

# ZONING ORDINANCE

## TILLAMOOK CITY

### OREGON

#### ORDINANCE NO. 979

#### ADOPTED JULY 28, 1980

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## SECTION 4 - DEFINITIONS

This Ordinance shall be known as the "Zoning Ordinance" of the City of Tillamook City, Oregon.

## SECTION 2 - PURPOSE

The purpose of this Ordinance is: to encourage the orderly development of the City; to promote appropriate uses of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide adequate light and air; to lessen congestion; to prevent undue concentration of population; to facilitate adequate provisions for community facilities such as water supply and sewerage; to protect and enhance the appearance of the countryside; and in general to promote the public health, safety, convenience, and general welfare.

## SECTION 3 - COMPLIANCE WITH ORDINANCE PROVISIONS

A lot or parcel may be created or used; and a structure or part of a structure constructed, reconstructed, altered, occupied, or used only as this Ordinance permits.

## SECTION 4 - DEFINITIONS

As used in this Ordinance, the masculine includes the feminine and the singular includes the plural. Unless the context of the Ordinance otherwise requires, the following definitions of words and phrases shall be used in the interpretation and construction of this Ordinance.

Abutting shall mean adjoining with a common boundary line; except that where two or more lots adjoin only at a corner or corners, they shall be considered as abutting if the common property line between the two parcels measures less than eight (8) feet in a single direction.

Access, Access Easement, or Access Way shall mean the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this Ordinance.

Access Management shall mean the control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties.

Accessory Structure or Use shall mean a structure or use incidental, appropriate, and subordinate to the main structure or use on the same lot.

Adjacent shall mean near, close; for example, an Industrial District across the street or highway from a Residential District shall be considered as "Adjacent".

Adjoin shall mean the same as "Abutting".

## SECTION 4 - DEFINITIONS

Administrative shall mean a discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal.

Adult Business shall mean any person, group, firm, business, or organization (except non-profit corporations which are not open to the general public) which prohibits admission to all or portions of the premises to any persons younger than 18 years of age in which an adult use is conducted.

Adult Use shall mean a use of whatever character, conducted on the premises of any business, where persons under 18 years of age are prohibited by law in ORS Chapter 167 and as amended.

Adult Business and Adult Uses shall be those businesses which are not legally open to minors under age 18 as defined by ORS Chapter 167.060 to 167.090 and as amended.

Adult Foster Home, as defined by OAR 411-5-400(2), shall mean a State-Certified dwelling operated in a family-type setting for senior citizens and/or disabled persons over the age of 18 who are in need of help in the provision of shelter, food, medical care and/or other service.

Advertising Structure shall mean any notice or advertisement, pictorial or otherwise, and any structure used as, or for the support of, any such notice or advertisement, for the purpose of making anything known about goods, services, or activities not on the same lot as the said advertising structure.

Adverse Impact shall mean negative affect of development that can be measured (e.g. noise, air pollution, vibration, dust, etc).

Agriculture shall mean the use of the land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, apiaries, and animal and poultry husbandry, and the necessary accessory uses for storing produce, provided, however, that the operation of any such accessory use shall be incidental to that of normal agricultural activities and provided further that the above uses shall not include the operation of a feedlot or other commercial feeding of animals. This definition is not intended to comply with Oregon State Laws relating to Farm Uses.

Airport Approach Safety Zone shall mean a surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non precision instrument approach; 3,500 feet for a non precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Safety Zone 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.

## SECTION 4 - DEFINITIONS

Airport Hazard shall mean any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

Airport Imaginary Surfaces shall mean those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

Alley shall mean a public right of way through a block which affords access to abutting property at the rear or sides thereof. Normally used as secondary access, but primary access may be approved by the Planning Commission after consideration of public safety or improved traffic circulation.

Altered shall mean "Structurally Altered".

Animal Hospital shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to such hospital use. See also Section 26(2)

Antenna shall mean a specific exterior transmitting or receiving device used to capture, transmit, or receive radio frequency signals, microwave signals, and/or other communications energy transmitted from, or to be received by, other antennas. This includes, but is not limited to, Omni-directional ("Whip") antennas, directional ("panel") antennas, parabolic ("dish") antennas.

Antenna Array shall mean two or more antennas.

Antenna Support Structure shall mean a structure or device specifically designed, constructed and/or erected for the purpose of attaching, mounting or otherwise affixing antennas at a height, altitude or elevation which is above the base of such structure. Such support structures shall include, but are not limited to the following:

Lattice tower shall mean a vertical support structure consisting of a network of crossed metal braces, forming a tower with three, four, or more sides.

Guyed tower shall mean a monopole or lattice tower that is tied to the ground or to the surface by diagonal cables.

Monopole shall mean a vertical support structure consisting of a single vertical metal, concrete, or wooden pole, pipe, tube or cylindrical structure, typically round or square, and driven into the ground or mounted upon or attached to a foundation.

Apartment shall mean a dwelling unit in a multiple-family building.

Appeal shall mean request for review of a Planning Staff or Planning Commission decision or any interpretation of any provision of this ordinance.

## SECTION 4 - DEFINITIONS

Arcade shall mean an arched or covered passageway; often along building fronts or between streets.

Area of Shallow Flooding shall mean 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. Special Flood Hazard Area designation on maps always includes the letters A or V.

Assessor shall mean the County Assessor of Tillamook County.

Automobile, Boat or Trailer Sales Lot shall mean an open lot used for display, sale or rental of new or used motor vehicles, boats or trailers in operative condition and where no repair work is done.

Automobile Repair, Major shall mean the general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; overall painting or paint shop.

Automobile Repair, Minor shall mean upholstery of, replacement of parts for, and motor service to passenger cars and trucks not exceeding one and one-half (1 1/2\_ tons capacity, but not including any operation named under "Automobile Repair, Major", or any other similar operation thereto.

Automobile Service Station or Filling Station shall mean a building or lot having pumps and storage tanks where fuels, oils, or accessories for motor vehicles are dispensed, sold, or offered for sale at retail only, and where repair service is secondary. See also Section 26 (1).

Automobile Wrecking shall mean the dismantling or disassembling of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles, or their parts.

Awning shall mean a shade structure that is supported by either posts or columns and ~~or~~ by a permanent structure.

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.

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

## SECTION 4 - DEFINITIONS

Bed and Breakfast shall mean any establishment located in a structure designed for a single family residence, regardless of whether the owner or operator of the establishment resides in such structure, which:

- a. Has one (1) or more rooms for rent on a daily basis to the public; and
- b. Offers a breakfast meal as part of the cost of the room;
- c. Serves only one breakfast meal a day to guest, staff and owners, only.
- d. License requirements per OAR Chapter 333, Division 170.

Berm shall mean a small rise or hill in a landscape, which is intended to buffer or visually screen certain developments, such as parking areas.

Bicycle Facilities shall mean a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway shall mean Any road, path or way that is in some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. Multi-use Path. A paved way (typically 10 to 12-foot wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Billboard shall mean the same as "Advertising Structure".

Block shall mean a parcel of land or group of lots bounded by intersecting streets.

Board shall mean the Board of County Commissioners of Tillamook County, Oregon.

Boarding or Lodging House shall mean a dwelling or part thereof, other than a hotel or motel or multiple-family dwelling, where lodging with or without meals is provided, for compensation,

## SECTION 4 - DEFINITIONS

for three (3) or more persons.

Boat Yard shall mean a place where boats are constructed, dismantled, stored, serviced or repaired, including maintenance work thereon.

Buildable Area as it relates to the calculation of required landscaping shall mean the area of a lot remaining after other zoning requirement, including, but not limited to setback, off street parking, and ingress/egress have been met.

Building shall mean any structure built and maintained for the support, shelter or enclosure of persons, animals, chattels, or property of any kind. Trailers, with or without wheels, shall not be considered as buildings.

Building footprint shall mean the outline of a building as measured around its foundation.

Building Height shall mean the vertical distance from the average contact ground level of the building to the highest point of the building.

Building Inspector shall mean the Building Inspector of the City of Tillamook City, Oregon, as designated by the City Council.

Building Line shall mean a line on the plat map indicating the limit beyond which buildings or structures may not be erected.

Building Lot shall mean a lot occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings, together with such open spaces as are required by this ordinance, and having the required frontage on a street.

Building, Main shall mean a building within which is conducted the principal use permitted on the lot, as provided in this Ordinance.

Bush or Shrub shall mean a planting whose primary purpose is decorative and whose normal height will not be in excess of ten (10) feet.

Cabana shall mean a stationary, lightweight structure which may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home to provide for additional living space, meant to be moved with the mobile home.

Capacity shall mean maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

Capacity Tower shall mean a tower lower than a "Coverage Tower" with lower antennas and reduced power output, added to fill in the service ability not covered by a "Coverage Tower".

Cell Tower please see Utility Facility, Wireless Communication Facility.

## SECTION 4 - DEFINITIONS

Change of Use as relates to a non-conforming use shall include visible or audible changes that would affect surrounding properties and neighbors, including but not limited to traffic, parking, noise level, lighting, signing, smoke, dust, odor, vibration, soot, heat or glare. An application for such change of use may be granted administratively or by the Planning Commission in accordance with provisions of Section 27 of this Ordinance.

Church shall mean a permanently located building commonly used for religious worship, fully enclosed with walls (including windows and doors) and having a roof (canvas or fabric excluded), and conforming to applicable legal requirements affecting design and construction. A church is considered a public facility.

City shall mean the City of Tillamook City, State of Oregon.

City Council or Council shall mean the City Council of the City of Tillamook City, Oregon.

City Engineer shall mean the City Engineer of the City of Tillamook City, Oregon, as designated by the City Council.

City Manager shall mean the duly appointed administrative officer of the City of Tillamook or a person designated by him/her to fulfill his/her obligations as set forth in this Ordinance.

City Planner shall mean the duly appointed city planner of the City of Tillamook, or the City Planning Commission.

City Recorder shall mean the City Recorder of the City of Tillamook City, Oregon.

Clear Vision Area is identified in Section 30, (5) Interpretations and Exceptions.

Clear Zone shall mean an area that extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.

Clinic shall mean a place for group medical services not involving overnight housing of patients.

Club shall mean an association of persons (whether or not incorporated, religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.

Co-location (collocation) shall mean the use of a personal wireless service facility or wireless communication facility by two or more wireless communications service providers for more than one type of communication technology and/or placement of two or more wireless service facilities on adjacent properties, or utilization of a single antenna support structure, alternative antenna support structure, or an underground conduit or duct by more than one Wireless communications service provider

## SECTION 4 - DEFINITIONS

Commercial. Any use of land or structure involving buying/selling of goods or services as the primary activity.

Commercial Enterprise shall mean any use of land, structures or natural resources for profit, or non-profit making activities not residential, public facility, or industrial in character.

Commercial Retail shall mean any commercial enterprise of, relating to, or engaged in the sale of commodities or goods in small quantities directly to the ultimate consumer.

Commercial Service shall mean any commercial enterprise which provides a useful labor that does not produce or involve the sale of a tangible commodity or good.

Commission or Planning Commission or Planning and Zoning Commission shall mean the Planning and Zoning Commission of the City of Tillamook City, Oregon.

Comprehensive Plan. The Tillamook City Comprehensive Plan, which interrelates all functional and natural systems and lands, including but not limited to sewer and water systems, transportation systems, education systems, recreational management programs.

Comprehensive: means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the Plan.

Conditional Use. A use which is permitted within a given zone only when certain conditions have been or will be met as provided under that zone or as a part of the criteria and procedures established in Section 27, Conditional Use Permits.

Condominium shall mean a structure containing more than one dwelling unit, each of which is owned individually, exclusive of the land of the land upon which the structure is located.

Conical Surface shall mean an area that extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.

Contiguous shall mean the same as "Abutting".

Cottage shall mean a small house that may be used as an accessory dwelling.

County shall mean the County of Tillamook County, State of Oregon.

Court shall mean an open unoccupied space, other than a yard, on the same lot with a building or group of buildings.

Coverage Tower shall mean a wireless communication facility tower for initial deployment of a large area. "Coverage Towers" operate at high power levels and are tall.



## SECTION 4 - DEFINITIONS

Creek (see "Stream").

Crop and Tree Farming shall mean the use of land for horticultural uses.

Curb cut shall mean a driveway opening where a curb is provided along a street.

Day Care Center shall mean a facility other than the residence of the day care provider, which receives three or more children for a part of the 24 hours of the day for the purpose of providing care and board apart from the children's parents or guardians.

Deciduous shall mean a tree or shrub that sheds its leaves seasonally.

Dedication shall mean the designation of land by its owner(s) for any public use as shown on a subdivision plat or deed. The term may also be used for dedication to a private homeowners association.

Density (Residential) shall mean the number of residential dwelling units per unit of land area.

Design Review Committee shall mean the members of a subcommittee of the Planning and Zoning Commission established to review fence and hedge installations in accordance with Section 26 of this Ordinance.

Developable shall mean buildable land as identified by the City's Comprehensive Plan. This shall include both vacant land and land likely to be redeveloped.

Development shall mean all improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading and areas devoted to exterior display, storage or activities. "Development" includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Director shall mean the City Manager or his designated representative.

District shall mean a portion of the territory of the City of Tillamook City within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Ordinance.

- a. That certain uses are required to be a specified distance from "any R District" as provided in this Ordinance, the term "an R District" shall include any R-7.5, R-5.0 and R-O District.
- b. The term "any C District" shall include any C-N, C-H C-C or C-T District.
- c. The term "any I District" shall include any I-L or I-G District.

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Driveway shall mean areas that provide vehicular access to a site except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas.

Durable, Dustless Surface shall mean a permanently surfaced area of asphalt, concrete, brick, cobblestone, oil-matte, and/or chip-seal for the standing and maneuvering of vehicles in all zones maintained adequately for all weather uses.

Dwelling shall mean a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for ten (10) or less persons.

- a. Dwelling, Single-Family shall mean a building designated or used for residential purposes by not more than one family and containing one dwelling unit only.
- b. Dwelling, Two-Family, or Duplex shall mean a building designated and used for residential purposes with two (2) attached dwelling units on one lot or parcel by not more than two families and containing two dwelling units only.
- c. Dwelling, Triplex shall mean a building designed and used for residential purposes with three (3) attached dwelling units on one lot or parcel.
- d. Attached Single-Family shall mean two or more single-family dwellings on individual lots or parcels with common end walls. See "a", above.
- e. Dwelling, Multiple-Family shall mean a building or portion thereof designated or used for residential purposes containing four or more dwelling units.

Dwelling Unit shall mean one room, or a suite of two or more rooms, designated for or used by one family or housekeeping unit for sleeping purposes, and having not more than one (1) kitchen or kitchenette.

Easement. A non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use.

Elevation refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

Family shall mean a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house.

Family Day Care Center shall mean a day care facility where care is provided in the home of the provider to fewer than 13 children including children of the provider, regardless of full or part-time status.

## SECTION 4 - DEFINITIONS

Farm Use shall mean the current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use of animal husbandry or any combination thereof.

"Farm Use" includes the preparation and storage of the products raised on such land for man's use and animal use and disposal by marketing or otherwise.

Fence, Sight Obscuring shall mean any fence which contains any sort of non-transparent paneling, lath, sheeting, planking, posts, fabric or organic material either dead or alive, etc., of any material which is not necessary for the support of the fence, shall be termed sight obscuring. This shall not include chain link or other similar fences which are maintained clear and clean of any material, either organic or inorganic.

Fill. The placement by man of sand, sediment, concrete, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land. Fill shall also include a properly engineered sanitary landfill.

Final Map shall mean a map prepared in accordance with this Ordinance, which is designated to be filed with the Tillamook County Clerk and the State of Oregon.

Fish Habitat shall mean those areas upon which fish depend in order to meet their requirements for spawning, rearing, food supply, and migration (According to Oregon Administrative Rule 660-23-090(1)).

Fish Use shall mean an area inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

Flood or Flooding shall mean 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.

Floodplain. The area adjoining a stream, river, or lake that is subject to regional flooding. A regional flood is standard statistical calculation used by engineers to determine the probability of severe flooding. It represents the largest flood which has a one percent chance of occurring in any one year in an area as a result of periods of higher than normal rainfall or stream flows, high winds, rapid snow melt, natural stream blockages, or combinations thereof.

Floodway. 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.

## SECTION 4 - DEFINITIONS

Foster Family Home, as defined by OAR 412-22-010 (4), shall mean any State-certified home maintained by a person who has under his or her care any child unattended by parents or a guardian for the purpose of providing such child with care, food, and lodging. Such homes include foster, family, group, and shelter homes.

Frontage shall mean that portion of a parcel of property which abuts a dedicated public street or highway.

Garage or Carport shall mean a permanently constructed building with a covered roof available for the parking of a motor vehicle.

Government Facility shall mean projects, activities, and facilities deemed to be necessary for the maintenance of city, county, state, or federal purposes consistent with Comprehensive Plan policies. Government facilities shall include federal, state, county or municipal offices or facilities. See also "Public Facility"

Grade shall mean the average elevation of the existing ground at the centers of all walls of the existing building.

