (3) square feet in area.
- 2) Observe the clear-vision requirements of the district and not exceed a maximum of three (3) feet in height.
- 3) Public facility directional signs may be placed within the public right-of-way when authorized by the City Manager, or his designee, upon written request for such sign by a public facility. Request for placement shall be made on forms provided by the City. Such permit may be issued upon a finding, on the basis of written information furnished by the applicant, that the proposed sign is necessary for the direction of the public and is not detrimental to the general health, safety and welfare of the community.
- 4) Placement and design of any such sign shall be the responsibility of the City. Costs for the sign and placement shall be assessed to the applicant. No more than five (5) signs shall be allowed at any one location. Each property owner shall be responsible for maintaining any sign approved under its application. Costs for replacement of any sign for any cause shall be assessed to the applicant.

B. **Identification signs**: An on-site permanent ground-mounted tenant identification sign for an individual building **and/or informational sign providing onsite information to the users of the subject property** within a development may be allowed as an alternative to an on-building identification sign provided such sign shall:

- 1) Be located on the most visible side of the building being identified.
- 2) Not exceed twelve (12) square feet in area.

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- 3) Not exceed **six (6)** feet in height.
  - 4) Use materials and colors, which are the same, or substantially the same, as those used on the building identified by the sign.
  - 5) Public facility **identification** signs ***shall be placed internally to avoid conflicting with other signs on the premises and*** may be placed within the public right-of-way if authorized by the City Manager, or his designee, upon written request for such sign by a public facility. Request for placement within the public right-of-way shall be made on forms provided by the City. Such permit may be issued upon a finding, on the basis of written information furnished by the applicant, that the proposed sign is necessary for the direction of the public and is not detrimental to the general health, safety and welfare of the community.
  - 6) Placement and design of any such sign shall be the responsibility of the City. No more than five (5) signs shall be allowed at any one location. Each public facility shall be responsible for maintaining any sign approved under its application. Costs for replacement of any sign for any cause shall be assessed to the applicant.
- C. All On-site Traffic Control and Identification signs shall be subject to the approval of a sign permit.
7. Temporary Display and Portable Signs
- A. Temporary Display Signs: A combination of banners ***(both vertical and horizontal)***, streamers, strings of lights, flags, beacon lights, sandwich board signs and/or other similar apparatus; may be displayed for the purpose of advertising a grand opening, sale or similar event under the following conditions and limitations:
- 1) Time period and duration: the temporary display shall not exceed a total time period of four weeks in any calendar year and must coincide with an actual event.
  - 2) Hazards: No sign, light, electrical cord, streamer, banner or other apparatus shall be situated or used in a manner which creates a hazard.
- B. Portable Identification Signs: A portable sign may be used to temporarily identify a new business until permanent identification signs are installed, or to identify an existing business while permanent identification signs are being repaired or replaced, or to temporarily identify a sale or business location during the hours of operation under the following conditions and limitations:
- 1) Need: No portable sign shall be allowed under this provision when any other permanent or portable sign visible from adjacent roads accurately identifies the premises.

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- 2) Number: Only one (1) portable identification sign shall be displayed for a development or complex.
- 3) Time period: The use of a portable identification sign shall be valid for ninety (90) consecutive days, or until a permanent identification sign is installed, whichever occurs first.
- 4) Design Review: The application for permanent identification signing for the business shall be submitted for review and shall be subject to the approval of a sign permit, prior to, or concurrent with, the establishment of a temporary display or portable sign under this Section.
- 5) Size Limits: Portable signs shall not exceed a sign area of thirty-two (32) square feet, or a height of six (6) feet above the natural ground elevation.
- 6) Setbacks: Portable signs shall be set no closer than two (2) feet from the inside edge of the curb.
- 7) Anchoring: All signs approved under this provision shall be physically established in a manner, which both prevents the sign from being moved or blown from its approved location, and allows for removal of the sign.
- 8) Exceptions: No portable sign shall be allowed under this provision for any business or development that has a changeable copy sign incorporated into their permanent identification sign.
- 9) Illuminated Signs: Illumination of any sign or portion thereof, in the shape of an arrow, or any other shape which may be construed as a traffic control device is prohibited. Signs containing any electrical components or parts, or illuminated by electrical lighting, must be approved under the National Electric Code as modified by the State of Oregon Rules and Regulations. Lights and illuminated signs requiring an outside power source shall use a state approved power outlet.
- 10) Hazards: No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.

### ***11) Portable Signs are exempt from the approval of a sign permit.***

- C. Portable Service Station Signs: A service station may maintain one (1) portable sign displaying the current prices for fuel sold on the same premises provided such sign does not exceed an area of twelve (12) square feet, or a height of five (5) feet. Such signs shall be subject to clear-vision area requirements and one-half (1/2) the setback requirements of the district, ~~conditions 7 and 8 under Subsection 8B, and shall be subject to the approval of a sign permit.~~ ***Portable Service Station Signs are exempt from the approval of a sign permit.***

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- D. Incidental Signs: Emblems, Decals, and other similar signs indicating membership in organizations, acceptance of credit cards, brand names of items sold, and other such information which pertains to the business or proprietor of the business located on the premises may be displayed on the inside of any window or door. **Incidental Signs are exempt from the approval of a sign permit.**
- E. Temporary Window Signs: Posters and other signs of a temporary nature which advertise or inform the public of current prices or events may be displayed on the inside of a window or door of a business located in a commercial or industrial district. **Temporary Window Signs are exempt from the approval of a sign permit.**
- F. Temporary signs advertising the sale, rental or lease of commercial or industrial premises, or identifying a property developer, lease agent or builder, or advertising a legally recorded subdivision in its entirety, or residential property in excess of one acre, may be allowed, subject to the following limitations:
- 1) Shall not exceed **forty (40)** square feet in area.
  - 2) Shall pertain only to property upon which they are located, unless they are temporary off-premise directional signs indicating a sale on another piece of property.
  - 3) Shall observe the setback provisions under Subsection 6A(4).
  - 4) Only one (1) such sign shall be permitted on the premises.
  - 5) Shall not be artificially illuminated.
  - 6) Such signs shall be removed from the premises after the premises are sold, rented or leased. Signs pertaining to recorded subdivisions shall not remain upon the premises in excess of eighteen (18) months from the date of filing of the subdivision.
  - 7) **These signs are exempt from the approval of a sign permit.**
- G. Real estate signs advertising individual lots:
- 1) Shall not exceed six (6) square feet.
  - 2) Shall pertain only to the property upon which they are located, unless they are temporary off-premise directional signs indicating a sale on another piece of property.
  - 3) Shall be located at least five (5) feet behind the front lot line.
  - 4) Shall not exceed five (5) feet in height.

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- 5) Shall be temporary in nature and shall be removed within two (2) weeks after the date of sale.
  - 6) Shall not be artificially illuminated.
  - 7) **Real Estate Signs are exempt from the approval of a sign permit.**
- H. **Political Signs:** Signs which support or oppose ballot measures, persons running for political office, and other issues subject to a vote by the public may be allowed subject to the following:
- 1) Approval by the owner of the property on which the sign is to be posted.
  - 2) Setbacks: Such signs may be located within the required setback area of the district, provided they are situated in a manner so as not to adversely affect safety, corner vision, or other similar conditions.
  - 3) Right-of-way Excluded: Signs shall not be posted in State or County rights-of-way, on telephone poles, traffic signs, or other public apparatus.
  - 4) Size: Signs shall not exceed sixteen (16) square feet in size, as viewed from one direction.
  - 5) Time Limit: All such signs shall be removed within one (1) week after the election for which the sign is posted.
  - 6) **Political Signs are exempt from the approval of a sign permit.**
- I. **Temporary** Off-premise directional signs directing traffic to a sale of property or a retail sale **or an event shall be subject to the following requirements:**
- 1) Shall not exceed **sixty (60)** square feet.
  - 2) Shall be located at least five (5) feet behind the front lot line.
  - 3) Shall not exceed five (5) feet in height.
  - 4) Shall be temporary in nature and shall be removed immediately at the end of the day on which the event, open house, or garage sale is conducted.
  - 5) Shall not be artificially illuminated.
  - 6) **Along State Highways:** All **Temporary** off-premise signs which are visible from a State highway are subject to approval by the Oregon State Highway Division pursuant to the Motorist Information Act.

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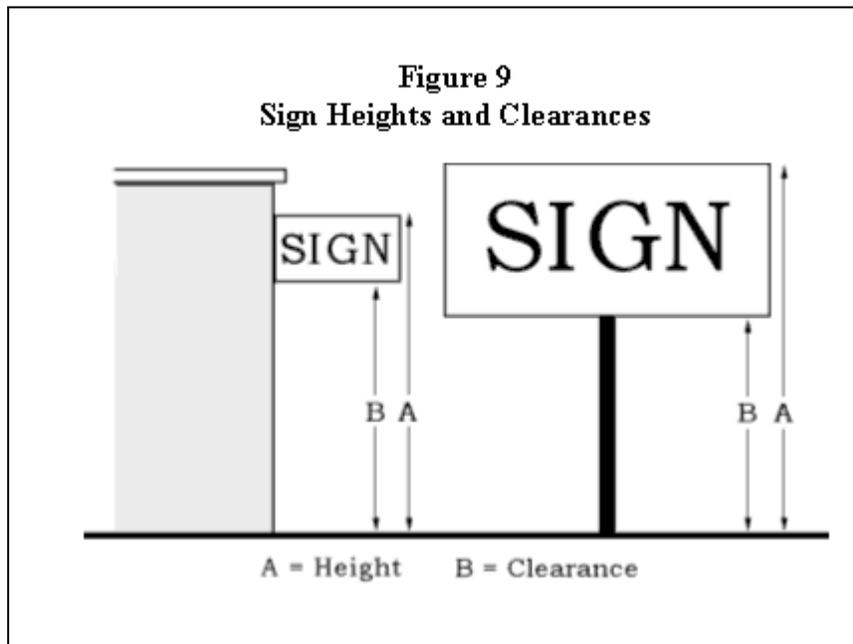
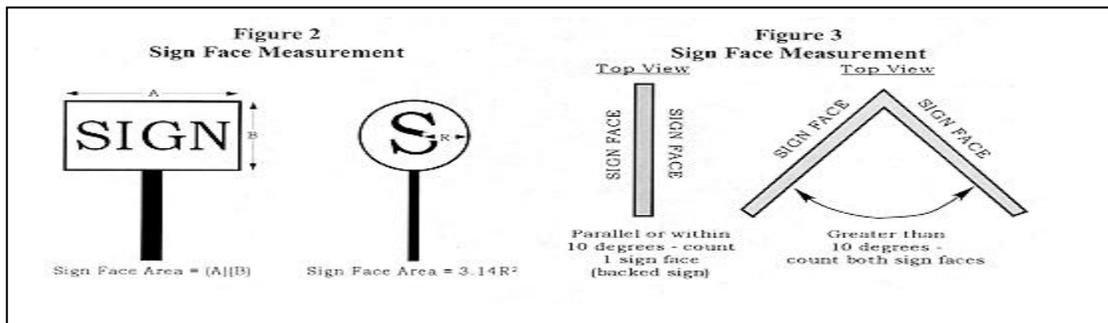
- 7) Temporary off-premise directional signs shall be subject to the approval of a sign permit.
8. Permanent Off Premise Signs. Any sign not located on the site of the use or activity for which it is advertising shall be considered off-premise and if not determined to be a billboard by ODOT shall be subject to a Conditional Use Permit, for a period of five (5) years or less, after examination of the location and upon due proof that such sign, signboard, or other advertising will not be unduly detrimental to the adjacent and surrounding property, but the same front and side yard provisions as required for buildings may be required, and shall be subject to the approval of a sign permit. ~~Public Facility signs as defined in this ordinance shall be exempt from this requirement.~~
- A. Along State Highways: All off-premise signs which are visible from a State highway are subject to approval by the Oregon State Highway Division pursuant to the Motorist Information Act.
- B. All Permanent Off premise signs shall be subject to the approval of a sign permit ~~except for and the following:~~
- 1) Shall not exceed a size of 40 square feet.
  - 2) Shall not exceed a height of 10 feet.
  - 3) Shall not be internally illuminated.
  - 4) Shall only be allowed to be placed in the Multiple Use Residential (R-0), Neighborhood Commercial (C-N), Central Commercial (C-C), Highway Commercial (C-H), Light Industrial (I-L), General Industrial (I-G), or Public and Semi-Public (P&S-P) Zone Districts.
  - 5) Only one (1) sign shall be allowed per off-premise site in addition to an on-premise sign.
  - 6) Signs placed by a public facility (City, County, State) shall be exempt.
9. All other signs, signboards, and other forms of outdoor advertising may be allowed including the following alternatives:
- A. Changeable Copy Signs may be incorporated into a permanent identification sign for a business or development. The following conditions shall apply:
- 1) Only one (1) such sign shall be used in development.
  - 2) The changeable copy sign shall be included in the maximum sign area allowed under this Section.
  - 3) A changeable copy sign shall not be used on a sign, which includes a time and/or temperature display.

**SECTION 24 - SIGN STANDARDS AND REQUIREMENTS**

B. Directory Sign: An on-site sign oriented primarily toward vehicle circulation which identifies and directs traffic to a number tenants, uses or buildings within the development, shall be limited in area to a maximum of two (2) square feet per tenant, use or building specifically identified, up to a maximum of forty (40) square feet. Directories oriented toward pedestrian circulation areas, including those attached to buildings, shall be a maximum of twenty-four (24) square feet in area, and eight (8) feet in height.

10. Diagrams. The following diagrams shall be used to determine sign measurements.

A. Sign Face Measurements.



## SECTION 25 - OFF-STREET PARKING AND LOADING

1. Purpose. The purpose of this section is to assure that no building or other permit shall be issued until plans and evidence are presented to show how the off-street parking and loading requirements are to be fulfilled and that property is and will be available for exclusive use as off-street parking and loading space. The subsequent use of the property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance.
2. Scope. Development of off-street parking and loading areas shall be provided and maintained for any type of development as set forth in this section. Off-street parking and loading standards apply to the following types of development:
  - A. A new building or structure erected after the effective date of this Ordinance;
  - B. The construction or provision of additional floor area, seating capacity or other expansion of an existing building or structure; **and/or**
  - C. A change in the use of a building or structure existing on the effective date of this Ordinance which would require additional off-street parking spaces or off-street loading areas under the provisions of this section.

If the expansion of an existing building or structure does not exceed 50% of the market value or the capacity of the existing building or structure is increased by less than 50% in size, additional parking spaces only need to be provided in proportion to the expansion.

If the expansion of an existing building or structure exceeds 50% of the market value or the capacity of the existing building or structure is increased by more than 50% in size, parking spaces and loading spaces must be provided for the entire use according to 7 and 8 of this section.

If the building or structure in which the change of use occurred does not require additional off-street parking or off-street loading spaces, no additional parking or loading spaces shall be required. Any use requiring one half (1/2) or more of a parking space or loading space shall be deemed to require the full space. Parking spaces and loading spaces provided to meet the requirements of this Ordinance shall not be reduced in size or number to an amount less than required by this Ordinance for the use occupying the building. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner.

**Meeting Off-Street Parking and Loading Requirements. A plan drawn to scale and dimensioned, indicating how the off-street parking and loading requirements are to be met, shall accompany an application for a Zoning Clearance Permit.**

3. Location of Parking Facilities. Off-street parking spaces for one or two family dwellings shall be located on the same lot with the dwelling. Parking spaces for all other dwelling units require Site Plan Approval (see Section 22) by the Planning Commission and in addition to Sections **22 and 26**, must comply with the following requirements. Vehicle parking is allowed only on

## SECTION 25 - OFF-STREET PARKING AND LOADING

approved on-street parking shoulders (~~streets~~), within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.

A. Except for single-family dwellings and duplexes, the vehicle parking spaces required by this Section may be located on another parcel of land provided the parcel is within 500 feet from the building or use they are intended to serve. The distance from the parking area to the use shall be measured in straight lines from the nearest parking space to the building entrance following a pedestrian route (sidewalk). The burden of proving the existence of such off-premise parking arrangements rests upon the person who has the responsibility of providing parking. The right to use the off-site parking must be evidenced by a recorded deed, easement, or similar written instrument.