Ground Cover shall mean a plant material or non-plant material (e.g. mulch, bark chips, dust) that is used to cover bare ground.

Guest House shall mean an accessory building designated, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen or kitchen facilities.

Hammerhead turnaround shall mean a "T" or "L" shaped dead-end street that allows for vehicles to turn around.

Hedge shall mean any combination of non-annual plantings intended to form an obstruction to ingress or egress, and/or vision, such plantings providing no physical or visual space between individual plantings and where branches or foliage of one planting physically contact adjacent plantings.

Home Occupation shall mean an occupation conducted entirely within a building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which complies with the conditions of Section 28 (12).

Horizontal Surface shall mean a horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

Hospital shall mean any institution, place, building, or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and including care during and after pregnancy, or

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which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.

Hotel shall mean any building or portion thereof designed or used, or containing six (6) or more guest rooms or suites of rooms, but not including any institutions in which human beings are housed or detained under legal restraint.

Impervious surface shall mean development that does not allow for water infiltration (e.g. pavement, roofs, etc) and any material which reduces and prevents absorption of stormwater into previously undeveloped land.

Industrial. Any use of land, structure, or natural resources involving the manufacturing, processing, or assembly of semi-finished or finished products.

Infill shall mean the development of vacant bypassed lands located in an area that is mainly developed.

Junk Yard shall mean a place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.

Kennel shall mean any premises where five (5) or more dogs, cots, or other small animals or any combination thereof, are kept commercially or permitted to remain, for board, propagation, training or sale, except veterinary clinics and animal hospitals.

Land Division shall mean the process of dividing land to create parcels or lots. Please see Partition Land for further details.

a. Expedited Land Division Process. A land division process with distinct procedures and requirements from the quasi-judicial process (see administrative).

Land Use shall mean the main activity that occurs on a piece of land, or the structure in which the activity occurs.

Landscaping shall mean not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture and ornamental concrete, or stonework areas, and artificial turf or carpeting, but excludes artificial plants, shrubs, bushes or flowers.

Lawn shall mean grass or similar materials maintained as a ground cover of less than 6 inches in height, and generally managed to restrict the growth of shrubs and trees that inhibit the

## SECTION 4 - DEFINITIONS

growth of grasses and forbs. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

Light Industrial. Any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance, or similar impacts. Vehicular access to and use of streets shall be no greater than that generated by a commercial enterprise.

Local Improvement District (LID) shall mean a small district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485.

Lowest Floor shall mean 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.

Lot shall mean a parcel of land used or capable of being used under the regulations of this Ordinance, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot Area shall mean the computed area contained within the lot lines; said area to be exclusive of street or alley right-of-way.

Lot, Corner shall mean a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees within the lot lines.

Lot Coverage shall mean that percentage of the total lot area covered by structures as herein defined.

Lot Depth shall mean the horizontal distance between the front and the rear lot lines. In the case of a corner lot, the depth shall be the length of its longest front lot line.

Lot, Flag shall mean a lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement.

Lot, Interior shall mean a lot or parcel of land other than a corner lot.

Lot Line shall mean any line bounding a lot as herein defined.

Lot Line, Front shall mean the property line abutting a street.

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Lot Line, Rear shall mean a lot line not abutting a street which is opposite and the most distance from the front lot lines.

Lot Line, Side shall mean any lot line not a front lot line or a rear lot line.

Lot of Record shall mean a lot held in separate ownership as shown on the records of the County Assessor at the time of the passage of an Ordinance or regulation establishing the zoning district in which the lot is located.

Lot, Through shall mean an interior lot having a frontage on two (2) streets and/or highways.

Lot Width shall mean horizontal distances between the side lot lines measured within the lot boundaries or the main distance between the side lot lines within the buildable area. In the case of a corner lot, lot width shall mean the main horizontal distance between the longest front lot line and the opposite lot line not abutting the street.

Maintain shall mean to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, improvement, conditions or area to such an extent that it remains attractive, safe and presentable and carries out the purpose for which it was installed, constructed or required.

Management Unit shall mean a discrete geographic area, defined by physical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.

### Manufactured Dwelling:

- a. A Residential Trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- b. A Mobile Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 16, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- b. A Manufactured Home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

Manufactured Dwelling Park shall mean any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person

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for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

"Manufactured Dwelling Park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Tillamook.(added per Ord. 1121, effective 2/22/92)

Manufactured Home Accessory Building or Structure shall mean any awning, portable, demountable, or permanent cabana, ramada, carport, porch skirting, or steps established for use of the occupant of the manufactured dwelling and which are designed or intended to be attached to and which depend, in whole or in part, upon the manufactured dwelling for structural support.

Map shall mean a final diagram, drawing or other writing concerning a major or minor partition.

Microfacility shall mean an attached wireless communication facility which consists of antennas equal to or less than four (4) feet in height, or six (6) feet in height for omnidirectional antennas and with an area of not more than 580 square inches.

Minifacility shall mean an attached wireless communication facility which consists of antennas equal to or less than ten (10) feet in height, or a parabolic antenna up to one (1) meter in diameter and with an area of not more than fifty (50) square feet as viewed from any one point.

Mitigation shall mean to avoid, rectify, repair or compensate for negative impacts, which result from other actions and restoration of riparian areas, enhanced buffer treatment or similar measures.

- a. Off-Site Mitigation means mitigation undertaken in areas distant from or coterminous with a development site.
- b. On-Site Mitigation means mitigation undertaken within the lot or parcel affected by a development action.

Mitigation Plan shall mean a detailed plan to compensate for identified adverse impacts on water resources, riparian setback areas, and wetlands that result from alteration, development, excavation or vegetation removal within the Wetland-Riparian overlay district. A Mitigation Plan must be prepared by qualified biologists (According OAR 660-23-090(1)).

Motel shall mean a building or group of buildings used for transient residential purposes containing guest rooms and/or dwelling units with automobile storage space provided in connection therewith, which building or group is designed, intended, or used primarily for the accommodation of transient automobile travelers; including groups designated as auto cabins, motor courts, motor hotels and similar designations.



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Motel/Apartment shall mean a building or group of buildings used for transient, periodic, or temporary tenancies containing guest rooms and kitchen facilities. Also automobile storage space as provided in Section 21 of this Ordinance.

Natural Hazard shall mean natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, flood areas.

Neighborhood shall mean a geographical area lived in by neighbors and usually having distinguishing character.

Neighborhood-scale design shall mean site and building design elements that are dimensionally related to housing and pedestrians, such as narrow streets with tree canopies, smaller parking areas, lower building heights and similar neighborhood characteristics. These features are generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Net Loss shall mean a permanent loss of riparian functions provided by native riparian structure and vegetation that results from a development action despite mitigation measures having been taken.

Noise Sensitive Areas shall mean the area within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

Nonconforming Use shall mean the conduct of an activity in a structure or on a parcel of land, such activity lawfully existing at the time of the adoption of this Ordinance or of any amendment thereto but, such not being allowed by the listed "permitted uses" or "conditional uses" in the Ordinance section applying to that particular parcel.

Off-street Parking shall mean all off-street areas designed, used, required, or intended to be used for the parking of motor vehicles. "Off-street Parking" areas shall be a durable and dustless, surfaced and marked area.

On-street Parking shall mean parking in the street right-of-way, typically in parking lanes or bays. Parking may be "parallel" or "angled" in relation to the edge of the right-of-way or curb.

ORS shall mean Oregon Revised Statutes -(State Law).

Owner shall mean the owner of the title to real property, or the contract purchaser of real property of record, as shown on the last available complete tax assessment roll. "Owner" shall also mean any agent with written authority of the owner.

Parcel shall mean a unit of land that is created by a partitioning of land (ORS 92.010(6)).

Park shall mean recreation developments which provide for picnicking, swimming, fishing, riding or other similar recreational activities, but which exclude overnight camper or

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recreational vehicle use and outdoor commercial amusements such as miniature golf courses and go-cart tracks.

Parking Area, Public shall mean an open area, other than a street or other public way, used for the parking of motor vehicles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking Space shall be a durable and dustless, permanently surfaced and marked area not less than eight and one-half (8 1/2) feet wide and twenty (20) feet long, excluding a paved area necessary for access, used for parking of a motor vehicle.

Partition shall mean either an act of partitioning land or an area or tract of land partitioned as defined in this section.

- a. Major Partition a partition which includes the creation of a street.
- c. Minor Partition a partition that does not include the creation of a street.

Partition Land shall mean to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from the creation of cemetery lots and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by Chapters 10 to 14. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

Pedestrian Facilities shall mean improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

Pedestrian Way shall mean a right-of-way for pedestrian traffic.

Permittee shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.

Person shall be a natural person, firm, partnership, association or corporation.

Place of Public Assembly shall mean a structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

Planned Unit Development shall mean a development of primarily residential character which gives special attention to areas not built upon by varying the orientation of structures for energy and space conservation, and by allowing types of structures and uses which otherwise would not be considered under conventional zoning specifications.

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Planning Commission is a commission appointed by the governing body of the City to be responsible for the administration of planning as provided by ORS 227.020.

Planter strip, tree cutout shall mean a landscaped area for street trees and other plantings within the public right-of-way, usually between the street and sidewalk.

Plat shall mean a map of a subdivision, prepared as specified in ORS 92.080, and recorded with the County Assessor's Office.

Platted Lot shall mean a lot whose legal boundaries have been established by a legally created plat which has been duly recorded in the office of the Tillamook County Clerk.

Plaza shall mean a public square or extra wide sidewalk (e.g. as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activities.

Pocket Park shall mean a small park, usually less than one-half acre.

Porch, Covered, shall mean a covered entrance to a building. This includes an enclosed patio.

Poultry Farm shall mean any premises used for the breeding, raising, or maintaining of poultry for sale of eggs or poultry.

Primary Surface shall mean a surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.

Public Facility. Projects, activities, and facilities deemed to be necessary for the maintenance of other public purposes consistent with Comprehensive Plan policies, including non-public activities permitted by government agencies. Such public facilities shall include any activity undertaken or structure held, used, or controlled for public or quasi-public purposes including but not limited to, churches, fraternal organizations or clubs, hospitals, schools, nursing homes, federal, state, county or municipal offices or facilities, recreation facilities, and public utilities. Such determination shall be made without reference to the ownership of the structure or the realty upon which it is situated.

Quasi-Judicial refers to an action or decision that requires substantial discretion or judgement in applying the standards or criteria of this Code, and usually involves a public hearing.

Ramada shall mean a stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.

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Rear Lot shall mean a lot which at its widest point (measured by a parallel to the City Street of access or a tangent to such street) lies with at least one-half its width behind another lot, i.e., a perpendicular to the City street of access which intersects the lot in question at its widest point will pass through another (front) lot for half or more than half of the width of the lot in question. (Refer to the accompanying diagram at the end of this Section for clarification).

Recreational Vehicle shall mean a vacation trailer or other vehicular or portable unit which is either self-propelled or towed, or is carried by a motor vehicle and which is intended for human occupancy, and is designed for vacation or recreational purposes, but not residential use.

Residential Any use of land or structure of or relating to a place where people dwell.

Residential Care, Training, or Treatment Facility shall mean any facility which provides care, training, or treatment for six (6) or more physically, mentally, emotionally, or behaviorally disabled individuals as defined by ORS 443.400. Facilities that provide for five (5) or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.

Right-of-way shall mean the area between boundary lines of a street or other easement.

Riparian Area shall mean the area adjacent to a river, lake or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem (According to Oregon Administrative Rule (OAR) 660-23-090(1)).

Riparian Corridor shall mean a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary (According OAR 660-23-090(1)).

River (see "Stream").

Roadside Stand shall mean a temporary structure designed or used for the display or sale of merchandise and/or produce, or agricultural products produced on the premises upon which such a stand is located.

Roadway shall mean the portion of a street right-of-way developed for vehicular traffic.

Secondary Use shall mean a use which is supplementary or subordinate to an allowed principal use in that it functions to furnish direct aid or support to the use.

Senior Housing shall mean housing designated and/or managed for persons over the age of 55.

Setback shall mean the minimum allowable horizontal distance from a given point or line of reference such as a street right-of-way, to the nearest vertical wall or other element of a building or structure as defined herein.

Sewage shall mean water-carried wastes from a home, business operation or community.

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Sewage Treatment Plant shall mean facilities for the treatment and disposal of sewage.

Shadow Plan (Future Re-division Plan) means a plan for future division of lots or parcels that exceed the maximum lot size standard of the underlying zone. Large lots (i.e., those that exceed the minimum lot size by more than 200 percent) shall be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the underlying zone. The re-division plan shall identify:

- a. Potential future lot division(s) in conformance with all applicable city standards.
- b. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
- c. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owner(s), except as may be required through conditions of land division approval.

Shared driveway shall mean when land uses on two or more lots or parcels share one driveway. An easement or tract (owned in common) may be created for this purpose.

Shopping Center shall mean three (3) or more commercial retail or service establishments on a single unit of land.

Sign shall mean a presentation or representation, other than a house number, by words, letters, figures, designs, pictures, or colors, publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached; or any material used to support the sign.

Sidewalk shall mean a pedestrian walkway.

Site shall mean a property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

Site Design Review, Development Review, Plan Review please see Section 22.

Site Plan shall mean a plan, prepared to scale, showing accurately and with complete dimensioning, all of the uses proposed for a special parcel of land. See also Section 20.

Solar Energy System shall mean any device, structure, mechanism, or series of mechanisms which uses solar radiation as a source for heating, cooling, or electrical energy.

Speculation Support Structure shall mean an antenna support structure designed for the purpose of providing location mounts for wireless communication facilities without a binding

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commitment or option to lease a location upon the tower by a licensed service provider at the time of initial application.

Standards and Criteria. Standards are code requirements, such as rules governing the size or dimensions of a lot or parcel, or the placement of buildings or activities thereon. Criteria are the elements required to comply with a particular standard.

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.

Steep slopes shall mean slopes of greater than 25 percent.

Storefront character shall mean the character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g. awnings or canopies), corner building entrances or recessed entries, and similar features.

Storm Water Facility shall mean a detention and/or retention pond, swale, or other surface water feature that provides storage during high rainfall events.

Stream shall mean a channel such as a river or creek that carries flowing surface water including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels (According OAR 660-23-090(1)).

Street shall mean a public or private right-of-way being the entire width from lot line to lot line that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road", "highway", "lane", "avenue" or similar designations.

- a. "Arterial" a street of considerable continuity which is primarily a traffic artery for intercommunication among large areas. It is designed to move traffic as efficiently as possible. A "Major Arterial" is the principal mover of traffic in a region. A "Minor Arterial" is the feeder than brings the majority of traffic to the "Major Arterial". A highway (e.g. Highway 101, Highway 6) can be considered an "Arterial" street.
- b. "Collector" a street used to provide some access to abutting properties, and also is intended to move traffic from "Local" streets to "Arterial" streets. A "Major Collector" is a street supplementary to, and used as an alternative to, the arterial street system, used to some

## SECTION 4 - DEFINITIONS

extent for through traffic and to carry a majority of truck traffic within the City. A "Minor Collector" is the main traffic artery within a given neighborhood, encouraging traffic movement to Major Collectors and Local Streets, and providing a high degree of access to abutting properties. McCormack Loop, Marolf Loop, Williams Avenue, Miller Avenue, Third Street, Eleventh Street and Twelfth Street are considered "Collectors"

- c. "Cul-de-sac" (Dead end street) a short street having one end open to traffic and being terminated by a vehicle turn around.
- d. "Half Street" the dedication of a portion only of the width of the street, usually along the edge of a subdivision where the remaining portion of a street has been or could later be dedicated in another subdivision.
- e. "Local/Minor Street" a street intended primarily for access to abutting properties.
- f. "Marginal Access Street" a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

Street Furniture/Furnishings shall mean benches, lighting, bicycle racks, drinking fountains, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way.

Street Line shall mean a property line between a lot, tract or parcel of land and an adjacent street or private way.

Structure shall mean anything, such as a building or other major improvement that is constructed, built, or installed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner which requires location on the ground or is attached, such as a structural addition, to something having a location on the ground, including swimming and wading pools, and covered patios, excepting outdoor areas such as paved areas, driveways or walks, and other minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

Structural, Alteration shall mean any change in the supporting members of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafters, roof diaphragms, foundations, piles, or retaining walls or similar components.

Subdivide Land shall mean to divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

Subdivision ~~is~~ shall mean either an act of subdividing land or an area or tract of land subdivided.

## SECTION 4 - DEFINITIONS

Substantial Damage shall mean 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 shall mean 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.

Swale shall mean a type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Temporary shall mean a land use that is not permanent and is only allowed for a limited time period.

Tentative Plans shall mean the preliminary proposal for a subdivision which includes the information specified in Section 22.

Top-of-bank shall mean a clearly recognizable sharp break in the stream bank. It has the same meaning as "bankfull stage"; the stage or elevation at which water overflows the natural banks of streams and begins to inundate the upland. In the absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage (According OAR 660-23-090(1)).

Townhouse shall mean a single-family dwelling unit constructed in a row of attached units separated by property lines and with open space on at least two (2) sides.

Tract, private/public shall mean a piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g. open space, recreation facilities, sensitive lands, etc.).

Transitional Zones shall mean an area that extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

Transportation Facilities and improvements shall mean the physical improvements used to move people and goods from one place to another (e.g. streets, railroad tracks, sidewalks, pathways, bike lanes, airports, transit stations, bus stops, etc). Transportation improvements include the following:



## SECTION 4 - DEFINITIONS

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; (Conditional Use Permit for Transportation System Facilities and Improvements) and
8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition (Conditional Use Permit for Transportation System Facilities and Improvements).

Transportation Mode shall mean the method of transportation (e.g. automobile, train, bus, walking, bicycling, etc.).

Travel Trailer shall mean a "Recreational Vehicle"

Tree shall mean a planting whose purpose may be decorative or otherwise, and which has clearly identifiable trunk or trunks, and whose normal height is expected to be ten (10) feet or greater.

Urban Growth Area (UGA) shall mean land that is inside the City's Urban Growth Boundary but outside the City Limits. Land in the UGA is considered "urbanizable land".

Urban Growth Boundary (UGB) shall mean a boundary line that indicates the outermost limit of the City's planned expansion. The City and the County must adopt the UGB.

Urban Land shall mean those lands which normally have an incorporated city. Such areas may include lands adjacent to and outside the incorporated city and may also:

- a. have concentrations of persons who generally reside and work in the area; and
- b. have supporting public facilities and services.

Urbanized Land shall mean land within the Urban Growth Boundary which is identified and:

- a. determined to be necessary and suitable for future urban land;
- b. can be served by public facilities; and
- c. is needed for the expansion of an urban land area.

## SECTION 4 - DEFINITIONS

Use shall mean the purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

Utility facility shall mean a structure, pipe, or transmission line, which provides the public with electricity, gas, steam, heat, communication, water, sewage collection or other similar services.

Utility Runway shall mean a runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

Vacate plat/street shall mean to abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance shall mean a deviation from the requirements of this ordinance which may be granted according to the provisions of Section 32.

Visual Obstruction shall mean any fence, hedge, tree, shrub, device, wall or structure, exceeding three (3) feet in height above the elevation of the top of the curb, as determined by section 30 as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed of branches to a minimum height of at least six (6) feet. See also Section 26 (5).

Vision Clearance Area see Section 30 (5).

Water area shall mean the area between the banks of a lake, pond, river, perennial or fish-bearing intermittent stream (According OAR 660-23-090(1)).

Wetlands shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted to life in saturated soil conditions (This definition has been selected from OAR 660-23-090(1)). There are two types of wetlands:

- a. A "Significant Wetland" is a wetland that appears on the City of Tillamook Wetlands and Riparian Inventory Maps.
- b. A "Non-Significant Wetland" is a wetland that does not meet the Division of State Lands (DSL) definition of a Locally Significant Wetland. Non-Significant Wetlands are not regulated by the Section pertaining to wetlands in this Ordinance, but do require DSL notification under ORS 227.350 and 21.1.11.

A "Wetland" is also defined by the Federal Clean Water Act (Section 404) and OAR 141-85-010. Wetlands include land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities.

Width, of a Building shall mean the shortest side of elevation dimension measured horizontally.

## SECTION 4 - DEFINITIONS

Wireless communication facilities shall include cell towers, antennae, monopoles, "coverage" towers, and "capacity" towers, and related facilities, including microfacilities and minifacilities, and equipment used for radio signal transmission and receiving. A Wireless communication facility is considered a "Utility Facility".

Yard shall mean any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky, except for the projections as permitted in Section 26 (6) of this ordinance.

Yard, Front shall mean an open space extending the full width of the lot between a building and the front lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

Yard, Rear shall mean an open space extending the full width of the lot between a building and rear lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance.

Yard, Side shall mean an open space extending the full length of the lot between a building and side lot line unoccupied and unobstructed from the ground upward, except as specified elsewhere in this ordinance. Side yard setback is not applicable on the street side of a corner lot; both sides of lot that face a street or streets are considered front yard.

Zone shall mean a section of the City in which certain land uses are permitted and other are prohibited by the Ordinance.

Zone Change shall mean an action taken by the City to change the type of zoning on one or more pieces of land. A "Zone Change" may be sought by an individual landowner, in which case the request is usually considered to be a legislative action initiated by a Planning Commission decision.

Zoning Ordinance shall mean a set of land-use regulations enacted by the City to create districts within which the type, location, density, bulk, height, and lot coverage of land uses are restricted.

(Added by Ordinance #1187, effective 12/03/03)

ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

SECTION 5 - CLASSIFICATION OF ZONING DISTRICTS.

For the purposes of this Ordinance, the City is divided into zoning districts designated as follows:

<u>Zoning District</u>	<u>Map Symbol &amp; Abbreviated Designation</u>	<u>Zoning Ordinance Reference Section</u>
Open Space	O	11
Residential - Single Family	R-7.5	12
Residential - Single Family & Duplex	R-5.0	13
Residential - Multiple Use	R-O	14
Commercial - Neighborhood	C-N	15
Commercial - Highway	C-H	16
Commercial - Central	C-C	17
Commercial - Town Center	TC	17.1
Industrial - Light	I-L	18
Industrial - General	I-G	19
Public & Semi-Public	P&SP	19.1
Limited Use Overlay	LU	19.2
Flood Hazard Overlay	FHO	20
Airport Overlay	AO	20.1
Hazard Overlay	HO	20.2
Water Resource Protection Overlay	WRP	21.1

SECTION 6 - APPLICATION OF REGULATIONS TO DISTRICTS GENERALLY

Except as otherwise provided in this Ordinance, no yard or other open space provided about any building or on any building lot for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or other open space for any other building or any other building lot.

SECTION 7 - ZONING MAP

1. The location and boundaries of zones designated in SECTION 5 are hereby established as shown on the map entitled "Zoning Map of the City of Tillamook City" dated with the effective date of this Ordinance, and reflect revised Flood Hazard Overlay Zones as designated by the U.S. Department of Housing and Urban Development, Federal Insurance Administration, and signed by the Mayor and City Recorder, and hereinafter referred to as the "Zoning Map."

## ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

2. The signed copy of said zoning map is maintained on file in the office of the Recorder and is hereby made a part of this Ordinance. Any revisions or replacements of said map, when duly entered, signed and filed with the City Recorder as authorized by Section 7 (3) are a part of this Ordinance.
3. When the zoning of any area is changed by the City Council in the manner prescribed by this Ordinance, the City Manager shall cause the official zoning map to be revised so that it accurately portrays said change, and shall inscribe on the map adjacent to said revision the number of the ordinance by which the change of zone was effected, provided that failure to so revise the said map shall not affect the validity of any zone change. The Council may from time to time direct the City Manager to replace the official zoning map, or a portion thereof, with a map, which includes all lawful changes of zone and city boundaries to date. Such map, or portion thereof, filed as a replacement, shall bear the number of the ordinance authorizing same and shall bear dated, authenticating signatures of the Mayor and City Recorder. Any map or portion thereof thereby replaced shall be retained in a separate file by the City Recorder.

### SECTION 8 - INTERPRETATION OF DISTRICT BOUNDARIES.

In making a determination where uncertainty exists as to boundaries of any of the aforesaid districts as shown on said zoning map, the following rules shall apply:

1. Where district boundaries approximately follow streets, alleys, or highways: Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, alleys or highways, such lines shall be construed to be such district boundaries.
2. Vacation of public ways: Whenever any street, alley or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of the former right-of-way and all of the area included in the vacation shall then and henceforth be subject to all regulation of the extended districts.
3. Where boundaries approximately follow lot lines: Where district boundaries are indicated as approximately following lot lines, such lot lines at the date of adoption of this Ordinance shall be construed to be said boundaries. If a district boundary divides a platted lot into two or more districts, the entire lot shall be placed in the district that accounts for the greater area of the lot by the adjustment of the district boundary, provided that the boundary adjustment is for a distance of less than 20 feet. If an adjustment of more than 20 feet is required, the change in the district boundary shall be treated as a change of zone.

### SECTION 9 - ZONING OF ANNEXED AREAS

1. Zoning regulations in effect in an area prior to annexation to the City shall continue to apply and shall be enforced by the City until such time as comprehensive zoning has been adopted by the City for the annexed area, except that the provisions of Section 30 through 37 of this

## ESTABLISHMENT OF ZONING DISTRICTS AND ZONING MAPS

Ordinance shall supersede comparable sections of the ordinance in force in the annexed area at the time of annexation.

2. In cases of property owner initiated annexations, the property owners are responsible for initiating the change of zone to conform to Tillamook City's Comprehensive Plan and application for the change of zone must be made within two (2) months of passage of the annexation ordinance or election. No development, which requires Planning Commission approval, shall occur on said property without first changing to the applicable Tillamook City zone. Tillamook City will honor all existing Tillamook County building permits in effect at the time of annexation, provided that all setbacks are maintained. If the property owners fail to so apply, the Planning Commission shall consider the change nevertheless and the annexation initiating property owners shall be billed the applicable fee and incumbent costs. In cases of City initiated annexations, the Tillamook City Planning Commission shall, upon its own volition, consider the change to the applicable Tillamook City zone within four (4) months of passage of the annexation ordinance or election. Following the public hearing by the City Council, no building permit or other permit shall be issued by the City under the Tillamook County Zoning Regulations.

(Added by Ordinance #1178, effective 10/17/02)

## SECTION 10 - APPLICATION PROCEDURES AND FEES

### 1. Application for Land Use Action.

- A. Initiation. An application for a land use action may be initiated by the owner of the property involved or an authorized agent. An application for a change of zone may also be initiated by the Council or the Commission, in accordance with the provisions of subsection 2 below. Authorization to act as an agent shall be in writing and filed with the application. Such applications shall be filed on the appropriate form provided by the Planning Department. When any such application requires the submission of a site plan, the site plan shall be submitted in a form as described within Section 22(5).
- B. Consolidated Application Procedure. If a proposed development requires more than one application for a permit or zone change request, the applicant may choose to apply for all necessary applications. If review by the City Council is required, the City Council shall consolidate their review of all necessary applications. This consolidated application procedure shall be subject to the requirements of Section 10(14), Final Application for Permit or Zone Change Request.

### 2. Initiation by Planning Commission/City Council.

The Commission and/or Council may initiate proceedings to rezone land by motion and conduct a public hearing in accordance with all applicable provisions of this Ordinance. If the Council shall initiate such proceedings, the matter of the proposed change of zone shall first be referred to the Commission which shall then conduct proceedings as hereinafter provided. If the Commission and/or Council initiate proceedings for a change of zone, they shall so advise the Director, who shall set a date for public hearing before the Commission.

### 3. Ownership List.

The applicant shall file with such applications a list of the names, addresses, and tax lot numbers of all owners of property situated within the following radii, including public rights-of-way, of the external boundaries of the property affected by the application:

- A. Variance - two hundred fifty feet;
- B. Conditional Use Permit - two hundred fifty feet;
- C. Change of Zone - four hundred feet;
- D. Site Plan Review - two hundred fifty feet;
- E. Annexation - four hundred feet;
- F. UGB Boundary Amendment - four hundred feet;
- G. Vacation - two hundred feet;
- H. Minor Partition - two hundred feet;
- I. Major Partition - two hundred feet;
- J. Planned Unit Development - two hundred fifty feet;
- K. Subdivision - two hundred fifty feet.
- L. Administrative requests - two hundred feet

## SECTION 10 - APPLICATION PROCEDURES AND FEES

Such names, addresses, and tax lot numbers shall be those listed on the last preceding tax role of the Assessor of Tillamook County. The applicant shall also file with the application an affidavit attesting to the validity of said ownership list.

### 4. Hearing Date.

Upon receipt of a valid and complete application and fee as required in subsection 9 herein, a date for public hearing upon the application shall be established and notice given as required within subsection 12 herein.

### 5. Application for Vacation.

A. Procedure. Whenever any person desires to vacate all or part of any public square, or other public place, plat, street or similar area, such person shall file an application for vacation with City on forms provided by the Planning Department. Such forms shall conform to the requirements of ORS 271.080 (1). Attached to such application shall be forms reflecting the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby as defined in ORS 271.080 (2). Such consent shall be in writing and duly acknowledged before an officer authorized to take acknowledgments of deeds. The applicant will also be required to meet the land use criteria, and submit the appropriate fee, listed under 'Vacation' in subsection 8 below.

B. Hearing Date. Upon receipt of a valid and complete application and fee, the Planning Department shall set a date for public hearing upon the application before the City Council.

### C. Maintenance of Public Access

- 1) Existing public ownerships, rights-of-way, and similar public easements, which provide access to or along the estuary shall be retained or replaced if sold, exchanged or transferred. Rights-of-way may be vacated to permit redevelopment of existing developed shoreland areas provided public access across the affected site is retained.
- 2) The City shall review, under ORS 271.080 - 271.230, proposals for the vacation of public easements or rights-of-way which provide access to or along the estuary. The requirements of Section 10 (5) shall be met.
- 3) The City shall review, under the provisions of ORS 271.300 - 271.360, proposals for the sale, exchange or transfer of public ownership, which provide access to or along the estuary. A public hearing shall be held to review such proposals.

### 6. Application for Annexation.

A. Procedure. Whenever any person seeks to extend the boundaries of the City through annexation, such person shall file an application for annexation on forms provided by the



SECTION 10 - APPLICATION PROCEDURES AND FEES

Planning department. The applicant will be required to meet the land use criteria, and submit the appropriate fee, listed under 'Annexation' in subsection 8 below.

- B. Consent Petition. If the applicant desires to negate the need for an election as provided in ORS 222.170 (1) said application shall contain the written consent to annexation of more than half of the owners of land in the territory to be annexed, who also own more than half of the land in such territory and who own real property therein representing more than half of the assessed value of the real property in said territory.
  - C. Initiation by Council. A proposal to annex unincorporated territory surrounded by the City may be initiated by the Council. Such initiation shall be by resolution subject to referendum.
  - D. Hearing Date. Upon receipt of a valid and complete application and fee or resolution by the Council, the City Manager shall set a date for public hearing upon the application before the appropriate body.
7. Improper Application. If it is determined by the Director that any of the aforementioned applications do not provide the desired information nor have attached thereto other pertinent data requested, the application may not be accepted.
8. Application Fees and Required Land Use Criteria. The following fees and land use application criteria are required to defray costs incidental to the proceedings and shall accompany each respective land use request. Such fees, except as provided in subsection a) below shall be paid at the time of the filing of each application and shall not be refundable. Additionally, the required land use criteria is provided to the left of each such fee. Ten copies of the applicable land use information shall be submitted on one or more sheets of paper measuring a minimum of 11" x 17" and shall be drawn to a minimum scale of 1 inch equals 10 feet (1"=10').

AMENDMENTS

<u>Comprehensive Plan or Zoning Ordinance Amendment</u>	\$1000
<u>Comprehensive Plan Map and/or Zone Map Amendment</u>	\$1000
<u>Annexation</u>	\$1000
<u>Urban Growth Boundary Amend.</u>	\$1000

APPEALS

<u>Administrative Staff decisions (subject to refund if decision reversed)</u>	\$250
<u>Planning Commission decisions</u>	original application fee

CONDITIONAL USE PERMITS (CUP)

<u>Administrative Staff Review</u>	\$250
<u>Planning Commission Review</u>	\$350
<u>Planned Unit Development</u>	\$900

## SECTION 10 - APPLICATION PROCEDURES AND FEES

### DEVELOPMENT PERMITS

<u>Flood Hazard Development (Fill) Permit</u>	<u>\$200</u>
<u>+ Cost of Engineering Peer Review</u>	

### LAND PARTITIONING

#### Administrative Review

<u>Boundary Adjustment</u>	<u>\$200</u>
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<u>Minor Partition</u>	<u>\$300</u>
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#### Planning Commission Review

<u>Minor Partition</u>	<u>\$300</u>
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<u>Major Partition</u>	<u>\$450</u>
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#### Subdivision Plat Review

<u>Tentative Plan</u>	<u>\$450+\$20per lot</u>
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<u>Final Subdivision Plat</u>	<u>\$200+\$10per lot</u>
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<u>Planned Unit Development</u>	<u>see CUP above</u>
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### RIGHT-OF-WAY VACATION

<u>Street Vacation</u>	<u>\$300</u>
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<u>Alley Vacation</u>	<u>\$150</u>
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### SIGN PERMITS (pursuant to Section 304 of the Uniform Sign Codes)

<u>Sign less than twenty-four square feet in total face area</u>	<u>\$10</u>
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<u>Sign twenty-four to one hundred square feet in total face area</u>	<u>\$20</u>
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<u>Sign more than one hundred (100) square feet in total face area</u>	<u>\$40</u>
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### SITE PLAN REVIEW

<u>Administrative Staff Review</u>	<u>\$200</u>
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<u>Planning Commission Review</u>	<u>\$350</u>
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### VARIANCES

<u>Administrative Staff Review</u>	<u>\$250</u>
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<u>Planning Commission Review</u>	<u>\$300</u>
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### ZONING PERMIT (PLANNING REVIEW OF BUILDING PERMIT)

<u>Commercial, Institutional, Apartments and multifamily dwellings (including design review)</u>	<u>\$200</u>
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<u>One and two family dwellings (including manufactured dwelling placement)</u>	<u>\$120</u>
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<u>Accessory structures</u>	<u>\$60</u>
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<u>Interior Remodeling</u>	<u>\$15</u>
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<u>Re-roofing</u>	<u>\$15</u>
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<u>Demolition</u>	<u>\$10</u>
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### OTHER PERMIT/REVIEW FEES

<u>Address Issuance</u>	<u>\$15</u>
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SECTION 10 - APPLICATION PROCEDURES AND FEES

<u>Consultant Fee(for consultant or expert retained by City to review application)</u>	<u>\$Consultant Cost</u>
Driveway Permit Review	\$15
Sewer Line extension Review	\$15
Sidewalk Permit Review	\$15
Special Use Permit	\$125
Temporary Use Permit	\$50
Time Extension Request	\$100
Water Line extension Review	\$15

Fees for preparation of written transcripts shall not exceed the cost of preparing the transcript, up to \$500, plus one half of the actual cost over \$500.