B. Use of Parking Facilities/ Availability of facilities. Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for the storage of vehicles or materials ~~or for the parking of trucks used in conducting the business of use~~. Areas needed to meet the parking requirements of a particular building or use shall not be transformed or changed to another type of use, or transferred to meet the parking requirements of another building or use until the parking required for the original user of said parking area is provided at another approved location. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, patrons, and/or employees, as applicable. Signs shall conform to the standards of Section 24 of this Ordinance.

C. Parking, Front Yard. Unless otherwise provided, required parking and loading spaces shall not be located in a required front yard, except in the case of a single or two-family dwelling, and except in the case of a use in a C-N District where parking spaces may be located in the rear ten (10) feet of the required 20 foot front yard, and except for uses in a C-H District where parking and loading may occur in all but the first ten (10) feet of yard area from any public right-of-way. Parking spaces may be located within a required side or rear yard.

4. Joint Use of Facilities. The off-street parking requirements of two or more uses, structures or parcels of land may be satisfied by the same parking or loading space used jointly to the extent that it can be shown by the owners or operators of the uses, structures or parcels that their operations and parking needs do not overlap in point of time. If the uses, structures or parcels are under separate ownership, the right to joint use of the parking space must be evidenced by a deed, lease, contract or other appropriate written document to establish the joint use that must extend over the time period of the use of the property.
5. More than One Use on One or More Parcels: In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, provided, however, where the operation of these different uses is such that the hours of operation or uses complement each other insofar as the parking demand is concerned, the planning commission may authorize a

## SECTION 25 - OFF-STREET PARKING AND LOADING

*reduction in these requirements. If the planning commission finds that a portion of the floor area, not less than one hundred contiguous square feet, in a retail store will be used exclusively for storage of merchandise which is not being displayed for sale, it may deduct such space in computing parking requirements, but the owner shall not thereafter use the space for any other purpose without furnishing additional off-street parking as required by this chapter.*

6. On-Street Parking Credit. For property within the Multiple Use Residential (R-0) Zone, the Central Commercial (C-C) Zone and Town Center (T-C) Zone Districts, and outside of the C-4 Parking District, the amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to the development. An on-street parking credit reduces the number of off-street parking spaces required. An on-street parking credit does not reserve parking spaces for the specific commercial business utilizing the credit. The Planning Commission shall review and approve all on-street parking credits ~~as Conditional Use Permits (according to Section 27 of this Ordinance)~~. On-street parking shall follow the established configuration of existing on-street parking as established by the City of Tillamook. The following constitutes an on-street parking space:
  - A. Parallel parking, each 24 feet of uninterrupted curb;
  - B. Curb space must be connected to the lot which contains the use;
  - C. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
  - D. On-street parking spaces that may be credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.
  - E. On-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way.
  - F. On-street parking credit shall not be considered on or adjacent to areas of town zoned Low-Density or Medium-Density Residential (R-7.5, Single-Family Residential or R-5.0, Single-Family Duplex Residential).
7. Off-Street Loading. Every use for which a building is erected or structurally altered to the extent of increasing the floor area to equal a minimum floor area required to provide loading space, and which will require the receipt or distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows [Note: Commercial Buildings within the Town Center Overlay Zone *District* shall refer to Section 17 for loading requirements]:

SECTION 25 - OFF-STREET PARKING AND LOADING

- A. Commercial, industrial and public utility uses, which have a gross floor area of 5,000 square feet or more, shall provide truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 10,000	0
10,000 - 30,000	1
30,000 - 100,000	2
100,000 and over	3

- B. Restaurants, office buildings, hotels, motels, hospitals and institutions, schools and colleges, public buildings, recreation or entertainment facilities and **any** similar use which has a gross floor area of 30,000 square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

Square Feet of Floor Area	Number of Berths Required
Less than 30,000	0
30,000 - 100,000	1
100,000 and over	2

- C. A loading berth(s) shall contain space large enough to accommodate the largest anticipated delivery vehicle, **and be not less than ten feet wide, twenty-five feet in length and fourteen feet in height.** **If** the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- D. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than required to adequately handle the needs of the particular use.
- E. Off-street parking areas used to fulfill the requirements of this Ordinance shall not be used for loading and unloading operations except **at off-peak hours** during periods of the day when not required to take care of parking needs.

**F. Passenger Loading/Unloading: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers, shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one-time.**

- 8. **Off-Street Parking.** Off-street parking spaces shall be provided and maintained as set forth in this section for all uses in all zoning districts except the Downtown (C-4) Commercial District as described in Section 17. The minimum number of required off-street vehicle parking spaces (i.e. parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards listed in subsections 4 - 7 of this section. Off-street

SECTION 25 - OFF-STREET PARKING AND LOADING

parking spaces shall be provided as follows [Note: Commercial Buildings within the Town Center Zone shall refer to Section 17.1(9) for parking and circulation standards]:

<u>Use</u>	<u>Requirement</u>
A. Residential	
One, Two and Three-family dwellings:	Two spaces per dwelling
Multi-family dwelling containing four or more dwelling units:	One and one-half spaces per dwelling unit
Bed & Breakfast Establishments:	Two spaces per dwelling plus one per guest room <del>for establishments of three guest rooms or more.</del>
<del><i>Rooming or boarding houses; ancillary accessory rental units</i></del>	<del><i>One space for each accommodation and one space per guest room.</i></del>
B. Commercial <u>Services:</u>	
Bank, personal services, office, (except medical and dental):	One (1) space per five hundred (500) square feet of floor area plus one (1) space per two (2) employees
Barber shop or beauty shop:	One (1) space per service Chair or stool
Bed and Breakfast Establishments:	Two (2) spaces per dwelling plus one (1) per guest room for the establishments of three (3) guest rooms or more
Clubs; Lodge:	The same number of spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.

SECTION 25 - OFF-STREET PARKING AND LOADING

Eating and Drinking  
Establishments

*One (1) space per four (4) seats  
or one (1) space per 100 square  
feet of dining or drinking area  
whichever is greater.*

Hotel/Motel:

One (1) space for the owner or  
manager, one (1) space per two  
(2) employees, one (1) space  
per guest room or suite.

Medical and Dental office  
or clinic:

One space per 200 square  
feet of floor area plus one space  
per 2 employees

Mortuaries, chapels:

One (1) space per four (4) seats  
or eight (8) feet of bench length  
in main chapel

Self-service Laundry  
or Dry Cleaning:

One (1) space per four  
(4) washing or cleaning  
machines

*Service or repair shop*

*One space per 600 square  
feet of floor area.*

C. *Commercial* Retail Stores:

4000 square feet or less:

One (1) space per two hundred  
(200) square feet of floor area

4001 square feet or more:

One (1) space per two hundred  
seventy-five (275) square feet  
of floor area

*Retail store exclusively handling  
bulky merchandise such as auto  
mobiles, furniture and large appliances*

*One space per 600 square  
feet of retail floor area.*

*Open air market;  
used car sales lot*

*One space for 1,500 square  
feet of land area*

Supermarkets, Grocery Stores:

One (1) space per two (2)  
employee, plus

SECTION 25 - OFF-STREET PARKING AND LOADING

4000 square feet or less:	One (1) space per one hundred fifty (150) square feet of floor area
4001 square feet and over:	One (1) space per two hundred (200) square feet of floor area.
<b>D. Commercial amusements</b>	
Bowling alley:	<b>Three (3)</b> spaces per lane plus one (1) space per two (2) employees
Dance Hall, Skating Rink:	One (1) space per one hundred (100) square feet of floor area plus one (1) space per two (2) employees
Miniature Golf Course:	Four (4) spaces per hole
Stadium, arena, theater:	One (1) space per four (4) seats or eight (8) feet of bench length
<b>E. Industrial</b>	
Manufacturing establishment:	One (1) space per employee on the maximum shift
Storage warehouse, rail or trucking freight terminal:	One (1) space per employee on the maximum shift
Wholesale establishment:	One (1) space per employee plus one (1) space per seven hundred (700) square feet of patron serving area
Public Utilities (gas, water, telephone, etc), <b>not</b> including business offices:	One (1) space per two (2) employees on the largest shift, plus one (1) space per company vehicle; a minimum of two (2) spaces is required.
<b>F. Institutions/ Places of Public Assembly</b>	
Child Care Centers,	One (1) space per two (2)