The above fee schedule does not include costs incurred by the City relating to the provision of legal notices, including but not limited to, newspaper publication and mailed notices. Such costs shall be billed to the applicant and shall be paid within thirty (30) days of billing. Failure to pay such billing shall render any action taken relative to said application null and void.

The fees established herein may be amended by resolution of the City Council.

Required Land Use Criteria: the following information is required, as listed above, for all land use actions within the Urban Growth Boundary of the City of Tillamook

<u>Request</u>	<u>Required Land Use Criteria</u>
Annexation	A, B, C, D
Appeals*	Not Applicable
Change of Zone	A, B, C, D, P
Conditional Use	All
Site Plan Review	All (except P)
Flood Hazard Permit	A, B, C
Urban Growth Boundary Amend.	A, B, C, D, P
Right-of-Way Vacation	A, B, C, D, E
Variance	A-L
Minor Partition	A, B, C, D, O
Major Partition	A, B, C, D, E, F, O
Planned Unit Development	All (except P)
Subdivision	All (except P)

- A. A list of the names, addresses, and tax lot numbers of all property owners situated within the distances listed under 3 (A - L) of this section.
- B. A drawing of the affected area shall contain the date of preparation, a NORTH arrow, and written and graphic scale, and include the site plan procedures listed separately for each land use action (e.g. for a Site Plan Review, the site plan procedures as listed in Section 22 of this Ordinance).

## SECTION 10 - APPLICATION PROCEDURES AND FEES

- C. A written statement of the intended use of the property, and a written response to the standards and criteria listed separately for each of the land use actions (e.g. for a Site Plan Review, the criteria listed in Section 22 of this Ordinance).
- D. Statement of utility availability.
- E. Location, dimensions and names of adjacent streets and proposed internal streets showing center line radii and curb return radii.
- F. The size and location of all existing and proposed public and private utilities, easements, or rights-of-way.
- G. The building envelope, size, setback dimensions and height of all proposed structures which are to be retained on the site.
- H. Existing site specific physical features including drainage ways, ponding areas and structures, with indication as to which are to be retained. Adjacent properties and their physical features within 50 feet of the property line shall be identified, including setback dimensions of adjacent structures.
- I. The location of all existing trees and shrubs and those which are to be retained on the property, the location and dimensions of landscaped areas, location of proposed plant material and ground cover and other pertinent landscape features.
- J. The proposed layout of the parking lot including location and dimension of parking spaces, curb islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
- K. Statement of maintenance responsibility for all improvements shown on the site plan.
- L. Site data including:
  - 1. Total area of the property (square feet).
  - 2. Building coverage (square feet).
  - 3. Parking lot coverage (square feet).
  - 4. Parking lot landscape area (square feet).
  - 5. All other landscape area coverage (square feet).
  - 6. Number of parking stalls provided.
  - 7. Number of residential units as appropriate.
  - 8. Existing and proposed gross floor area (square feet).
- M. Finished floor elevation related to curb, street or other established grade or bench mark, and drainage pattern. All lots shall show grading and drainage with existing grades or contours and finished grades or contours clearly indicated.

## SECTION 10 - APPLICATION PROCEDURES AND FEES

- N. Location of all fencing used to divide properties, signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan must be used.
- O. A legal description of the property prepared and signed by a registered land surveyor, with seal affixed. If the property is part of a recorded plat, a reference to the plan may be used.

### P. Transportation System Plan Compliance.

1. Review of Applications for Effect on Transportation Facilities. When a development application includes a proposed comprehensive plan amendment or land use regulation change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:
  - a. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City of Tillamook Transportation System Plan (“TSP”); or
  - b. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City of Tillamook Transportation System Plan (“TSP”); or
  - c. Change the standards implementing a functional classification system; or
  - d. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
  - e. Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.
2. Amendments That Affect Transportation Facilities. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one of the following:

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- a. Amending the TSP to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirements of the TPR; or,
  - b. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
  - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.
  - d. Traffic Impact Study. A Traffic Impact Study shall be submitted with a plan amendment or land use district change application. See Section XXX - Traffic Impact Study.
- Q. The location of all pedestrian and bicycle circulation areas and bicycle racks/storage, including sidewalks, internal pathways, pathway connections to adjacent properties and any bicycle lanes or trails.
9. Rehearing. The Council, Commission, or Planning Department, shall not consider any application involving a lot, parcel, or structure which has been the subject of the same application within twelve (12) months following final action on such application, unless substantial new evidence is submitted which could not reasonably have been presented at the previous meeting.

### NOTIFICATION REQUIREMENTS

10. Public Hearings. Unless otherwise required by this Ordinance, any hearing before the Commission or Council required by any provision of Section 10 to 36 shall be in a public hearing held in accordance with the notification and procedure requirements hereinafter provided.

Hearings on land use actions shall include a statement that:

- a. Describes the applicable substantive criteria which will be used to review the land use action;
- b. Testimony at the hearing must be directed towards the criteria which will be used to review the land use action;
- c. Failure to address a criteria precludes an appeal based on that criteria.

The general public has a right to have members free from pre-hearing or ex-

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parte contacts on matters heard by them. It is recognized that a contravening public right is free access to public officials on any matter. Members of the hearing body shall place on the record the substance of any written or oral ex-parte communications concerning a decision or action at the first hearing on the decision or action which occurs after the communication was made. Parties shall be given the right to rebut the substance of the communication. If such contacts have impaired the member's impartiality or ability to vote on the matter, the member shall so state and shall abstain therefrom.

11. Notice of Hearings. Upon fixing the time of public hearing before the Commission, the Director shall cause notice of such hearing to be given by mail, posting, publication, or broadcast as required by the provisions of subsections 11 and 12 herein. In case of public hearing before the Council, the City Recorder shall cause such notice to be given in accordance with the provisions of subsections 11 and 12 herein.

A. Notice of a public hearing shall include the following information:

- 1) The name of the applicant;
- 2) The date, time, and location of the hearing;
- 3) A description of the location of the property for which a permit or other land use action is pending, including the street address and the subdivision lot and block designation, or tax lot number. (This information is required only for quasi-judicial actions.)
- 4) A concise description of the proposed development action;
- 5) A general description of the applicable comprehensive plan and zoning ordinance criteria which apply to the proposal.
- 6) A statement that a failure to raise an issue in person or by letter precludes appeal and that failure to specify to which criterion the comment is directed precludes appeal based on that criteria.
- 7) A statement describing where the complete application, criteria and other relevant information is available for review, and how written comments may be submitted.

B. Notice of any hearing shall be given to the applicant and to property owners required to be notified not less than twenty (20) days prior to the hearing and as follows:

- 1) By publication once in a local newspaper of general circulation not less than five(5) days prior to hearing;
- 2) By providing notice to all local electronic media not less than five (5) days prior to hearing;

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- 3) By first class mail to applicant and all property owners as shown on the ownership list filed with the application. However, failure to give such notice shall not invalidate any of the proceedings involved.
  - C. Each notice of a public hearing on a zone change for property which includes all or part of a mobile home park shall be sent by first class mail to each existing mailing address for tenants of the mobile home park at least 20 days but not more than 40 days before the date of the first hearing on the application. The city may require the applicant for the zone change to pay the costs of the notice.
  - D. Mailed notice to the Oregon Department of Transportation (ODOT) for all land use requiring a public hearing with the Planning Commission or City Council of land use applications related to property within 500 feet of a state highway or that impact State facilities.
  - E. Mailed notice to the Oregon Department of Transportation (ODOT) for the following all public hearings; subdivisions and partitions and any land use application affecting private access.
12. Posting Notices. The Director shall require that affected applicants post notices of public hearings to be held by the Council or Commission for any land use action by posting a sign in a manner clearly visible on the subject property within 10 feet of whatever boundary line of such land abuts each public road or street. If a public road abuts thereon, then such sign shall face in such a manner as may be most readily seen by the public. Such signs shall be provided to affected applicants by the Director.
13. Administrative Review.
- A. Types of land use requests eligible for administrative review:
    - 1) Conditional Use Permits involving one of the following issues:
      - (a) Signs according to Section 24 of this Ordinance
      - (b) Rear lot development in the R-7.5 or R-5.0 Zone Districts
    - 2) Minor Partitions/Lot Line Adjustments
    - 3) Site Plan Reviews for:
      - (a) Conversions of residences to commercial uses.
      - (b) Expansion of existing commercial, industrial, or public facility uses and structures if the expansion is less than 50% of the existing structure or less than 10,000 square feet (whichever is smaller) and exceeds 50% of the market value before improvement or repair is started.



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- (c) Previously approved site plan reviews that are null and void and no changes are proposed.
  - 4) Variances involving one of the following criteria:
    - (a) Deviation from the minimum building setback of not more than twenty percent (20%).
    - (b) Deviation from the building height limitation of not more than ten percent (10%)
    - (c) Deviation from a residential accessory dwelling living area of not more than five percent (5%).
    - (d) Expansion of a conditional or nonconforming use by not more than twenty percent (20%) of the gross building volume.
  - 5) Home Occupations
  - 6) Time Extensions on the following land use actions:
    - (a) Tentative Major/Minor Land Partitions
    - (b) Preliminary Subdivision Plat Approval
    - (c) Conditional Use Permits
    - (d) Site Plan Reviews
- B. A property owner may initiate a land use request by filing an application with the Planning Department. The Planning Department may require other drawings or information necessary for a complete understanding of the proposal and its relationship to surrounding properties. An application will not be considered complete for purposes of any time limitations until all requested information is received by the Planning Department. An application will not be accepted until all fees are paid according to the provisions of Section 10 (8).
- C. The Director shall, within five days of receipt and acceptance of an application for a land use request act administratively according to the procedure set forth in Section 10 (13A) through (13J) or shall refer the application to the Planning Commission for a public hearing and decision. The application shall be referred to the Planning Commission if the Director decides that the land use request would have significant impacts that extend beyond areas of notice per Section 10 (3) and the criteria set forth in Section 10 (13) (A). If the Director elects to refer the application to the Planning Commission, it shall be set for a public hearing at the next available Planning Commission hearing, unless the applicant requests a hearing at a later date.
- D. At the time the Director acts administratively based on the criteria set forth in Section 10 (13) (A), he or she shall cause notice of the application for a land use request to be mailed by First Class Mail to the following persons:
- 1) the applicant;
  - 2) all owners of property per Section 10 (3);

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- 3) such other persons, agencies or departments as the Director deems appropriate.
- E. No land use request approval shall be invalidated because of failure to receive the notice provided for in Section 10 (13D) hereof.
- F. The notice sent pursuant to Section 10 (13D) shall be mailed within ten (10) days of receipt of a complete application. The notice shall state the general nature of the request and that there is a right to respond with comments or objections in writing within ten (10) days of mailing. The notice shall also say that only those persons who respond in writing will receive a copy of the written decision and have a right to appeal that decision to the Planning Commission.
- G. In addition to the notice by mail provided to the persons listed in Section 10 (13D), notice of a land use request application shall be published in a newspaper of general circulation in Tillamook County at least ten (10) days before any administrative decision is made. The newspaper publication shall inform the public of the general nature of the request and announce that written comments and objections will be accepted by the Planning Department for seven (7) days from the date of publication. The notice shall also say that only those persons who respond in writing will receive a copy of the written decision and have a right to appeal that decision to the Planning Commission.
- H. After any written comments or objections are received and the period of time for public input has passed, the Director shall have ten (10) days to prepare a written decision approving, disapproving, or approving with conditions the application for a land use request. The Director shall consider in making the decision all written comments, the information in the application and the applicable criteria of the ordinance.
- I. The applicant and all persons who submitted written comments in response to the mailed or published notice shall be considered parties to the written decision and shall be entitled to written notice of the decision within ten (10) days of the date of the decision. Any party may appeal the decision of the Director to the Planning Commission in accordance with Section 33. Only those who are considered to be parties have standing to make an appeal of an administrative decision made pursuant to Section 10 (13).
- J. Copies of all written decisions shall be mailed to Planning Commission members for their review.

### 14. Final Action of Application for Permit or Zone Change Request.

The following section shall apply to all applications for permits or zone change requests, except those which involve an amendment to the comprehensive plan or zoning ordinance, or the adoption of a new land use regulation.

- A. The City shall take final action on an application for a permit or zone change requests, including resolution of all local appeals, within 120 days after the application is deemed

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complete. This 120 day period may be extended for a reasonable period of time at the request of the applicant.

- B. If an application for a permit or zone change is incomplete, the City shall notify the applicant of the additional information required within 30 days of the receipt of the application. The applicant shall be given an opportunity to submit the additional information. The application shall be deemed complete upon receipt of the additional information required. If the applicant refuses to submit the required additional information, the application shall be deemed complete on the 31st day after the governing body first received the application.
- C. If the application was complete when first submitted, or the applicant submits the requested additional information within 180 days of the date the application was first submitted, the City's approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 11 - OPEN SPACE LAND USE, OR O 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. Permitted Uses.
  - 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. Open Space.
  - D. Uncovered Recreational Facilities - ball fields, tennis courts, playground equipment, swimming and wading pools, running tracks.
  - F. Signs permitted as per Section 24.
3. Conditional Uses.
  - A. Commercial facilities incidental to the operation of a Permitted Use.
  - B. Covered and indoor Recreational Facilities - tennis courts, gymnasiums, swimming pools, running tracks.
  - C. Land Filling, not including the dumping of garbage, refuse, or like material.
  - D. Accessory buildings and uses customarily incidental to a Permitted use.
  - 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.

SECTION 11 - OPEN SPACE LAND USE, OR O DISTRICT

4. Height Regulations. None.
5. Lot Requirements. None.
6. Site Review. Required for development of the permitted and conditional uses except 2D - Open Space, as per Section 22.
7. Off-Street Parking. As required in Section 25.

(Added by Ordinance #1187, effective 12/03/03)

SECTION 12 - 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. Permitted Uses. The following uses are permitted:
  - A. Detached Single-family dwellings, including manufactured homes subject to the applicable requirements of Section 29.
  - 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 appurtenance to a permitted use.
    - 4) Signs according to Section 24.
    - 5) Home occupations subject to the requirements of Section 28 (12).
  - 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
    - 3) The accessory dwelling does not exceed 600 square feet of living area;
    - 4) Not more than one accessory dwelling unit per lot;
    - 5) One off-street parking space provided (i.e., in addition to any off-street parking required for other uses on the same lot);
    - 6) 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 Planning Commission if it finds that the proposed design is more compatible with surrounding residences;

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- 7) 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;
  - 8) Utility connections and metering comply with applicable city standards and those of utility providers.
- F. Residential Care Homes and Facilities, subject to the licensing requirements under ORS 197.660-670.
- 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;
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.
- B. Planned Unit Developments subject to the provisions of Section 23
- C. Signs according to Section 24 of this ordinance.
- D. Rear lot development subject to Site Plan Approval as provided in Sections 22 and 28(11).
- E. Duplexes on an interior lot with a minimum 7,500 square feet, except as permitted by section 2.C, above.
- F. Bed and breakfast establishments consistent with Section 28(14) of this ordinance.
- 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.

SECTION 12 - SINGLE-FAMILY RESIDENTIAL, OR R-7.5 DISTRICT.

4. 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).
5. Lot - Requirements. The following lot requirements shall be observed.
  - 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.
  - 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.



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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.

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

7. Design. The applicable design standards and review procedures in Section 22 "Site and Building Design" apply to all new development

8. No more than two (2) dwelling units shall be allowed on a piece of property in this zone.

9. Other Required Conditions. Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising for commercial purposes. Also see Section 28, Applying to Special Uses where Applicable.