SECTION 25 - OFF-STREET PARKING AND LOADING

having thirteen (13) or more children	employees; a minimum of two (2) spaces is required
Churches and similar places of worship	One (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium
Convalescent hospital, nursing home, sanitarium, rest home, home for seniors	One (1) space per two (2) beds for patients or resident
Golf Course, (except miniature)	Eight (8) spaces per hole, plus additional spaces for any auxiliary uses set forth in this section
Hospitals:	Two (2) spaces per patient bed.
Library, reading room, museum, art gallery	One (1) space per four hundred (400) square feet of floor area plus one (1) space per two (2) employees
Limited school service facility (i.e. non-classroom):	One (1) space per four hundred (400) square feet of floor area
Other auditorium, meeting rooms	One (1) space per four (4) seats or eight (8) feet of bench length. <u><i>If no permanent seats are provided, one space per 100 sq. feet of floor or assembly area.</i></u>
Schools	
Pre-school nursery kindergarten:	Two (2) spaces per teacher
Elementary and Junior High:	One (1) space per employee or one and one-half (1 1/2) space per classroom or one (1) space per four (4) seats or eight (8) feet of bench length in the

SECTION 25 - OFF-STREET PARKING AND LOADING

High School:	auditorium or assembly room, whichever is greater
Colleges, Universities, and commercial trade schools for adults:	One (1) space per employee plus one (1) space for each six (6) students or one (1) space per four (4) seats or eight (8) feet of bench length in the main auditorium, whichever is greater
Correctional institutions:	One and one-half (1 1/2) spaces per classroom, plus one (1) space per five (5) students the school is designed to accommodate or one (1) space per three (3) seats in classrooms whichever is greater
Correctional institutions:	One space per five beds for patients or inmates

G. Other uses not specifically listed above shall furnish parking as required by the Planning Commission. The Planning Commission shall use the above list as a guide for determining requirements for said other uses, and shall determine the minimum number of parking spaces required to avoid undue interference with the public use of streets and alleys.

9. Disabled Parking (as required in conformance with the Americans with Disabilities Act). The number of disabled parking spaces shall comply with the following standards. Striping and signing of the handicap space(s) shall conform to ADA Standards and are shown in the figure below, and referenced on following pages.

Total Number of Parking Spaces provided (per lot)	Accessible Parking Spaces	Van Accessible Parking Spaces with min 96" wide access aisle Required	Accessible Parking Spaces with min 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column to the left	7/8 of 1st column parking provided in each lot
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column to the left	7/8 of 1st column on each one hundred

## SECTION 25 - OFF-STREET PARKING AND LOADING

### 10. Development and Maintenance Standards for Off-Street Parking and Loading

Areas. Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and public parking lots, shall be developed as follows:

- A. An off-street parking area for more than five (5) vehicles shall be effectively screened by a sight-obscuring fence, hedge or planting, on each side which adjoins property situated in an R-7.5, R-5.0, or R-O District or the premises of any school or like institution.
- B. Any lighting used to illuminate the off-street parking areas shall be pedestrian-scale and so arranged that it will not project light rays directly or create or reflect substantial glare upon any adjoining property in an R-7.5, R-5.0 or R-O District or on any adjacent dwelling.
- C. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street or right-of-way other than an alley.
- D. Types of surfacing required for off-street parking and loading areas
  1. Areas used for standing vehicles and required for maneuvering of vehicles in all residential, commercial, or industrial zones shall have surfaces of asphalt, concrete, brick or other permanent, durable, dustless surfaces maintained adequately for all weather use (excluding oil-matte surfaces). Permeable surfaces are encouraged. All such areas shall be so drained as to avoid standing water and flow of water across sidewalks, walkways and adjacent properties.
  2. According to Section 3.02.03, Driveways, of the City of Tillamook Street and Storm Drainage Design Standards, all driveway aprons shall be paved a minimum of twenty (20) feet from the back of the sidewalk into the driveway.
  3. Unless the driveway is shared between adjacent property owners, a minimum of five (5) feet between the improved driveway surface and the property line is required as is further determined by the street designation in Section 22, Site Development Standards of this ordinance.
  4. Areas used for standing and maneuvering of vehicles in all property within the designated Floodway shall have surfaces of durable, dustless, permeable materials. All such areas shall be designed to avoid flow of water across adjacent properties.
- E. Except for parking to serve one or two family residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection of a sight-obscuring fence of not less than five nor more than six feet in height between the uses, except where vision clearance is required.

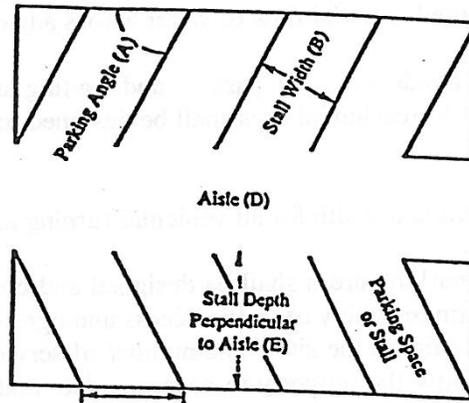
## SECTION 25 - OFF-STREET PARKING AND LOADING

- F. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through the use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives. Service drives to drive-in establishments shall be designed to avoid backing movements or other maneuvering within a street, other than an alley.
- H. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line and a straight line joining said lines through points 20 feet from their intersection. Such area shall be maintained free of all visual obstructions. (See Section 4 for Definition.)
- I. **Curbing and Wheel Stops.** Parking spaces along the outer boundaries of a parking area shall be contained by a curb or bumper rail so placed to prevent a motor vehicle from extending over an adjacent property line or a street. **Wheel stops shall be a minimum of four inches in height and width, and six feet in length; shall be firmly attached to the ground, and so constructed as to withstand normal wear. Wheel stops shall be provided where appropriate for all spaces abutting property lines, buildings, landscaping and no vehicle shall overhang a public right-of-way.**
- J. **Marking/Striping.** **Except for parking to serve one or two family residential uses, all spaces shall be permanently and clearly marked/striped according to the City stall standards.**
- K. ~~Landscaping. In all zones, except single-family residential zones, all parking facilities shall include landscaping to cover not less than twelve percent (12%) of the area devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers. It may consist of trees, plus shrubs, groundcover or related plant material.~~ **(Moved to Section 26)**
11. **Maximum Number of Parking Spaces Allowed.** The number of parking spaces provided by ~~any particular~~ **commercial** use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking, or understructure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum of allowable spaces. Parking spaces provided through "shared parking" also do not apply towards the maximum number.

SECTION 25 - OFF-STREET PARKING AND LOADING

12. Parking Stall Standard Dimensions, Disabled Person Parking Stall Requirements and Standard Dimensions and Compact Car Parking Requirements. All off-street parking stalls shall be improved to conform to City standards for surfacing, storm water management and striping. Standard parking spaces shall conform to the dimensions in the following figure.

A. Standard Dimensions



Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact Disabled	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact Disabled	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact Disabled	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact Disabled	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact Disabled	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

**SECTION 25 - OFF-STREET PARKING AND LOADING**

**B.** Disabled person parking spaces shall conform to the following standards and dimensions:

<b>Minimum Number of Accessible Parking Spaces</b> ADA Standards for Accessible Design 4.1.2 (5)			
Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
<b>Column A</b>			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces      \*\* 7 out of every 8 accessible parking spaces

U.S. Department of Justice  
Civil Rights Division  
Disability Rights Section



**ADA**  
Design Guide

**1**

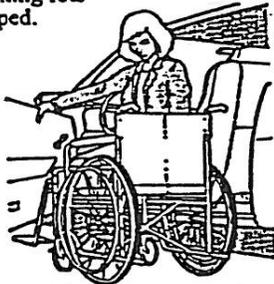
**Restriping Parking Lots**

**Accessible Parking Spaces**

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



**Accessible**

**Parking Spaces for Cars**

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

**Van-Accessible Parking Spaces**  
Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."

One of eight accessible parking spaces, but always at least one, must be van-accessible.



**Location**

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3-foot wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

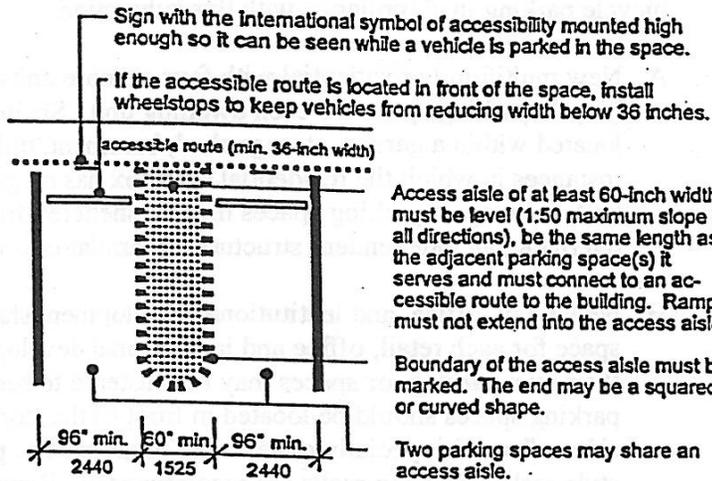
**Free Technical Assistance**

Answers to technical and general questions about restriping parking lots or other ADA requirements are available by telephone on weekdays. You may also order the ADA Standards for Accessible Design and other ADA publications, including regulations for private businesses or State and local governments, at any time day or night. Information about ADA-related IRS tax credits and deductions is also available from the ADA Information Line.

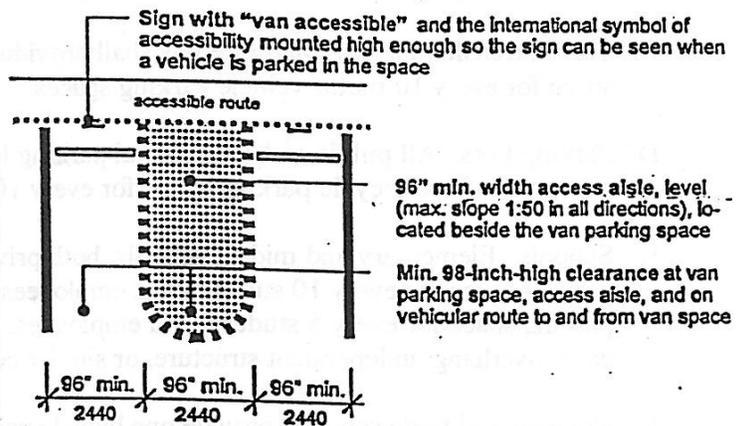
Department of Justice  
ADA Information Line

800-514-0301 (voice)  
800-514-0383 (tty)

**Features of Accessible Parking Spaces for Cars**



**Three Additional Features for Van-Accessible Parking Spaces**



**Internet**

You may also review or download information on the Department's ADA Internet site at any time. The site provides access to ADA regulations, technical assistance materials, and general ADA information. It also provides links to other Federal agencies, and updates on new ADA requirements and enforcement efforts. Internet address: [www.usdoj.gov/crt/ada/adahom1.htm](http://www.usdoj.gov/crt/ada/adahom1.htm)

**Reference:**

ADA Standards for Accessible Design (28 CFR Part 36):

- § 4.1.6 Alterations;
- § 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- § 4.1.6 Parking and Passenger Loading Zones.

Duplication of this document is encouraged.

## SECTION 25 - OFF-STREET PARKING AND LOADING

~~***C. Compact Parking and Standard Parking Allowance/Ratios/Requirements. For parking lots of 10 spaces or more, no more than 30 percent can be designed for compact cars without Planning Commission review. If more than 30 percent of the spaces are compact, the parking design is subject to Planning Commission review. In no case shall compact spaces exceed 60 percent of the total spaces required.***~~

13. Bicycle Parking Requirements. The following new developments shall be required to provide bicycle parking in compliance with this subsection. ***Additionally, the required bicycle parking facilities shall be constructed when an existing building is altered or enlarged, or when a use is intensified by the addition of floor space, seating capacity, or change in use.***

- A. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than 10 vehicle parking spaces.
- B. New multifamily residential with four or more units shall provide at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces **may shall** be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
- C. New retail, office, and institutional development ***and other commercial uses*** shall provide at least one bicycle parking space for each retail, office and institutional development, and provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces regarding the off-street parking lot and parking structures. ~~***Individual uses shall provide their own parking, or spaces multiple businesses required bicycle parking may be clustered to serve multiple bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks or ribbon racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. These spaces may or may not shall be sheltered.***~~
- D. Transit transfer and park and ride lots shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
- E. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
- F. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.

## SECTION 25 - OFF-STREET PARKING AND LOADING

- G. Colleges and trade schools provide one bicycle parking space for every 10 motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- H. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required.
- I. Location and Design. Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space) *either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. All bicycle parking spaces shall be located in close proximity to the use they are intended to serve, shall be located no more than 50 feet from a well-used entrance, and shall have direct access to both the public right-of-way and the main entrance of the principal use. Inverted "U" style racks or ribbon racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. These spaces shall be sheltered.* Bicycle parking should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.
- J. Visibility and Security. Bicycle parking shall be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- K. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- L. Lighting. Bicycle parking shall be at least as well lit as vehicle parking for security.
- M. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only and shall not impede or create a hazard to pedestrians.

SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of this section is to encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and design of private properties, to discourage monotonous, drab, unsightly, dreary and inharmonious design, to conserve the City's natural beauty and visual character and charm by insuring structures, signs, and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements, to prevent physical harm to the citizens of Tillamook City, and to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.
2. Fence and wall standards
  - A. Front yard: A front yard fence or wall must not be more than:
    1. Three (3) feet in height if the fence is within ten (10) feet of the front lot line; or
    2. Six (6) feet in height if the fence is set back more than ten (10) feet from the front lot line.
    3. Vision clearance area as per Section 21 shall be required for corner lots.
  - B. Rear yard: A rear yard fence or wall must not be more than six (6) feet in height.
  - C. Interior side yard: A side yard fence or wall, on a side not abutting a street, must not be more than six (6) feet tall.
  - D. Street side yard: A side yard fence or wall, on a side abutting a street, must not be more than:
    1. Three (3) feet in height if the fence is within ten (10) feet of the lot line; or
    2. Six (6) feet in height if the fence is set back more than ten (10) feet from the lot line.
    3. Vision clearance area as per Section 21 shall be required for corner lots.
  - E. Height measurement: Fence or wall height is measured from the ground to the top of the fence. If the ground on which the fence is located has been bermed or raised above the level of the surrounding land, the fence is measured from the level of the unraised ground.
  - F. Materials: Wood, brick, rockwork, vinyl, or low post and wire and hedgerows are encouraged. Concrete block walls are prohibited. Cyclone or chain link fencing is prohibited within any front yard or street side yard setback area unless coated with a non-metallic material, but is allowed in side and rear yards.

SECTION 26 – ~~FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING~~ STANDARDS AND REQUIREMENTS

G. Retaining wall: The above standards do not apply to a device used to buttress earth, such as a retaining wall or riprap.

H. *For purposes of this section only, if a lot abuts more than one street, only the frontage on one of the streets shall be deemed a front lot line, and the height restrictions shall apply only to one front yard. The person in possession and control of the premises may elect which is the front yard and restrict the height of the fence or wall accordingly. Such person may change his election to any of the other streets abutting his premises by first abating any nonconforming fence or wall in the front yard to be thus defined. In a zone district other than residential, notwithstanding the yard requirements, a fence, wall, hedge or other like screening device may be required by the Planning Commission as a condition to the approval of a proposed commercial or industrial improvement on a lot abutting, or across the street or alley from, an adjacent property in a residential district, if the Planning Commission finds that such screening is necessary to prevent an unreasonable interference with the use and enjoyment of the residential lot.*

I. Interference and Hazard to the Public

1. No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed wire to remain as part of a fence along a sidewalk or public way;
2. No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person unless placed at least three (3) feet behind an initial fence.