(Added by Ordinance #1187, effective 12/03/03)

SECTION 13 - 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. Permitted Uses. The following uses are permitted:
  - A. Any Permitted Use 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. Triplexes with 7,500 square feet minimum lot area, subject to site plan review standards listed in Section 22 of this ordinance.
  - E. Fourplexes with 10,000 square feet minimum lot area, subject to site plan review standards listed in Section 22 of this ordinance.
  - F. Residential Care Homes and Facilities, subject to site plan review standards listed in Section 22 of this ordinance, and the licensing requirements under ORS 197.660-670.
3. Conditional Uses. The following may be permitted subject to a Conditional Use Permit:
  - A. Any Conditional Use permitted in a Single-Family, R-7.5 zone, except as otherwise provided under subsection 2, "Permitted Uses".
  - B. Signs according to Section 24 of this ordinance.
4. 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 30(3).
5. 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:

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- 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).
- 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 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 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 Ordinance may be occupied by one detached or attached single-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 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.

SECTION 13 - SINGLE-FAMILY & DUPLEX RESIDENTIAL, OR R-5.O DISTRICT.

- 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.

For exceptions to lot requirements see Section 28.

6. Off-Street Parking. Off-Street parking shall be provided as required in Section 25.
7. Design. The applicable design standards in Section 22 "Site and Building Design" apply to all new development.
8. Other Required Conditions. Nothing herein contained shall be deemed to prohibit the use of vacant property for gardening or fruit raising for commercial purposes. Also see Section 28; Applying to Special Uses where applicable.

(Added by Ord. 1170, effective 1/3/02)

SECTION 14 - 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. Permitted Uses. The following uses are permitted:
  - A. Any Permitted Use in a Single Family and Duplex Residential R-5.0 Zone, subject to the standards in this R-0 zone.
  - B. Multiple-family dwellings, triplexes, apartment houses and manager's office.
  - C. 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.
  - D. Rooming and boarding houses, including Bed and Breakfast establishments that are consistent with Section 28 (14).
  - E. Residential Care Homes and Facilities, subject to site plan review standards listed in Section 22 of this ordinance, and the licensing requirement in ORS 197.660-670.
3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit:
  - A. Any Conditional Use permitted in a Single-Family and Duplex Residential, R-5.0 Zone, except as otherwise provided by subsection 2, 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.
  - C. Commercial Services, not to exceed 3,000- square feet per use. All activities and uses shall be fully enclosed within a building.
  - D. Nursing Homes.

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- E. Hospital, laboratory, orthopedic supply house, sanitarium, (except animal hospital and clinic).
- F. Pharmacy within 400 feet of a hospital or clinic and containing less than 5,000 square feet of floor area.
- G. Club, lodge and fraternal organizations except those carried on as a business for profit.
- H. Manufactured Dwelling Parks subject to the requirements of Section 29.

(Amended by Ord. 1129, effective 10/20/93)

- I. Buildings over forty-five (45) feet in height.
- J. Mortuaries.

4. 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 14(3I) and Section 30(3).
5. Lot - Requirements. The following lot requirements shall be observed.
  - A. Lot Area: None, except that 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: Each lot for an attached dwelling shall have a minimum width of twenty (20) 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 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 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.

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- 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.
  - 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.
- 6. Signs. Signs are allowed per Section 24 of this ordinance.
- 7. Off-Street Parking. Off-Street parking shall be provided as required in Section 25.
- 8. Design. The applicable design standards in Section 22 "Site and Building Design" apply to all new development
- 9. Other Required Conditions.
  - A. See Section 28, applying to Special Uses where applicable.
  - C. Site Plan approval as per Section 22, for all uses except for single-family and duplex dwelling.
  - D. All activities and uses within the R-O District must be conducted wholly within an enclosed building, except as provided Subsection 3(B), above.

(Added by Ord. 1170, effective 1/3/02)

## SECTION 15 - 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. Permitted Uses. No single business shall have a floor area exceeding 7,000 square feet, except grocery stores.
  - 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. Residential uses in conjunction with another permitted use. (Site Plan Approval required except for one or two-family dwellings.)
  - C. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities, are permitted.
  - D. Bed and Breakfast establishments which are consistent with Section 28 (14) and subject to site plan review in accordance with Section 22.
  - 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. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
  - A. Any Conditional Use permitted in the Multiple Use Residential, R-O Zone, Section 14 except 3(D - J) of said section and as otherwise provided by subsection 2 above.
4. Height Regulations. No building or structure shall be hereafter erected, enlarged or structurally altered to exceed 35 feet in height. For exceptions, see Section 30(3).
5. Lot Requirements. 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.



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- B. Lot Width: No requirements.
- C. Lot Depth: No requirements.
- D. Front Yard: The front yard shall be a minimum of 20 feet.
- 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 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.

For exceptions, see Section 30.

- 6. Signs: 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 uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities.
  - B. Items produced or wares and merchandise handled shall be limited to those sold at retail in the premises.
  - C. 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.
  - D. Site Plan Approval required, as provided in Section 22.
  - E. See Section 28, Applying to Special Uses where applicable.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 16 - 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. Permitted Uses. The following uses listed below are allowed:
  - A. Any Commercial enterprise conducted in accordance with the provisions of Section 16(1-10).
  - B. Accessory uses and buildings customarily appurtenant to a permitted use, or approved conditional use, such as incidental storage, are permitted.
  - C. Government Facilities.
  - D. Rest Stops or Waysides.
  - 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. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
  - A. Building over thirty-five (35) feet in height.
  - B. Apartments.
  - C. 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.
4. Height Regulations. No building or structure shall be hereafter be erected, enlarged or structurally altered to exceed a height of thirty-five (35) feet. For exceptions, see Section 30 (3).
5. Lot 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. See following Subsection 6.

## SECTION 16 - HIGHWAY COMMERCIAL DISTRICT, OR C-H DISTRICT

6. Site Plan Review. 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 as per Section 22.
7. Signs: As per Section 24.
8. Access Requirements. Access requirements will be determined on the basis of the traffic Capacity Analysis as per Section 22, 6(f), and the City of Tillamook City Overall Traffic Plan.
9. Off-Street Parking and Loading. Off-Street Parking and loading space shall be provided as required in Section 25.
10. 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.
  - D. Separate stores, shops, businesses, offices or establishments owned and/or operated separately which are part of shopping mall or shopping center concept or complex may only contain permitted uses as defined by Section 16, 2(a).
  - 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.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 17 - 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. Permitted Uses. The following uses are permitted in the C-C/Central Commercial District.
  - A. Any Commercial enterprise conducted in accordance with the provisions of Section 17(1-8).
  - B. Accessory uses and buildings customarily appurtenant to a permitted or approved conditional use, such as incidental storage, are permitted.
  - C. Secondary residential uses.
  - 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. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
  - A. Any public facility.
  - C. Housing for the elderly or handicapped person. (See Section 28 (13)) Site Plan Approval required.
  - D. Buildings over 100 feet in height.
  - E. Bed and Breakfast establishments which are consistent with Section 28 (14).
  - 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.
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 17 (3C).
5. Lot Requirements.
  - A. Lot Area: No requirements.

SECTION 17 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

- 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. Lot Coverage: No requirements, only that all other lot and parking requirements are met.
  - H. Site review as per Section 22.
6. Signs: Permitted as per Section 24.
7. 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.

(Amended by Ord. 1129, effective 10/20/93)

8. 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.
  - 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.

SECTION 17 - CENTRAL COMMERCIAL DISTRICT, OR C-C DISTRICT

- 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.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 17.1 - TOWN CENTER 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 Town Center.
2. Permitted Uses. The following uses are permitted:
  - A. Uses and structures lawfully existing on the effective date of the adoption of the Town Center District [01/03/02] which are non-conforming as defined by Section 31 shall be deemed non-conforming and may be continued, altered, and/or expanded consistent with Section 31.
  - B. Residential Uses
    - 1) Upper Floor Residential
    - 2) Housing for the Elderly or Disabled
  - C. Civic/Institutional Uses
    - 1) Clubs/Lodges (Second Floor)
    - 2) Cultural Facilities
    - 3) Day Care
    - 4) Governmental Offices
    - 5) Libraries
    - 6) Parks, plazas, open space
    - 7) Postal Services
  - D. Commercial Uses
    - 1) Hotels
    - 2) Office Uses (subject to compliance with subsection 3)
    - 3) Retail Services
    - 4) Restaurants

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- 5) Museums, theaters, galleries or studios for dance, art and photography
  - 6) Personal services including but not limited to medical or dental clinics, small animal veterinary clinics, or pharmacy
- 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. Historic Retail Overlay. For properties located within the Historic Retail Overlay, ground floor spaces facing the street shall be limited to commercial retail uses only.
4. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
- A. Emergency Services
- B. Bed and Breakfast establishments which are consistent with Section 28(14)
- C. Schools
- D. Indoor Recreational Facilities
- E. Public Facilities
- F. Buildings over 100 feet in height or 4 stories.
- 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.
5. Auto Oriented and Auto Dependent Uses. Auto oriented uses including but not limited to drive-through facilities are not permitted in the TC District (e.g. gas stations, vehicle repair/sales/services, drive-thru restaurants, banks and similar uses). Auto dependent uses such as gas stations, car washes, oil change facilities, and similar uses are also prohibited.



## SECTION 17.1 - TOWN CENTER DISTRICT, OR TC DISTRICT

6. Height Regulations. No building or structure shall hereafter be erected, enlarged or structurally altered to exceed a height of 100 feet. For exceptions, see Section 17, 3(c) and 4F. In the Historic Retail Overlay, buildings shall be a minimum of 2 stories and a maximum of 4 stories.
7. Lot Requirements.
  - A. Lot Coverage: No maximum lot coverage requirements.
  - B. Lot Area: No maximum lot area.
  - C. Lot Width/Depth: No requirements.
  - 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. 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.
  - E. Side Yard Setback: Minimum of zero (0) feet and a maximum of ten (10) feet. The 10-foot maximum shall apply for parcel lines adjacent to a public street (i.e., corner lots). 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 setbacks will be determined by building frontage requirements listed below.
  - F. Rear Yard Setback: No requirements.
  - G. Vision Clearance Zones: Vision clearance areas shall comply with Section 30 (5).
  - H. Site review as per Section 22.
8. Signs. Permitted as per Section 24. See Architectural Design Guidelines.
9. Parking and Circulation.
  - A. For commercial uses in the Town Center, 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

## SECTION 17.1 - TOWN CENTER DISTRICT, OR TC DISTRICT

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. Parking lots shall be placed to the rear of buildings in accordance with the Building Orientation Standards. 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 with concrete pavers to differentiate them from sidewalks.
  - C. For corner lots, parking areas shall not be located within 30 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 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. Service areas shall be located to the back 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. Parking areas shall be separated from buildings by either a raised concrete walkway or landscaped strip with a minimum width of 5 feet. Situations where parking stalls directly abut buildings shall be avoided except where wheel stops are provided.
  - F. 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.
10. 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.

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- 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. See section 7D for Setbacks.
  - 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:** Ground floor windows 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 or transparency at the pedestrian level (on corner lots, this provision applies to two elevations).
11. **Landscaping and Screening.** Landscaping and screening shall be required, in accordance with the following standards (These standards apply in the TC District; the landscape standards in the Section 22 do not apply in the TC District):
- 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 all streets except Main Street between 1st and 4th Avenues. Species should be compatible with the design features provided below, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
  - 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,

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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.

12. 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.

13. Other Required Conditions.

A. Site Plan Review as per Section 22.

B. The graphics within this chapter shall be used as a guide to comply with the standards in this chapter and Section 22.

(Added by Ordinance #1187, effective 12/03/03)

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## SECTION 18 - LIGHT INDUSTRIAL DISTRICT, OR I-L DISTRICT

1. Purpose. This district is intended to provide for those heavier commercial and light industrial uses located in existing built-up areas of the City.
2. Permitted Uses. The following uses are permitted.
  - A. Any commercial enterprise conducted in accordance with the provisions of Section 18(1-8), 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 Section 18 (1-8).
  - C. Accessory uses and buildings customarily appurtenant to a permitted or conditional use, such as incidental storage, are permitted. In addition, dwelling units for caretakers and night watchmen are permitted as accessory uses when incident to a light industrial use.
  - 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;
3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
  - A. Any public facility.
  - B. Buildings over 45 feet in height.
  - C. 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.
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. Lot Area: No requirements.

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- B. Lot Width: No requirements.
  - 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 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.
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" District by a sight-obscuring fence or wall.
  - 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.

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- 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. See Section 28 applying to Special Uses where applicable.
- J. Site Plan Approval required.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 19 - 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. Permitted Uses. The following uses are permitted.
  - A. Any permitted use in a Light Industrial, I-L Zone and conducted in accordance with the provisions of Section 19 (1-8).
  - B. Any accessory use permitted in a Light Industrial Zone is permitted when accessory to a permitted use or an approved conditional use.
  - C. Any industrial activity conducted in accordance with the provisions of Section 19(1-8).
3. Conditional Uses. The following conditional uses may be permitted subject to a Conditional Use Permit.
  - A. Any public facility.
  - B. Any commercial use 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.
  - C. Building over 100 feet in height.
  - 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.
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 19 (3B) and Section 30 (3).
5. Lot Requirements. The following lot requirements shall be observed:
  - A. Lot Area: No requirements.
  - B. Lot Width: No requirements.
  - 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.

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- 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.
- 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.

SECTION 19 - GENERAL INDUSTRIAL DISTRICT, OR I-G DISTRICT

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. See Section 28 applying to Special Uses where applicable.

H. Site Plan Approval required.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 19.1 - PUBLIC & SEMI-PUBLIC DISTRICT

1. Purpose. To recognize areas for those uses which generate large public gatherings.
2. Permitted Uses. The following uses listed below are allowed:
  - 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 customarily appurtenant to a permitted or approved conditional use(examples tennis, roller skating).
  - J. Any use conducted in areas designated as Public & Semi-public prior to the adoption of this criteria.
  - K. 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;
2. Conditional Uses. The following Conditional Uses may be permitted subject to a Conditional use permit.
  - A. Public offices, including outdoor storage
  - B. Motor and non-motorized race track and/or events, and similar uses
  - C. Utility substations
  - D. Water and sewer pumping facilities

## SECTION 19.1 - PUBLIC & SEMI-PUBLIC DISTRICT

- E. Golf courses, including miniature golf
- F. Public Facilities
- 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.
- 4. Height Regulations. None.
- 5. Lot Requirements. None.
- 6. Site Plan Review. 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 22.
- 7. Signing. As per Section 24.
- 8. Access Requirements. Access requirements will be determined on the basis of the Traffic Capacity Analysis as per Section 22 (6F) and the City of Tillamook Overall Traffic Plan.
- 9. Off-Street Parking and Loading. Surfaced parking areas shall not be required for short-term uses that generate large parking requirements. Off-street parking and loading shall be provided as required in Section 25 to meet the normal operational requirements of specific uses.
- 10. 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. Permanent solid waste containers and receptacles shall be screened away from public view.
  - D. 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.

(Added by Ordinance #1187, effective 12/03/03)



## SECTION 19.2 - LIMITED USE OVERLAY (LU)

1. Purpose. To allow permitted uses in the underlying zone to only those that were justified in the Averill Mediation Agreement (4/24/95), subject to those findings and conditions detailed in that agreement.
2. Application.
  - A. Uses permitted in the underlying zone shall be limited to those uses specifically referenced in the comprehensive plan amendment/zone change and any accompanying conditions set forth.
  - B. The Limited Use Overlay shall not be used to authorize uses not expressly provided for in the underlying zone.
  - C. The Limited Use Overlay shall apply to the property until it is specifically removed as the result of the parties not maintaining a majority ownership in the subject property (as per Mediation Agreement).
  - D. The following limitations shall apply to application of the Limited Use Overlay:

### Terms and Conditions

- 1) SOUND BARRIERS. Averill shall erect a sound barrier of evergreen trees of a type to be specified by the City along the north river bank of said property, immediately upon the appeal period to LUBA running and the Order becoming final. In the event that all or portions of the sound barrier do not thrive, they shall be replaced with new sound barrier vegetation until the vegetation, as needed, is well established.
- 2) NOISE REDUCTION. The operation of Averill's trucks as they travel over the means of ingress and egress from Highway 101 North shall be at a slow speed and in a manner so as not to cause unreasonable vibrations and/or noise which interferes with the reasonable enjoyment of the occupants of neighboring property.
- 3) GRAVEL. Averill shall maintain the gravel portion of Werner Road to his westerly property line in good passable condition by passenger cars.
- 4) SEWER. Averill, at his sole expense, will connect the subject property to City water and sewer within 45 days after the appeal period has expired from the Order described in Paragraph 1 of the Mediation Agreement.
- 5) ODOT. Within 45 days after the appeal period for the Board of County Commissioners' Order described in Paragraph 1 having run, Averill will apply for a temporary permit from the Oregon Department of Transportation subject to the following conditions:
  - a) Averill shall construct and/or install, at his sole expense, physical barriers at the Werner Road-Highway 101 junction to prevent left turns from Werner Road northbound onto Highway 101. The barrier system and appropriate signage shall be

## SECTION 19.2 - LIMITED USE OVERLAY (LU)

Oregon Department of Transportation approved. Said temporary permit shall remain in force only until such time as permanent access is constructed in conjunction with the highway improvement project for this portion of Highway 101.