J. Relation to Adjoining Property.

1. Fences, ~~hedges and shrubs~~ shall not be installed ~~or planted~~ on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. ~~Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.~~

~~*a. All fences, hedges or portions thereof shall be located in such a way as to not be detrimental to abutting property. No fences or hedges shall obstruct or threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.*~~

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- ~~a.~~ Determination of where property line is located shall not be the responsibility of Tillamook City or its officials.

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K. ~~General Height Limitation for Hedges and Enforcement Thereof. Hedges shall not be permitted to grow higher than ten (10) feet. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration as specified in the Tillamook City fees Schedule.~~

SECTION 26 – ~~FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING~~ STANDARDS AND REQUIREMENTS

L. Building Permit and Setback Requirements for Fences. Any fence greater than six (6) feet in height shall require a building permit, and hence, shall be required to abide by the front yard setback and height requirements of the applicable zoning district.

M. Fences in Industrial Zones. A fence six (6) feet in height **or higher** shall be required to separate any new or substantially improved industrial operation from abutting property which is located in any residential or commercial zoning district. Such fence shall be subject to the requirements of Section 5(b) of **this development code**.

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3. Exterior Lighting Requirements. All exterior outdoor lighting installed in any and all zones in the City shall conform to the following requirements unless otherwise exempted.

A. Area Lights – All area lights, including street lights and parking area lighting shall be full cutoff fixtures and are encouraged to be eighty-five (85) degree full cut-off type fixtures. Street lights shall be high pressure sodium, low-pressure sodium, or metal halide, unless otherwise determined by the City that another type is more efficient street lights along residential streets shall be limited to 70-watt high-pressure sodium (hps) light. If the City permits a light type other than high-pressure sodium the equivalent output shall be the limit for the other light type. Outdoor mercury vapor and quartz lights are prohibited; preference should be given to low impact lighting.

B. Canopy Lights – All lighting shall be recessed sufficiently so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent property.

C. Illumination Levels – Illumination levels and uniformity shall consider current recommended practices of the illuminating Engineering Society. Recommended standards for the illuminating engineering society shall not be exceeded. Lighting shall be compatible with the character of the neighborhood within which it is located, and light trespass impacts on surrounding properties shall be minimized. Fixture mounting height and light intensity shall be considered in determining the extent of light trespass impacts. Up lighting shields shall be required except in the Town Center.

D. Temporary Lighting – Temporary lighting that conforms to the requirements of this development code shall be allowed. Nonconforming temporary exterior lighting may be permitted by the Public Works Director only after considering:

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1. The public and private benefits which will result from the temporary lighting.

2. Any annoyance or safety problems that may result from the use of the temporary lighting.

3. The duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Public Works Director.

SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

E. Towers – All radio, communication and navigation towers that require lights shall have dual lighting capabilities. Lights may only be used in accordance with FAA requirements.

F. For the purpose of this section wattage ratings for lamp types will be for either a single lamp source or multiple lamp sources when installed in a cluster.

G. The streetlight illustrations in the City’s most current design standards shall be used by property owners in a subdivision or other development. Lamp types not listed in the table may be approved for use by the Planner providing installation of these lamps conforms to the lumen limits established in this section.

H. Glass tubes filled with argon, neon or krypton do not require shielding.

I. Exterior Lighting Exemptions and Exceptions.

1. Residential fixtures consisting of lamp types with 2,050 lumens or less. Examples include:

- a. 100 Watt Standard Incandescent and less.
- b. 100 Watt Mid break Tungsten-Halogen (quartz) and less.
- c. 25 Watt T-12 Cool White Fluorescent and less.
- d. 18-Watt Low Pressure Sodium and less.

2. Federally funded and state funded roadway construction projects to the extent necessary to comply with federal and state requirements.

3. Fossil Fuel Light – Fossil fuel light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.

4. Full cutoff street lighting, which is part of a federal, state, or municipal installation.

5. Holiday Lighting.

6. Lighting of sports facilities or stadiums.

7. Specialized lighting necessary for the safety, such as navigation or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.

8. Traffic control signals and devices.

J. Prohibited Lighting

1. Newly installed fixtures, which are not full cutoff fixtures.

SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

2. Lighting which presents a clear hazard to motorists, cyclists, or pedestrians.

3. Laser Source Light – The use of laser source light or any similar high intensity light for outdoor advertising or entertainment is prohibited.

4. Sidewalk and Pathway standards.

A. The placement of a sidewalk or pathway along the frontage(s) of a subject property is required and shall be constructed in accordance with the City’s most current design standards. Reconstruction or maintenance of an existing sidewalk or pathway may replicate its original design. No matter which surface is utilized, grading and compaction shall be sufficient to allow the unimpeded passage of wheeled vehicles such as bicycles, wheelchairs, and perambulators.

5. Driveway and Garage standards

A. Detached garages shall be encouraged to be located to the rear of the residence. If an alley is available, paved and improved to a minimum width of 10 feet, it shall service the garage, if traffic impacts on other properties adjacent to the alley can be mitigated. Attached garages are required to be located at least 10 feet behind the front wall of the house.

B. Driveways shall be placed alongside of a residence leading to a detached garage in the rear yard, unless an alley paved and improved to minimum width of 10 feet is available; then the alley shall be utilized. wherever possible, Exceptions to the location of the driveway include conditions such as lot size, shape, topography or other circumstances over which the applicant has no control apply to the property which force the driveway to be located elsewhere. Shared driveways are encouraged to reduce the impact of the automobile on the appearance of small lot residential neighborhoods. Separated driveway wheel tracks of concrete, gravel, or pavers are encouraged, except in circumstances where an extended driveway is a critical component of fire protection access. Impermeable surfacing shall be minimized.

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6. Other Outbuilding and Accessory standards

A. Front yard: No barn, deck, shed, outbuilding (except garages), or hot tub is allowed in a front yard. Porches, patios and gazebos are permitted in front yards, but not within the required setback area.

B. Rear yard: Barns, decks, gazebos, sheds, outbuildings, and hot tubs are allowed in a rear yard, but must meet setback requirements. They shall not overhang or drain onto an adjoining property, obstruct fire access, or be placed on a right-of-way or recorded easement.

SECTION 26 – ~~FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS~~  
AND REQUIREMENTS

C. Materials: Wood or brickwork is encouraged. Wrought metalwork and sheet metal are discouraged. All exterior lighting must minimize light trespass impacts.

7. Swimming Pool Standards

A. Front yard: No swimming pool is allowed in a front yard.

B. Rear yard additional setbacks: A swimming pool is allowed in a rear yard. The minimum setback for a swimming pool is:

1. fifteen (15) feet from rear lot line,

2. fifteen (15) feet from a side lot line, on a side not abutting a street,

3. twenty (20) feet from a side lot line, on a side abutting a street; and 4. ten (10) feet from any dwelling on the lot.

C. Fencing: If appropriate, a solid noise dampening fence or wall, six (6) feet tall, should enclose the rear yard including the swimming pool to protect neighboring lots from excessive noise. A vinyl coated chain link fence not less than four feet tall, nor more than five (5) feet tall, may also be installed in close proximity to the pool as a safety precaution.

D. Materials: Materials exposed to neighbors or Public Way shall be those allowed by 'Fence and Wall standards'.

E. Child proofing: Any gate leading to the pool must be self-closing and self-latching. The latch must be openable only by key or combination lock. The pool enclosing fence must have no openings larger than four (4) inches in any dimension.

F. Overhead utility lines: Overhead electric, telephone, cable TV or other utility lines must not cross over a swimming pool. For safety reasons, a minimum ten (10) foot horizontal clearance must be maintained between the pool and any overhead lines. (A pool cleaning tool, attached to a metal pole, can cause electrocution if it contacts a live wire.)

G. Measurements: Setbacks are measured from the edge of the water at the design water line.

8. Satellite dish and telecommunication equipment standards.

A. Ground Dishes or piece of equipment under 24”.

1) Shall be located based on technical need with the rear yard given first priority, side yard second priority, and front yard third priority. Written verification of technical need may be requested from a qualified dealer prior to siting in a front yard.

SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

- 2) A ground dish shall abide by the setback requirements of the zone district in which it is located. Zone Districts without an established setback area shall at a minimum provide a five (5) foot side and rear yard setback and a minimum of ten feet shall be required for a front yard setback.
- 3) Any portion of a ground dish which is above a height of ten (10) feet, must be inset and additional one-half foot for each foot of height exceeding 10 feet.
- 4) All ground dishes located in a front or side yard shall be screened by sight-obscuring fences and/or dense landscape buffers. Such buffers shall at a minimum screen 50% of a ground dish based on the total vertical height with a maximum buffer height of six (6) feet. Dishes may be painted to blend with the existing surroundings.

B. Roof Dishes or piece of equipment under 24”.

- 1) May be mounted on roofs, porches, or project from a wall of the dwelling.

C. Any satellite dish or piece of equipment larger than 24” shall be confined to rear or side yards, shall be screened from any viewpoint four feet above and along the centerline of a City street.

9. Drop box and newsrack standards

- A. Drop boxes and newsracks are not permitted in any R-7.5 or R-5.0 residential zones. In zones where permitted, they shall be screened or placed in such a way as to not obstruct pedestrian or vehicular traffic.

10. Dumpster standards

- A. All existing and proposed dumpsters shall be screened and located in the rear or side access areas, but not in the front of the subject property. Design of the dumpster screen shall be approved by the affected waste disposal provider.

11. Temporary structure standards

- A. Tents, tarps, and other temporary structures lacking foundations which are left in place longer than seven consecutive days shall not be visible from any viewpoint four feet above and along the centerline of a City street.
- B. In all residential zones, all off street parking of automobiles, trucks, trailers and recreational vehicles in the front yard shall be limited to a contiguous area which is no more than 25% of the area of the front yard, or a contiguous area 25 feet wide and the depth of the front yard, whichever is lesser. Since parking in violation of this section is occasional in nature, and is incidental to the primary use of the site, no vested rights are deemed to exist and violations of this section are not subject to the protection of the

SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

nonconforming use sections of this code. However, a 24 hour warning notice of violation shall be provided prior to the issuance of a citation to appear in Municipal Court, and it shall be rebuttably presumed that the vehicle was parked with permission of the person in control of the property. Subsequent violations shall not require a warning notice.

- C. Such structures, vehicles, or devices shall not be used as a dwelling, either permanently or for more than seven days temporarily.

12. Development standards for multi-family, multiple use, commercial and industrial projects and projects which will create or alter a street or roadway, and development for multi-family, multiple use, commercial and industrial projects proposed on parcels greater than one acre in size

A. Landscape Planning Requirements

1. Prior to site alterations, a thorough inventory and mapping of the location, type, and quality of trees on the property will be prepared. The map must be to the same scale as the site plan for the development proposal. In the instances where the property contains large volumes of woodlands, the inventory can take the form of a description of type, location and general volumes of tree groupings.
2. During site alterations, the retention of resource trees is strongly encouraged. Construction of natural buffers using native vegetation between sensitive natural environments and transportation systems is encouraged. Methods and details for protecting existing vegetation during construction must be submitted for City Planner approval.
3. A project wide landscape plan (with installation timelines and maintenance requirements) prepared by a qualified landscape professional must be submitted for City Planner approval prior to the issuance of a Certificate of Occupancy by the Building Official, unless otherwise specified by the City Planner or conditioned in a Final Order for Approval. All street and common areas must be landscaped within a reasonable amount of time after the completion of the improvements in those areas; however, a secured agreement to provide individualized landscape plans and timelines for the front yard (at a minimum) of each lot of a subdivision within one year and a half from final platting of the affected phase may be permitted.
4. The predominant use of ground covers such as bark mulch and rock as a permanent landscape feature is discouraged. The location and description of landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas must be graphically indicated on the landscape plan.

B. Landscape Standards for multi-family, multiple use, commercial and industrial projects.

SECTION 26 – ~~FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING~~ STANDARDS AND REQUIREMENTS

1. Preservation of Landscape. The existing landscape shall be preserved in natural state, in so far as practicable, by minimizing tree and soil removal, and any other grade changes shall be in keeping with the appearance of developed areas. Preservation includes the preservation of any woody plant having a trunk six (6) caliper inches or larger in diameter at breast height (DBH), a bush at least 4 feet in height, an area onsite designated as wetlands, a drainage ditch located onsite. For all landscaping, live material shall be predominantly used

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2. Landscaping Requirement

- a) New Construction

- 1) Commercial and industrial development shall provide an amount of landscaping which equals 10% of buildable area in landscaping. Public and semi-public developments shall provide an amount of landscaping, which equals 15% of buildable area. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback areas.
- 2) Multi-family and mobile park development shall provide an amount of landscaping which equals 10% of buildable area in landscaping in addition to open space requirements. Placement of required landscaping shall not be restricted to within the buildable area, but may be located within the required setback area.

- b) Existing Buildings and Structures

- 1) Existing buildings which expand into an undeveloped area, including the building upwards of a structure shall devote the same percentage of landscaping as is listed for new construction in Section 22, 6b. Exceptions may be made in the case where a structure covers the entire lot area, or when expansion of a structure does not exceed 10% of the square footage of the existing building's ground floor area.

~~e) Landscaping Requirement Prior to Occupancy~~

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~~1) All landscaping required and approved through site review for Sections b.1 and b.2 aforementioned shall be installed prior within six months of issuance of occupancy certificates. Exceptions to this would be an alternate schedule authorized by the Planning Commission, including cases where a project is being accomplished in phases. In the case of each phase development, all landscaping must be completed for the phase being developed prior to issuance of an occupancy certificate. Exception may be made due to adverse weather conditions upon application to City Manager.~~

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- ~~c) Height and Size~~

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SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

- 1) Height and screening may be emphasized through the planting of deciduous trees. If deciduous trees are used, they should have straight trunks, be fully branched, have a minimum caliper of 1 1/4 inches, and a minimum height of eight (8) feet at the time of planting. Deciduous trees can be supplied bare root provided the roots are protected against damage.
- 2) Evergreen trees and shrubs must be balled and burlapped or in suitable containers in which the tree or shrub has grown for one (1) year. If balled and burlapped, the ball of each tree or shrub shall be firm and burlap sound; no loose ball or made ball will be acceptable. Each tree shall be a minimum of six (6) feet in height, fully branched, and adequately staked at the time of planting.
- 3) Ground cover shall be supplied in a minimum 4" size container. Ground cover plantings shall be planted on a maximum of 30" on center and 30" between rows. Rows of plants are to be staggered for a more effective covering. If a 2 1/4" container is used, planting 18" on center may apply within the above guidelines.
- 4) Shrubs shall be supplied in one-gallon containers or 9"-10" burlap balls with a minimum spread of 12" to 15"
- e) Off-Street Parking Areas. Landscaping shall be used to define, soften and screen, *reducing the visual intrusions of vehicles using less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof*, the appearance of off-street parking areas from public rights-of-ways. *Landscaping requirements are identified in subsection 13 of this section.*
  - 1) Evergreen and/or deciduous plant material shall have a minimum height at the time of planting of 18" - 24".
  - 2) Parking lot plants and/or berms shall be designed to allow surveillance of the lot from the street at several points.
  - 3) *Landscaping. In all zones, except single-family residential zones, all parking facilities shall include landscaping to cover not less than twelve percent (12%) of the area devoted to outdoor parking facilities, including any landscaping required in subsection of this section. Said landscaping shall be uniformly distributed throughout the parking area, be provided with irrigation facilities, and protective curbs or raised wood headers. It may consist of trees, plus shrubs, groundcover or related plant material.*
- f) Special Features
  - 1) Exposed storage areas, trash receptacles, service areas, truck loading areas, utility buildings and similar accessory areas and structures shall be subject to a

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SECTION 26 – FENCE, HEDGE AND SHRUB DESIGN AND LANDSCAPING STANDARDS AND REQUIREMENTS

minimum 10 foot setback from the public ROW and pedestrian pathways, to reduce the impact of unsightly visual intrusions. Screen plantings and other screening methods such as fences, walls, or any appropriate combination thereof shall be used to be congruent with existing surrounding properties.