- b) Any permit would be conditioned upon Averill's use of the subject parcel being substantially similar to the current use. So long as the truck trips are within 10 percent of the current use as described in Paragraph 6) herein, it shall be deemed a substantially similar use.
  - c) The provisions of Section 5 shall be added as a condition of the land use overly described in Section 9) herein.
- 6) CURRENT USE.
- a) For purposes of this overlay zone, the following definitions shall be used:
    - SITE: The 6.5 acres described in Attachment "A".
    - VEHICLE MOVEMENT: Two vehicle axles passing over a vehicle counter so calibrated.
    - TRUCK TRIP: Equals not more than 4 vehicle movements.
  - b) Averill's current use is comprised of the average daily trips entering or exiting the site in any 24-hour period, the existing surfaced working maneuvering, parking and storage area, including trucking and access.
  - c) The parties have agreed that traffic on Werner Road averages 490 vehicular movements per day and that truck movements from Averill's trucking business account for 80 percent of those movements which was agreed to equal 100 truck trips per day.
  - d) Averill shall be deemed in compliance with the terms of this overlay zone so long as the truck trips from Averill's business do not exceed 110 truck trips per day averaged over any 30 consecutive day period.
- 7) USE. The use of the subject property shall be limited to the existing trucking facility. The use shall be those uses allowed by law and reviewed at each subsequent review of the City pursuant to OAR 660, Division 25.
- 8) IMPROVEMENTS. Averill shall not add any further site improvements or additional structures not set forth herein, or otherwise change the character or increase the intensity of use. Potential improvements/additions which are contemplated by Averill and which are specifically exempt from this provision are:

## SECTION 19.2 - LIMITED USE OVERLAY (LU)

- (1) the addition of a 1,000 gallon lubricating oil tank, and (2) a 35 by 100 foot washing structure with slab foundation and gutters for the purpose of containing potential hazardous waste runoff to the surrounding properties, said structure to be located and attached to the south end of the existing structure on the existing fill. In addition, nothing in this provision shall prohibit Averill from making any changes, improvements or additions which are required by state, federal or local laws or ordinances.
  - 9) LIMITED LAND USE OVERLAY. Within 6 months of the expiration of the appeal period from the Board of County Commissioners final action on the Order described in paragraph 1 of said mediation agreement, the City of Tillamook shall add a provision to its zoning ordinance allowing for a "limited land use overlay zone" and apply it to the 6.5 acre Averill site. The plan amendment and zone amendment and their application to the Averill site shall be subject to public review pursuant to the post acknowledgment review process for plan and zone amendments. The limited land use overlay zone shall not contain more restrictive conditions than exist in this settlement agreement. The conditions of this agreement shall be applied to the limited land use overlay zone specifically for the Averill property. Any change in ownership of the property which would result in Donald G. Averill and Jo L. Averill not having a majority ownership interest in the property is a basis for Tillamook City to review the continued application of a limited land use overlay zone. Specifically excluded from this provision is any incorporation of the trucking business in which Donald G. Averill and Jo L. Averill would retain a majority ownership interest.
  - 10) Averill will abide by all laws and regulations which may apply to this property, including but not limited to its flood plain designation or any wetlands designation.
3. Procedure.

The application of the Limited Use Overlay is consistent with policies of the Comprehensive Plan.
  4. Official Plan/Zoning Map.

The official plan/zoning map shall be amended to note the application of the limited Use Overlay to the applicable parcels.
  5. Site Plan Requirements.
    - A. In addition to limiting the uses permitted through the comprehensive plan amendment, the trucking facility was determined to be an outright use in the underlying C-H zone.
    - B. All other requirements of the underlying zone remain in effect. The trucking facility shall not add any further site improvements except those stated in subsection 8).

(Added by Ord. 1150, effective 1/17/97)

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

### 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

#### A. 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:

#### B. 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.

- 1) 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.

#### C. Statement of Purpose.

It is the purpose of this 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:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money and costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- 6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- 7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
- 8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### D. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and

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

provisions for:

- 1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Controlling the alteration of natural 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.

### 2. 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.

Appeal means a request for a review of the City Manager's interpretation of any provision of this ordinance 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.

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.

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

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

- 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.

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.

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.

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.

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

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.

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.

### 3. GENERAL PROVISIONS

#### A. Lands to Which This Ordinance Applies

This ordinance shall apply to all areas of special flood hazards within the jurisdiction 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 amended, 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.

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

### 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 City 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.

### 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.

## 4. ADMINISTRATION

### A. Establishment of Development Permit

#### 1) Development Permit Required



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

A development 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, 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.

### C. Duties and Responsibilities of the City Manager

Duties of the City Manager shall include, but not be limited to:

#### 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.

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

### 2) Use of Other Base Flood Date

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 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 the actual elevation (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.

### 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.

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

- b) The Tillamook City Planning and Zoning 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 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.
- 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.

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

- 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 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.

### 5. 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.

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

- 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.

### 3) Utilities

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

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

- a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to two feet above base flood elevation.
  - 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 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; 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).

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

- b) All manufactured homes placed or substantially improved in existing manufactured home parks or subdivisions shall be elevated on reinforced piers or 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.
  - 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 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.
  - 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.

### 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).

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

- 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.

### 6. 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.

(Added by Ord. 1176, effective 7/16/02)



## SECTION 20.1 - AIRPORT OVERLAY ZONE, OR AO DISTRICT

1. Purpose. In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Tillamook County Airport in Tillamook County. Such zones are shown on the current Airport Approach and Clear Zone Maps, adopted by the Port of Tillamook Bay.

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. Compliance. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning districts, the more restrictive provision shall apply.

3. Special Definitions

- A. Airport Approach Safety Zone. A surface longitudinally centered on the extended runway center line and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for Utility Runway having only visual approaches; 1500 feet for a runway other than a Utility Runway having only visual approaches; 2,000 feet for a Utility Runway having a non precision instrument approach; 3,500 feet for a non precision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a non precision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Airport Approach Safety Zone 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.
- B. Airport Hazard. Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.
- C. Airport Imaginary Surfaces. Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- D. Clear Zone. Extends from the primary surface to a point where the approach surface is 50 feet above the runway and elevation.
- E. Conical Surface. Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) an upward extending to a height of 350 feet above the airport elevation.

## SECTION 20.1 - AIRPORT OVERLAY ZONE, OR AO DISTRICT

- F. **Horizontal Surface.** A horizontal plan 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.
  - G. **Noise Sensitive Areas.** Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
  - H. **Place of Public Assembly.** Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.
  - I. **Primary Surface.** A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each runway. The width of the Primary Surface is 250 feet for Utility Runways having only visual approaches and 500 feet for other than utility runways.
  - J. **Transitional Zones.** Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).
  - K. **Utility Runway.** A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.
4. **Permitted Uses Within the Airport Approach Safety Zone.**
- 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. **Transportation Facilities and Improvements**

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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;
5. Conditional Uses.
- A. A structure accessory to a permitted use.
  - B. Single family dwellings, mobile homes, duplexes and multi-family dwellings, when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Tillamook County a Hold Harmless Agreement and Avigation and Hazard Easement and submits them to the airport sponsor and Tillamook City Planning Department.
  - C. Commercial and industrial uses, when authorized in the primary 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.
  - D. Buildings and uses of a public works, public service or public utility nature.
  - 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.
6. Procedures. An applicant seeking a conditional use under 4. above shall follow procedures set forth in the conditional use section of the City zoning ordinance. Information accompanying the application shall also include the following:

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- 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. Statement from the Oregon Aeronautics Division indicating that the proposed use will not interfere with operation of the landing facility.
7. Limitations.
- 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.
  - 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 zone and the primary 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 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.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 20.2 - HAZARDS OVERLAY (HO) ZONE

1. Purpose. The purpose of this 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. Zone Boundaries. The boundaries of the HO zone shall be the same as the boundaries of the inundation zones. These areas shall be mapped and shall be part of the Zoning Ordinance. The underlying zoning regulations shall remain in effect and all development shall be subject to the requirements of both the underlying zone and the Hazards Overlay Zone.
3. Site Investigation Required. A site investigation shall be required by the City for all development in the Hazards Overlay Zone. The city planning official shall require the site investigation in all areas in which planning commission approval is not required. Otherwise, the planning commission shall require the investigation as part of a subdivision, partitioning, conditional use or other 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 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 (DOGAMY), unless specifically exempted by ORS 455.446 or given an exception by the DOGAMY 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 DOGAMY, but are not necessarily prohibited from tsunami inundation zones. See OAR 632-05 adopted by DOGAMY for specific provisions.

4. Method for Minimizing Inundation Zone Hazards.
  - A. 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 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 nearby property.

## SECTION 20.2 - HAZARDS OVERLAY (HO) ZONE

5. 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.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 21 - ESTUARY STANDARDS AND REQUIREMENTS

1. Purpose. The purpose of the Estuary Standards and Requirements 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. Standards. For all areas designated as estuary, the following standards are hereby adopted by reference and made a part of this Ordinance.
  - 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.
  - B. 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.
  - F. 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.
  - G. 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.
  - H. Tillamook Bay Estuary Management Unit Designation Maps and Tillamook Bay Estuary Zoning Maps H, I and J of Tillamook County Ordinance No. 33.
3. Tillamook County's Section 3.090: Shoreland Overlay Zone (SH)

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.

(Added by Ord. 1176, effective 7/16/02)

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

### 1. Purpose

- A. The purpose of the Water Resources Protection (WRP) overlay district is to implement the 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. 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. 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 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.

The standards and procedures of this section:

- 1) Apply to all development proposed on a lot or parcel located within, or partially within, the WRP overlay district;
  - 2) Are in addition to the standards of the underlying zone; and
  - 3) In cases of conflict, this ordinance 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.



## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 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 City of Tillamook Riparian 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 City of Tillamook Local 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 Tillamook Local Wetland 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 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.
3. Activities Permitted and Prohibited within the Riparian Area. This Section outlines the uses and conditions associated with development in the Water Resources Protection 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;

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 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 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;
  - 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 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.

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 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 the Department of Fish and Wildlife 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;
    - 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 Oregon Department Fish & Wildlife.
4. Application Requirements  
All development applications on lots within, or partially within, the WRP overlay district shall submit the following information, in addition to other information required by this code.
- A. Underlying Zone 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

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

require additional information where necessary to determine WRP district boundaries or to mitigate identified impacts from a proposed development, including but not limited to:

- 1) Site survey as prescribed in building 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 Conditional Uses and Land Division Developments: site specific survey required. If any conditional use 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.
5. Development Standards
- The following shall apply to all development, including native vegetation removal and excavation, in the WRP overlay district. No application for uses identified in Section 21.1.08 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 WRP Overlay 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.

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- 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.
  - 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) 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 the Oregon Department of Fish and Wildlife under its Fish and Wildlife Habitat Mitigation Policy. Mitigation recommendations by ODF&W may become conditions for approval of a proposed alteration of a wetland or riparian corridor.
  - 2) Conditional uses may be approved where the applicant can demonstrate that there are no reasonable alternatives and that the proposed use(s) are designed and constructed to minimize intrusion into the significant resource.
  - 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;

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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. 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. An 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, the applicant shall call for City building inspection, prior to the foundation inspection for any building, to certify that erosion control measures are installed in accordance with the erosion control plan.
6. 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 variance to the riparian setback. 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; 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

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- 3) The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity and has exhausted all 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.
7. Mandatory Notification of Permitting Agencies (Riparian Corridor and Isolated Wetlands not designated as Significant Resources).
- 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.
  - 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.
- 8 Changes to inventory maps

## SECTION 21.1 - WATER RESOURCES PROTECTION OVERLAY DISTRICT

- A. Claims of an error in the mapped location of a wetland or riparian corridor on the City of Tillamook 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 a 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.

(Added by Ordinance #1187, effective 12/03/03)



## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

### 1. Purpose. The purpose of this Section is to:

- A. Carry out the Comprehensive Plan with respect to public works design and street development standards and policies. This includes:
  - 1) Provision of an adequate area in all public rights-of-way 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;
  - 2) Provision 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.
- B. Insure that natural features of the landscape, such as landforms, natural drainage ways, trees and wooded areas, are preserved as much as possible and protected during construction.
- C. Promote energy conservation and efficiency in development through site planning and landscaping.
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods.
- E. Provide for safe, efficient, and convenient vehicular movement in the City of Tillamook; to provide adequate access to all proposed developments in the City of Tillamook.
- F. Provide adequate services and facilities appropriate to the scale and type of development.

### 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 the City, or which may be required by the City in association with other development approvals.
- C. The construction or modification of any utilities or sidewalks in public rights-of-way or private street easements.
- D. The planting of any street trees or other landscape materials in public rights-of-way.
- E. The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments, commercial developments, and industrial development; and to the reconstruction or expansion of such developments.

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

### 3. Types of Development Requiring Standards.

- A. The standards set forth in this section shall apply to major and minor partitions; subdivisions; planned unit developments; commercial and industrial site development; single family dwellings, duplexes, multi-family dwellings and multiple use structure development.
- B. 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. General Requirements. Before City Council, City Planning Commission, or City Staff approval, under site plan review, conditional use permit for planned unit developments; commercial and industrial site development, multi-family dwellings and multiple use structure development, land division of a final plat of a subdivision, final map of a major partition, single family dwelling, or duplex construction, the applicant shall either install required street improvements and repair existing streets and other existing public facilities damaged in the development of the property or 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. The agreement shall also provide the reimbursement of the City for the cost of inspection by the City of the improvements to be installed. 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. The following standards shall apply:

- A. Public Works Design Standards. All planned developments will comply with any applicable portions of the city public facilities standards. Construction of all public facility improvements shall be in accordance with the City of Tillamook Public Works Construction Standards adopted by Ordinance #1160 on March 20, 2000, or as amended in the future.

### 5. 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.

**SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS**

<b>Public Facilities Improvement Requirements Table</b>							
	<u>Fire Hydrant</u>	<u>Street Improvements</u>	<u>Water Hookup</u>	<u>Sewer Hookup</u>	<u>Storm Drainage</u>	<u>Street Lights</u>	
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, Subdivisions, PUD, and Manufactured Home Park	Yes	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 c 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 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.

**6. Street Standards.**

**A. General Provisions.** The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Tillamook.

1. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets.
2. Development proposals shall provide for the continuation of existing principal streets where necessary to promote appropriate traffic circulation in the vicinity of the development.
3. **Alignment:** All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the centerlines- thereof. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet.

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

4. Future extension of streets: Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of a tract being developed and the resulting dead-end streets may be approved without turnarounds. Reserve strips and street plugs may be required to preserve the objectives of street extensions. Section 5 of the Transportation System Plan identifies locations for future streets or roadways and should be used as a reference when extending streets.
5. Intersection angles: Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections, which are not at right angles, shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet.
6. Existing Streets: Whenever existing public streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision, partitioning, or development.
7. Half-Streets: Half-streets, while generally not acceptable, may be approved where essential to the reasonable development of an area and when the Planning Commission finds it to be practical to require the dedication of the other half when the adjoining property is developed. Whenever a half-street is adjacent to a tract to be developed, the other half of the street shall be dedicated. Reserve strips and street plugs may be required to preserve the objectives of half-streets.
8. Cul-de-sac.
  - 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.

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- b. Cul-de-sacs shall have maximum lengths of 600 feet. All cul-de-sacs shall terminate with circular turnarounds.
  - c. Cul-de-sacs or dead end hammerhead streets shall be connected with walking or bicycle paths in accordance with Section 5, Pedestrian and Bicycle Access and Circulation.
9. Street Names/Addressing: Street names and address numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.
  10. Grades and Curves: Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves.
  11. Marginal Access Streets: If a 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 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.
  12. Alleys: Alleys shall be provided in commercial and industrial districts unless other permanent provisions for access to off-street parking and loading facilities are made as approved by the Planning Commission. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have radii of not less than 10 feet.
  13. Clear Vision Areas: Clear vision areas shall be maintained on corner lots at the intersection of all public streets and at the intersections of a public street with a private street, alley or drive which serves more than three parcels. No structure planting shall be permitted within a clear vision area, which would impede visibility between a height of 3 feet and 10 feet above the curb grade of the intersecting streets.
- B. General Right-of-Way and Improvement Widths. The following standards are general criteria for public streets in the City of Tillamook. These standards shall be the minimum requirements for all streets, except where modifications are permitted in this section.

<u>Street Classification</u>	<u>Minimum Roadway Width</u>	<u>Minimum R.O.W. –</u>
Alleys	12 feet	15 feet
2 Lane Arterial Road/Truck Routes	54 feet	52-94 feet
Collector	36 to 44 feet	48 to 68 feet
Private Streets (up to 900' in length)	18 feet	25 feet
Local Streets	38 feet	48 to 58 feet
Alternative Local Road	20 feet	30 to 40 feet

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

The following standards are general criteria for cul-de-sacs and hammerhead turnarounds in the City of Tillamook:

	<u>Minimum Roadway Width</u>	<u>Minimum R.O.W. –</u>
Cul-de-sacs (up to 200' in length)	R =36 feet	R =45 feet
Cul-de-sacs (200'- 400' in length)	R =45 feet	R =50feet
Hammerhead Turnaround	20 feet	20 feet

Width to be determined by the Public Works Director based upon anticipated traffic volumes. Further details can be found in the City of Tillamook Public Works Construction Standards.

C. Modification of Right-of-Way and Improvement Width. The Planning Commission, pursuant to the review procedures of this section, may allow modification to the public street standards listed above, when both of the following criteria are satisfied:

- 1) The modification is necessary to provide design flexibility in instances where:
  - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - b. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
  - c. A modification is necessary to preserve trees or other natural features determined the Planning Commission, or City Manager Designate, to be significant to the aesthetic character of the area; or
  - d. A Planned Unit Development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
- 2) Modification of the street standards of this subsection shall only be approved if the Planning Commission, or City Manager Designate, finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

D. Construction Specifications. Public streets shall comply with the criteria of the most recently adopted public works construction specifications of the City of Tillamook.

E. Private Streets. Streets and other right-of-ways serving a subdivision or planned unit development that are not dedicated for public use shall comply with the following:

- 1) Private streets shall be allowed where the applicable criteria of this section are satisfied. Private streets shall have a minimum easement width of 25 feet and a minimum paved width of 18 feet.

**SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS**

- 2) All private streets shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.
- 3) A turnaround shall be required for any private residential street which has only one outlet and which is in excess of 150 feet long. Non-residential private streets shall provide a turnaround if in excess of 200 feet long and having only one outlet. Turnarounds for private streets shall be either a circular turnaround with a minimum paved radius of 36 feet, or a "tee" or "hammerhead" turnaround with a minimum paved dimension across the "tee" of 20 feet.
- 4) The City may require provision for the dedication and future extension of a public street.

**Table A**

Street Classification	Minimum ROW	Minimum Roadway Width	Minimum Sidewalk Width (including curb)	Minimum Horizontal Radius at C.L.	Minimum Stopping Sight Distance
Cul-de-sac (up to 200' length)	R=45'	R=36'	4.5'	**	**
Cul-de-sac (>200' to 400' length)	R=50'	R=45'	4.5'	**	**
Private Street (up to 900' length)	25'	18'	4.5' (1 side)	**	**
Local Street	48' to 58'	48' to 58"	5'	**	**
Alternative Local Street	30' to 40'	30' to 40'	5'	**	**
Collector	60'	40'	5'	**	**
2 Lane Arterial Road/Truck Route	60'	44'	6'	**	**

\*\* Design criteria to be based on design speed and guidelines in AASHTO: Policy on Geometric Design of Highways and Streets.

**Table B**

Street Classification	Design ADT
Cul-de-sac and private Street	0 to 500
Local Road	0 to 1,200
Alternative Local Road	0 to 250
Collector	3,000
Two Lane Arterial Road	3,000
Commercial-Industrial	1,000 to 3,000

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

F. Partition Access Easements. A private access easement created as the result of an approved partitioning shall conform to the following.

1) Partition access easements shall only be allowed where the applicable criteria of this section are satisfied. The easement shall comply with the following standards:

- a. Minimum width: 25 feet
- b. Minimum paved width: 20 feet
- c. Maximum length: 250 feet
- d. No more than 4 dwelling units shall have direct access to the easement

2) All access easements serving more than two dwelling units shall be constructed to the same cross-sectional specifications required for public streets. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, homeowners association, or other instrument acceptable to the City Attorney.

3) A turnaround shall be required for any access easement which has only one outlet and which is in excess of 150 feet long. Turnarounds shall be either a circular turnaround with a minimum paved radius of 36 feet, or a "tee" or "hammerhead" turnaround with a minimum paved dimension across the "tee" of 20 feet.

4) All private access easements shall be designated as fire lanes and signed for no parking.

### 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 registered in the State of Oregon and approved by the City. 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:



## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

- a. Protect and preserve existing natural drainage channels to the maximum practicable extent;
  - b. Protect development from flood hazards;
  - 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. degradation, the City may require the watercourse to be bridged or spanned.
- 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.

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- 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.
  - 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.requirement5 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.
  - 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 divider in widths not less than five 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. 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. Access. Each lot and parcel shall abut upon a street other than an alley for a width of at least 50 feet.
  - C. 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.

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

- D. 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.
  - E. 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.
10. Site and Building Design: In each of the City of Tillamook zone districts, the following site and building design standards are required.
- A. Parking lots are located at the side or rear of (or under) buildings for reduced interrupted pedestrian circulation and safety and site appearance.
  - B. 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.
  - C. Buildings and their entrances shall be oriented towards the street for pedestrian circulation, safety and crime prevention.
  - D. Alleys are encouraged in new development. Alleys may be provided under recorded access easements and do not count against required minimum lot area.
  - E. Address numbers on buildings are oriented towards the street for clear identification of the building.
11. Blocks
- A. Maximum Block Size. In commercial - Neighborhood Commercial (C-N), Town Center (TC), and Central Commercial (C-C), the maximum block length shall be 500 ft. In all other zones, block length shall not exceed 800 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 arterial street, the maximum block length shall be 1,800 feet.
  - B. 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.

SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

Standards and Specifications, Figure A, Arterial Road Cross Section

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Standards and Specifications, Figure B, Collector Road Cross Section

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Standards and Specifications, Figure C, Local Road Cross Section

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Standards and Specifications, Figure D, Alternative Local Road Cross Section

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### 12. Land for Public Purposes.

- A. The City Planning Commission or City Manager Designate, in an expedited land division, 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.

### 13. 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. A map showing all public improvements as built shall be filed with the City Recorder upon completion of the improvements.

### 14. Improvement Requirements.

Improvements to be installed at the expense of the applicant or land owner and at the time of 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.



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- 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 determined to be economically feasible, upon review by the Planning Commission.

### 15. Monuments.

- A. In addition to requirements of state law and other provisions of this Ordinance, permanent monuments of a type approved by the city shall be set in the following locations:
  - 1. At each boundary corner of the subdivision, at the beginning and end of the property line curves and at any other points required by the city.
  - 2. At intersections of street center line tangents or offsets therefrom, and where such intersect on private property, at the beginning and end of the center line curve or offsets therefrom.
- B. Any required monument that is disturbed or destroyed before acceptance of all improvements shall be replaced by the applicant.
- C. Complete field notes in a form satisfactory to the city, showing references, ties, locations, elevations, and other necessary data relating to monuments and bench marks set in accordance with the requirements of this ordinance shall be submitted to the city, to be retained by the city as a permanent record.

SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

16. The following illustrations are provided for further description.

SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

17. 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. 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).

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

- 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.

### 18. 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 bicycle circulation. New streets should be constructed to the standards specified in the TSP to allow for pedestrian and bicycle access. In cases where a new street is not practicable per

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

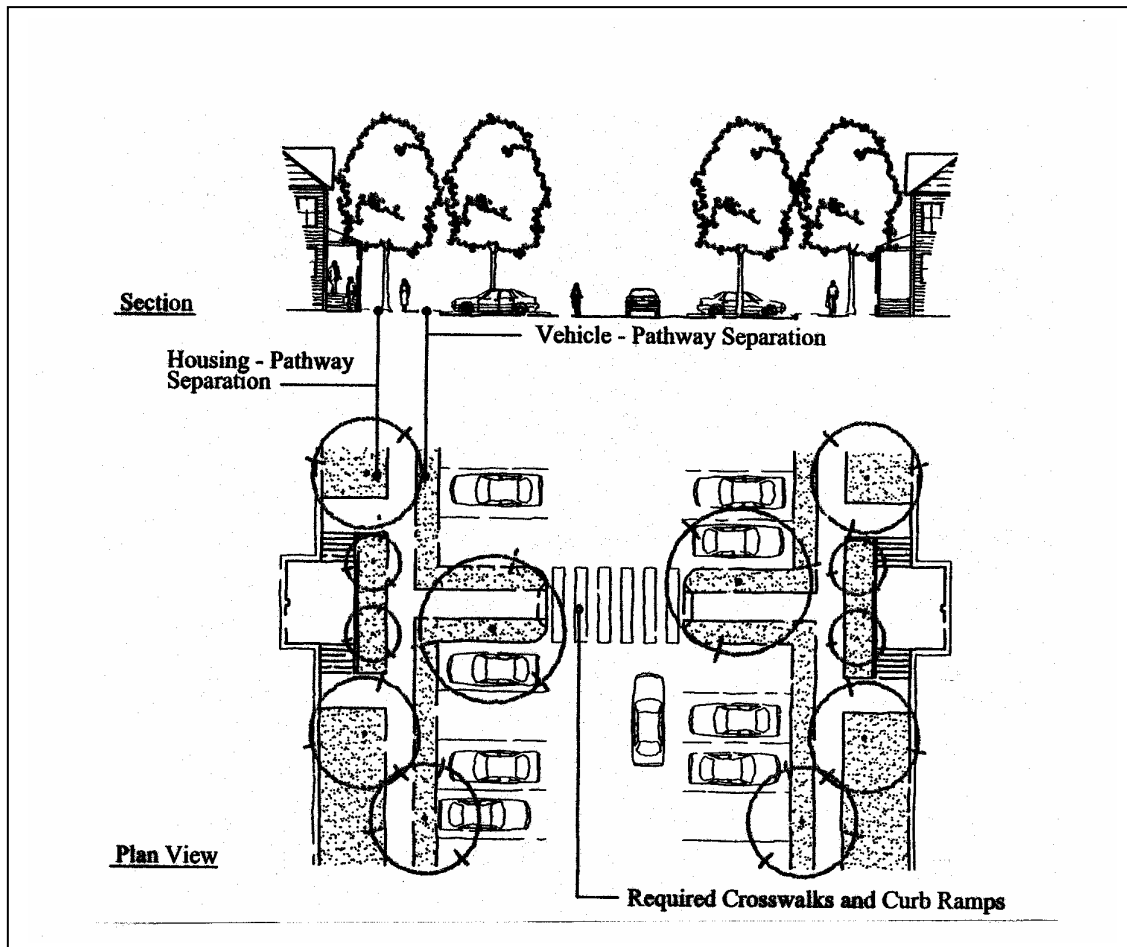
Section 22.1, new development, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Subsections (a) and (b) below:

1. **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 Section 39, Streets, and the Standards and Specifications document for the City.
2. **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances, and all adjacent streets based on the following definitions:
  - a. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - b. **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
3. **Pathway connectivity.** Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 22.1, Street Standards. 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 Section 22.1(8), Cul-de-Sacs. Pathways used to comply with these standards shall conform to all of the following criteria:
  - a. 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;
  - b. If streets within a subdivision or neighborhood are lighted, pathways shall also be adequately lit;
  - c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep (greater than 20%);
  - d. The decision-maker may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection

## SECTION 22.1 - GENERAL DEVELOPMENT STANDARDS

now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection

**Figure 22.1-17 - Pathway Standards**



4. Design and Construction. Pathways shall conform to all of the standards in a & b:
  - a. 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.
  - b. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 6 feet wide. (See also, City of Tillamook Street and Storm Drainage Design Standards Section 3.02, Walks, Ramps, Driveways and Curb Cuts.

(Added by Ordinance #1187, effective 12/03/03)



SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

1. Purpose. The purpose of the Site Development Standards is to bring under special review those projects involving building design and the development of land where inappropriate development may cause a conflict between uses in the same adjoining district by creating unhealthful or unsafe conditions, and thereby adversely affecting the public health, safety, and general welfare.
  
2. Objective
  - A. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of development.
  
  - B. Discourage monotonous, drab, unsightly, dreary and inharmonious design.
  
  - C. Conserve the City's natural beauty and visual character and charm by insuring structure signs, and other improvements are property 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, and;
  
  - D. Protect and enhance the City's appeal to tourists and visitors, and thus support business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
  
3. Types of Development Requiring Approval.
  - A. An administrative site plan review shall be conducted when plans are made in the R-0, C-C, C-N, C-H, I-L, I-G Zone District:
    - 1) Conversions of residences to commercial uses.
  
    - 2) Expansion of existing commercial, industrial, or public facility uses and structures if the expansion is less than 50% of the existing structure or less than 10,000 square feet (whichever is smaller) and exceeds 50% of the market value before improvement or repair is started [Note: if the exterior structural addition, extension or relocation of, or to, an existing structure does not equal or exceed 50% of the market value of the structure before the improvement or repair is started, Site Plan Review approval is not required].
  
    - 3) Previously approved site plan reviews that are null and void and no changes are proposed.
  
  - B. A site plan review shall be conducted before the City Planning Commission when plans are made in the R-0, P & S-P, C-C, C-N, C-H, I-L, I-G Zone District:
    - 1) For a new structure, exceeding 120 square feet in size, on a vacant/undeveloped piece of property.

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- 2) For expansion of an existing structure, which is greater than 50% of the existing structure or greater than 10,000 square feet and exceeds 50% of the market value before improvement or repair is started.
  - 3) For a multi-family dwelling having five or more units.
- C. A site plan review within the TC District shall be required as specified below:
- 1) A site plan review shall be required for a new structure.
  - 2) For an exterior structural addition, exterior extension, exterior remodeling, or other exterior development that requires a building permit or other permit required by this Ordinance, site plan review shall be required for development which equals or exceeds 10% of the market value of the structure before the improvement or repair is started. County assessment records shall be used as the basis for establishing market value.
  - 3) For an exterior structural addition, exterior extension, exterior remodeling or other exterior development that requires a building permit or other permit required by this Ordinance which has a market value below the threshold established above, compliance with the standards in this section shall be processed by administrative action. In processing administrative requests, the Director may waive selected submittal requirements if they are not necessary to determining compliance with this chapter. In addition, the Director may forward any request to the Planning Commission for review if the scale or nature of the proposal merits broader review.
4. Planning Commission Authority. The Planning Commission shall approve, approve with conditions or disapprove, the site plans for all buildings or structures in those zoning districts where Site Development Standards are required.
5. Site Plan Procedures. The site plan shall be drawn to scale and indicate the following:
- A. Site Plan to locate where appropriate:
- 1) Structures, both existing and proposed
  - 2) Driveways
  - 3) Landscaped areas
  - 4) Off-Street vehicle and bicycle parking spaces
  - 5) Points of egress and ingress, including on-site traffic movement
  - 6) Loading areas
  - 7) Utility service and drainage areas
  - 8) Pedestrian pathways and internal circulation
  - 9) Fences and walls
  - 10) Relationship of site to abutting properties

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

B. Landscape Plan

- 1) Topography, existing grades, elevation and proposed grades
- 2) Existing trees
- 3) Species, size and location of plant materials

C. Architectural Drawings

- 1) Floor Plans
- 2) Any other improvements
- 3) Elevations (existing and proposed)

D. Exterior Surface Specifications

- 1) Type
- 2) Color
- 3) Texture
- 4) Elevations
- 5) Any other improvements

E. Exterior Lighting

- 1) Type
- 2) Height
- 3) Area of illumination

F. Sign Plan

- 1) Location
- 2) Size
- 3) Design
- 4) Material
- 5) Color
- 6) Method of illumination, if lighted

G. Traffic Capacity Plan

- 1) Points of egress and ingress, including on-site traffic movement
- 2) Off-street parking
- 3) A carrying capacity plan detailing trips and general traffic generated by the business activity of full development.
- 4) Vision clearance areas

6. Criteria and Standards. Each of the following must be addressed by the applicant in order for the Site Plan Review application to be considered complete:

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

A. 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. For all landscaping, live material shall be predominantly used.

B. Landscaping Requirement

1) New Construction

- a) 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.
- b) 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.

2) Existing Buildings and Structures

- a) 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.

3) Landscaping Requirement Prior to Occupancy

- a) All landscaping required and approved by site review for Sections b.1 and b.2 aforementioned shall be installed prior to 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.

4) Height and Size

- a) 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. Each tree is to be adequately staked.

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

- b) 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.
- c) 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.
- d) Shrubs shall be supplied in one-gallon containers or 9"-10" burlap balls with a minimum spread of 12" to 15"

5) Off-Street Parking Areas

Landscaping shall be used to define, soften and screen the appearance of off-street parking areas from public rights-of-ways.

- a) Evergreen and/or deciduous plant material shall have a minimum height at the time of planting of 18" - 24".
- b) Parking lot plants and/or berms shall be designed to allow surveillance of the lot from the street at several points.

6) Special Features

Exposed storage areas, trash receptacles, service areas, truck loading areas, utility buildings and similar accessory areas and structures shall be subject to setbacks, screen plantings and other screening methods to prevent their being incongruous with existing surrounding properties.