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g) Live Material, Compatibility and Maintenance

- 1) All live material used for landscaping must be compatible with climate and soil conditions prevalent to the coastal areas; thus reducing the risk of costly replacement. All landscaping required and approved through site review shall be continually maintained, including necessary watering, weeding, pruning and replacement.

h) Alternatives

- 1) Occasionally strict adherence to the above landscaping specifications may be unduly harsh or found to be in conflict with a particular development plan. A developer may therefore propose alternatives for Commission consideration. Deviations from specified requirements must be shown to the Commission's satisfaction that they are not in conflict with the overall intent of this section, which is to promote adequate and pleasing landscaping for development.

i) Landscaping Credit for Street Tree Planting

1) The retention of trees shall be considered in the design of partitions, site plans, subdivisions, or planned developments; the placement of roads and utilities shall preserve trees wherever possible. The need to remove trees shall be considered in the review process for partitions, site plans, subdivisions, or planned developments.

2) The preservation of trees, as mentioned in 6A of this section, shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% (10% of 10% landscaping = 1%).

3) The planting and maintenance of Street Trees in the public Right-of-way shall provide a basis for consideration of a landscaping credit, which can reduce the landscaping requirements on the subject property by 10% per street tree (10% of 10% landscaping = 1%).

j) The list of street tree species to be planted and minimum tree planting dimensions are listed in detail in Code Section # .

C. Special tree protection standards:

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1. Preservation: A tree that has been singled out for preservation in the conditions of approval must not be removed or damaged during construction.
2. Root protection: When construction encroaches into the drip line area of a protected tree, special construction techniques must be used to protect the roots. The existing ground surface within four feet of the base of a protected tree must not be cut, filled, compacted, or paved. No more than 12 inches of fill or cut can occur within the remainder of the drip line of a protected tree. A tree well may be used if approved by the City Planner.
3. Excavation: prohibited excavation adjacent to a protected tree is not allowed if it will damage the root system. In questionable situations, the applicant must provide substantiating documentation prepared by a certified arborist showing that the trees will be protected.

D. Street tree standards:

1. Shade trees are required along all streets, except in the downtown Town Center. The City approved Street Tree List governs street tree selection and replacement on each street. Species designated in the list should be consistent with the character, height, canopy and spacing of a neighborhood's original plantings, and the scale and function of the street within the City. The approved street tree list shall be used in order to determine whether a small, medium, or large tree is selected. A limited number of the same species should be planted along any single street.
2. Street trees shall be sized, spaced, and planted in accordance with the standards provided below and shall be located in the center of 5 foot wide planter strips between streets and pathways (minimum ten foot in length) or between two and a half to 4 feet from street edge pathways or impervious surfaces. Plant the largest tree that space allows for each planting location.
3. If utilities exist in the planting strip, large trees shall be planted on the side of the road without utilities and medium and small trees on the utility side of the road. It is recommended that in these situations, rather than having equal sized planting areas, that the planting areas on the side opposite the utilities be larger than the utility side planting areas.

In general, the side of the street without overhead electric lines should be planted with trees with potential to attain a large size, if there are no obvious constraints to trees attaining mature size, such as small planting areas. On the sides of streets with overhead electrical lines directly above the planting areas, only trees from the recommended street tree list designated "small" may be planted, unless there is a minimum of 10 feet of horizontal clearance between the bases of the street trees and electrical facilities.

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Columnar shaped trees should only be used where there are obstructions like buildings, signs, and overhead electrical lines that preclude broader canopied trees. Medium sized trees may be planted if the horizontal clearance is 10 feet or greater, and large trees may be planted if the horizontal clearance is 20 feet or greater.

4. At street corners, no tree shall be planted which branches below eight feet to ensure vision clearance.
5. Appropriate pruning, watering, nutrient feeding, and tree protection devices are required after planting, staking only when necessary. No metal stakes may be used for tree stakes. Tree protection devices shall remain in place until the trees reach four inch DBH or until the trees have been in place for two years, whichever is longer.
6. A secured agreement shall be provided that ensures that if planted trees are not alive and viable two years after planting, replacements will be required.

E. Standards for plant measurements, installation, and maintenance

1. Developers shall install and/or dig, ball, burlap, and transplant all plant materials listed on landscape plan. Bareroot is typically not permitted for any tree.
2. Plant materials shall conform to the requirements described in the latest edition of American Standard for Nursery Stock, which is published by the American Association of Nurserymen. Plants shall be nursery grown. Neither heeled-in plants nor plants from cold storage shall be acceptable.
3. Plants shall conform to the measurements specified in the Landscape Plan.

a) Diameter at breast height (DBH) shall be measured by taking the circumference of the tree's trunk(s) at four feet above grade/ground level, and dividing by 3.14.

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b) Minimum branching height for all shade trees shall be six feet.

c) Minimum size for shade trees shall be two inches at DBH; seven to nine feet in height.

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d) Minimum size for evergreen trees shall be six to eight feet in height.

e) The minimum planting area by tree size shall be:

1) Small trees (under 25 feet in height at maturity): 40 square feet

2) Medium trees (between 25 to 50 feet in height at maturity) 60 square feet

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3) Large trees (over 50 feet in height at maturity) 96 square feet.

f) The maximum spacing between trees shall be:

1) Small trees: 20 feet

2) Medium and large trees: 30 feet

3) A professional horticulturist/nurseryman shall be consulted to determine the proper time to move and install plant material so that stress to the plant is minimized.

4. Planting areas for trees must be in an uncompacted state to a depth of at least two feet. Area to be ripped or excavated to that depth unless within the drip line of a resource tree or if roots from other trees larger than one inch diameter are encountered. If these occur, obtain and follow the recommendation of a certified arborist.

Use existing soil for tree planting. Avoid adding topsoil. Soil amendments like aged sawdust (minimum of ten years of aging) may be used. Avoid working the soil when it is saturated with water, frozen or dry. Use two to three inches of bark mulch around all newly planted trees.

13. Landscaping Standards. All landscaping in any zone district in the City shall conform to the following requirements unless otherwise exempted.

A. General Height Limitation for Hedges and Other Landscaping Used for Screening and Enforcement Thereof. Hedges and other landscaping used for screening and privacy shall not be permitted to grow higher than eight (8) ten (10) feet. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration as specified in the Tillamook City fees Schedule.

B. Relation to Adjoining Property.

1. Hedges and shrubs and other landscaping used for screening and privacy shall not be installed or planted on or across a property line unless jointly owned by adjoining property owners, in which case they may be on the property line. Hedges and shrubs shall not extend beyond the property line unless jointly agreed to by adjoining landowners.

a. All fences, hedges landscaping or portions thereof shall be located in such a way as to not be detrimental to abutting property. No landscaping shall obstruct or

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threaten to obstruct the access of neighboring property to adequate and sufficient sunlight.

C. Interference and Hazard to the Public.

1. No owner or person in charge of property that abuts upon a street or public sidewalk shall permit trees, bushes, hedges or shrubs on the property to interfere with street or sidewalk traffic. It shall be the duty of an owner or person in charge of the property that abuts upon a street or public sidewalk to keep all trees, bushes, hedges and shrubs on the premises, including the adjoining parking strip, trimmed at a height of not less than eight (8) ten (10) feet above the sidewalk and not less than fourteen (14) feet above the roadway.
2. No owner or person in charge of property shall allow a dead or decaying tree to stand that is a hazard to the public or to persons or property on or near the property.

D. Enforcement.

1. Tillamook City shall be empowered to perform any necessary work in order to bring such hedges into conformance and, after so doing, may assess to the property the cost of any such work, plus an additional fee for administration

14. Planting in the City Rights-of-way.

A. Abutting property owners may be granted permission to plant in the City Right-of-way by the City according to the current City Street Tree Ordinance if the following information is provided:

1. A request in writing is provided in the form of a letter to the Street Tree Committee and a City Public Works Permit application for street trees proposed in a new subdivision or newly created road right-of-ways, or a City Public Works Permit application for administrative permission for street tree(s) proposed on an existing tree lawn and an established road right-of-way with curb.
2. A plot plan of area referencing water and sewer lines, power lines, driveways and intersecting streets is provided.
3. Approval, if granted by the City, shall be required in the form of an approved City Public Works Permit prior to planting of the tree or trees. Fees for such permit shall be paid prior to approval by the abutting property owner.