7) Live Material, Compatibility and Maintenance

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.

8) Alternatives

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

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

conflict with the overall intent of Section 22,6 which is to promote adequate and pleasing landscaping for development.

C. Signs. As per Section 24.

D. Color - Exterior Structures.

The use of color on buildings, structures, and accessory uses shall be in keeping with the surrounding environment and uses. An appropriate list of colors will be provided by the Commission upon request.

E. Utility Service.

- 1) It shall be encouraged that whenever feasible, electric, telephone and other utility lines shall be located underground.
- 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)).

F. Traffic Capacity Analysis\*

- 1) The Commission may require a proposed development to submit a detailed Traffic Capacity Plan.
- 2) The following requirements are to be dealt with as part of the total Site Development Plan for high traffic generating developments adjacent to highway:
  - a) The analysis shall include alternatives for access to the development from highways, country roads, and city streets.
  - b) The analysis of alternative access should include:
    - (1) Existing daily and P.M. peak hour counts by traffic movements at intersections affected by generated traffic from the development.
    - (2) Projected daily and P.M. peak hour volumes for these same intersections and proposed access points when the development is in full service. This shall be shown by the use of traffic flow diagrams.
- 3) A determination of the existing levels of service and projected levels of service at each intersection and access points studies. These determinations shall be in conformance with nationally accepted capacity manuals or equivalent manuals.

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

- 4) An analysis of the need for traffic signals. This should include a traffic warrant computation based on the National Manual on Uniform Traffic Control Devices.
- 5) A complete analysis of the trip generation for the development, following the "1976 Institute of Transportation Engineer's Information Report" Trip Generation or the most current information.
- 6) The recommendation made in the analysis should be specific, and should be based on a minimum level of service "D" when the development is in full service. As an example, if a traffic signal is recommended, the recommendation should include the type of signal control and what movements should be signalized. If storage lanes for right and left turns are needed, the recommendation should include the amount of storage needed. If several intersections are involved for signalization, and an interconnect system is considered, specific analysis should be made concerning progression of traffic between intersections.
- 7) The analysis should also include considerations for bicycle and pedestrian usage of the development.

\* Oregon Department of Transportation, Highway Division, "Minimum Requirements for Traffic Report".

G. Surface Water Drainage

Adequate provisions shall be made to insure proper drainage of surface waters, to preserve natural flow of watercourses and springs, and to prevent soil erosion and flooding as per Section 20, Flood Hazard Overlay Zone.

H. Agricultural Areas

- 1) All rear lot lines abutting the Tillamook County F-1 Zone shall be fenced.
- 2) Additional setbacks and landscaping requirements may also be required as needed.
- 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."

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

I. 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 Section 22(3), any demolition, interior remodeling or alterations to a historic building, or development of a historic site shall be subject to a public hearing. The City shall give 45 days notice to the State historical 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.

J. 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 for riparian vegetation:
  - a) A setback of 50' shall be required for all buildings and construction that are not water dependent, on all wetlands, mainstems 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.



SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

- 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 accommodate the proposed use after the yard opposite the riparian area has been reduced to a width of no less than ten feet.
- 5) 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.
- 6) 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.

K. Other Requirements

Any other such architectural or engineering data may be required by the Planning Commission to permit the necessary findings that provisions of this Ordinance are complied with.

- 1) In coastal shorelands, proposals for structural shoreline stabilization shall be subject to structural stabilization standards in Section 3.140 of the Tillamook County Ordinance No. 33 (adopted by reference in Section 21 of the Tillamook City Zoning Ordinance).

L. Historic Architectural Design Guidelines for the Town Center Zone District: To create harmony between the existing architectural character and new elements introduced into the Town Center, all new structures, additions and uses should be compatible with the prevailing character of the surrounding area. 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.

SECTION 22 - SITE DEVELOPMENT STANDARDS (for R-O, P & S-P, C-TC, C-C, C-N, C-H, I-L, & I-G Districts)

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, the following specific guidelines apply.

- 1) Retention of Original Construction. So far as practicable, all original exterior materials and details (including doors and windows) should be preserved.
- 2) Building Width.
  - ◆ The width should not exceed that which was traditional for the building styles of the Town Center.
  - ◆ 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.
- 3) 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 historic period of the Town Center.
  - ◆ 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.
- 4) 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.
  - a) Entrances
    - ◆ 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.

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- b) Windows
  - ◆ Discourage introducing or changing the location or size of windows or other openings that alter the architectural rhythm, alignment or character of the original building.
  - ◆ 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 should 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.
  
- c) 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.
  
- 5) 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.
  
- 6) Awnings. Awnings provide a “ceiling” for pedestrian traffic, which helps to give a sense of enclosure to the street and protection from the elements. Awnings can also enliven the street, with color, texture, and an expression of a business “personality.”

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- ◆ Awnings and canopies 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.
  - ◆ 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.
  - ◆ 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, barrel awnings are prohibited as they detract from architectural features with incompatible materials that are out of scale.
- 7) 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.
- ◆ Wall signs, window signs, canopy and blade signs attached to buildings should be compatible in scale without obscuring the architectural features.
  - ◆ Blade signs are encouraged; freestanding, plastic and internally illuminated acrylic sign faces are not recommended.
  - ◆ Window signs should be at eye level to entice the pedestrian.
  - ◆ The use of gold leaf window signs at an appropriate scale is recommended.
  - ◆ Historic product signs painted on building sides should be preserved when possible, as they contribute to the character of the commercial area.
  - ◆ Murals are prohibited in the Town Center Zone District.
- 8) 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.
- ◆ Places should be provided for public activities. Informational kiosks, historical markers, and flagpoles are encouraged.
  - ◆ People should be provided with certain services: drinking water, places to sit and rest, places to stand out of the rain or sun. Benches should be accessible but out of pedestrian flow.
  - ◆ Unsightly signs and unused sign supports should be removed; signs better relating to the pedestrian should be installed.
  - ◆ Streetlights and other sidewalk elements should be placed so as not to obscure line of vision of automobiles. Historically appropriate streetlights should be installed.
  - ◆ Garbage cans are unattractive and should not be part of the streetscape; trash receptacles should be attractive, serviceable, durable and easily maintained.

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- 9) Color. Color can dramatically affect the appearance of buildings and should be 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.
  - ◆ Minimize the number of colors on the building's exterior in order to maintain a cohesive appearance with minimum visual distraction. Commercial buildings should use no more than three 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.
  - ◆ Bright neon paint colors and large areas of intense white colors should be avoided.
- 10) 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.
- 11) Graphics. The graphics in the Town Center District chapter shall be used as a guide to compliance with the standards in this chapter.
7. Application for Site Plan Review. A request for site plan review may be initiated by a property owner or authorized representative. The application shall be filed with the Planning Department, accompanied by a filing fee as determined by the Tillamook City fees schedule listed in Section 10 (8), and by a written statement addressing each of the Criteria and Standards as listed above in Subsection 6 of this Section. The applicant shall also pay the cost of publication and notification as required by Section 10 (3). One (1) copy of the site plan shall be submitted for preliminary approval, and a pre-application conference needs to be scheduled, prior to acceptance of the application, as per the following subsection 8.
8. Preliminary Site Plan Approval. A site plan for the total parcel shall be prepared and one (1) copy shall be submitted to the City Planner for review, at the time a pre-application conference is held. If, at the time of the pre-application conference, the City Planner finds that the site plan meets the requirements of Section 22 (5) & (6), the application shall be prepared for the Planning Commission for review and a hearing, according to the application procedures described in Section 10. Additional materials may be requested that are essential to the proposed use, site or its relationship to surrounding properties.

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9. Final Plan Approval. Within 45 days of submission of the application, after preliminary plan approval, the Planning Commission shall approve, approve with conditions, or disapprove, the site plan. In approving the plan, the Planning Commission shall find that all applicable provisions of this Ordinance are complied with. The decision of the Planning Commission shall be final unless appealed to the City Council.
  
10. Appeal. The applicant or any person withstanding may appeal a decision of the Planning Commission to the City Council on the form prescribed by the City. Such appeal shall be filed with the City Recorder within ten (10) days of the decision of the Planning Commission. The appeal shall be placed, if possible, on the agenda for the next regular Council meeting. The City Council shall review the site plan and shall approve, approve with conditions or disapprove the plan based on the considerations listed in subsection 6.
  
11. Revisions. Revisions made by the applicant to an approved site plan shall be made pursuant to the procedures set forth in this section. Where required Site Plan Approval has been granted, it shall be unlawful for any person to cause or permit the proposed construction, alteration, improvement or use in any manner except in complete and strict compliance with the approved site plan.
  
12. Time Limitation.
  - A. Site plan approval shall be null and void after one (1) year, unless a building permit been issued and substantial construction has taken place.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

### LAND DIVISIONS (MINOR/MAJOR PARTITIONS, SUBDIVISIONS)

1. Purpose. The purpose of this Ordinance is to enact subdivision and land partitioning and expedited land division regulations for the City of Tillamook which will provide for better living conditions within new land divisions; assure necessary streets, utilities and public areas and provide for their installation or improvement; enhance and secure property values in land divisions and adjacent land; simplify and make land descriptions more certain and in general to promote the health, safety, convenience and general welfare of the people consistent with the Tillamook City Comprehensive Plan.
2. Rules of Application. No person shall subdivide, submit a land division or partition an area or tract of land without compliance with the provisions of this Ordinance.
  - A. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by the City provisions of this Ordinance until such approval is obtained and the plat thereof has been acknowledged and recorded with the County Recording Officer.
  - B. No person may dispose of, transfer, sell or agree to sell any parcel in a major partition or a minor partition prior to approval as required by the provisions of this Ordinance.
  - C. No person subdividing or partitioning a parcel of land shall lay out, construct, open or dedicate thereon a street, sanitary sewage disposal system, storm sewer, water supply or other improvements for public or common use unless the partitioning has received preliminary and construction plan approval pursuant to the provisions of this Ordinance.
3. Minor Land Partitioning
  - A. Minimum Standards. The minimum standards for design and improvements in a minor land partitioning shall conform to standards mentioned in Section 8 of this section and Section 22.1 of this Ordinance. A minor partition does not include the creation of a street.
  - B. Initial Submission. The person proposing the partition, or his authorized agent, or representative, shall make an application in writing to the City Planner. Each application shall be accompanied by one reproducible copy of the tentative plan map, and any proposed deeds for easements. Ten (10) copies shall be submitted to the City Planner at least 45 days prior to the Planning Commission Hearing at which such plan would be considered. A filing fee as listed in Section 10 of this Ordinance shall be paid at this time.
  - C. Information on Map. A tentative site plan map, drawn to scale, shall indicate the following:
    1. The location, existing and proposed boundaries and acreage of parcels in the proposed partition; location, width, name and purpose of all adjacent streets or easements, and location and outline of existing buildings;
    2. The date, north point, scale, and a written legal description of the entire property;
    3. Name and address of the record landowner or owners and the person who prepared the map;
    4. Approximate acreage of the land under a single ownership;

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5. Outline and location of existing buildings to remain in place;
6. Parcel layout, showing size and relationship to existing streets and utility easements;
7. Additional information as required by the Planning Commission, such as a site investigation by a qualified geotechnical expert when the average slope of the lots created is greater than 20 percent.

### D. Review and Approval.

1. Within 30 days of the receipt of the completed minor partition application, the City Planner shall distribute copies thereof to appropriate offices and agencies, and property owners within the distance as described in Section 10 of this Ordinance, for their review. Not more than 15 days thereafter, such copies shall be returned to the City Planning Department together with any comments or information they deem necessary. Upon receipt of this information, the Planning staff shall transmit to the Planning Commission, or handle internally for administrative processing, a written report and recommendation including available reports and recommendation of the City Engineer and/or other affected agencies.
2. After receipt of the report, the City Planning Commission shall take action on the proposed partition at a regular meeting, or City Staff shall handle the process administratively, as directed by Section 10 of this Ordinance. The Planning Commission, or Staff, shall determine whether the proposal is compatible with the zoning Ordinance and other requirements of the City. In approving a minor partition, the Planning Commission may require modifications in the proposal, or conditions to be met, such as the dedication of easements.
3. Approved partitions shall be signed by the Planning Commission chairperson or designee. The date of approval and any conditions attached to the approval must be completed prior to final approval. Upon final approval, the landowner may proceed to sell the lots without further action or filing on his part.
4. Decisions made by the Planning Commission may be appealed to the City Council in accordance with Section 33 of this Ordinance.

E. Filing of Partition Map. Approval of the map shall be null and void if the map is not recorded within one (1) year after final approval is obtained from the City.

### 4. Lot Line Adjustments

A. Area of Application. A lot line adjustment is a change to a property boundary that only modifies existing lots and does not create a new parcel of land or reduce the number of lots.

#### B. Standards

1. A lot line adjustment cannot create or vacate a parcel. Creation or vacation of a parcel requires a separate approval process by the City of Tillamook.
2. Following the lot line adjustment, all lots must comply with lot size and dimensional standards of the applicable land use district. For non-conforming lots, the adjustment shall



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not increase the degree of non-conformance of the subject property or surrounding properties.

3. If there are existing structures on the parcels, the lot line adjustment may not result in a setback violation.

C. Submittal Requirements. The following information and material must be submitted by the applicant:

1. Applications for lot line adjustments shall be submitted on forms provided by the City to the City Planner and accompanied by the appropriate fee. The application must be signed by the owners of all lots affected by the application.

2. Each application shall be accompanied by a preliminary map drawn to scale of not less than one inch equals fifty (50) feet nor more than one inch equals 200 feet, and containing at a minimum, the following:

- a. Appropriate identification stating the drawing is a preliminary map.
- b. North point, scale and date.
- c. Name and addresses of landowners, applicants, engineer, surveyor, planner, architect or other "individuals responsible for the plan.
- d. Map number and tax lot or tax account number of subject property.
- e. The proposed boundary lines and approximate area of the subject property created before and after the adjustment.
- f. Dimensions and size in square feet or acreage of all proposed parcels.
- g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, or political boundary lines.

D. Review Process. A lot line adjustment is subject to City Manager or Designate review. After a lot line adjustment is approved, the new boundary becomes effective only after the following steps are completed:

1. A metes and bounds legal description of the adjusted lots is recorded with the Tillamook County Clerk.

2. As required by ORS Chapter 92, a final plat and boundary survey are prepared and all new boundaries are monumented as required by ORS Chapters 92 and 209. The final plat is submitted to the City for signatures. After signatures are received the applicant files the final plat in the County Surveyor's office and returns three (3) copies to the City.

### 5. Major Land Partitioning

A. Minimum standards. The minimum standards for design and improvements in a major land partitioning shall conform to Section 8 of this Section. The Planning Commission, under quasi-judicial review, or the City Staff, may approve the creation of a street to be established

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by deed without full compliance with the regulations applicable to subdivisions provided any of the following conditions exist:

1. The establishment of the public street is initiated by the City Council and is declared essential for the purpose of general traffic circulation.
2. The tract in which the street is to be dedicated is a major partition under single ownership either of not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
3. The street is the only reasonable access to the rear portion of an extraordinarily deep land parcel, which should be divided into not more than two parcels.

B. Initial Submission. A tentative map for the major partitioning of land shall be submitted to the City Planner at least 30 days prior to the meeting of the Planning Commission.

C. Preliminary Review. The following provisions shall apply to preliminary review of a major partition.

1. The applicant shall prepare an application, a tentative plan and any proposed deeds for easements. Ten (10) copies of the materials mentioned above shall be submitted to the City Planner at least 45 days prior to the Planning Commission Hearing at which consideration will be required.

D. Information on Tentative Map. The tentative major partition map shall contain:

1. Date, north point, scale and sufficient description to define the location and boundaries of the tract to be partitioned and its location;
2. The tentative major partition map shall be drawn on paper at least 8 1/2 x 11 inches, at a scale of 1 inch equals 50 feet, or, for areas over 10 acres, 1 inch equals 100 feet;
3. Names and addresses of the owner, partitioner, engineer and surveyor, if any, or any other professional person employed in the preparation of the major partition;
4. Size of the original tract and size of parcels proposed;
5. The locations, names, widths, approximate radii of curves and grades of all existing and proposed streets and easements in the proposed major partition and along the boundaries thereof. The names of adjoining platted subdivisions and portions of the subdivisions and partitions as shall be necessary to show the alignment of streets and alleys therein with the streets and major partition;
6. Contour lines at 20' contour intervals, where the information is made available by the city;
7. Outline and location of existing buildings to remain in place;
8. The location of any streams;
9. Location and size of sewer and water lines and drainage ways;

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10. Names of recorded owners of all contiguous land;
11. Parcel layout and relationship to existing or proposed streets, and utility easements, and any proposed lot numbers;
12. If impractical to show on the tentative map, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features, such as streets, railroads and water courses.

E. Supplemental Information. The following may be required by the City Manager, or designate, to supplement the map of a major partition:

1. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed major partition showing the finished grade of streets and the nature and extent of street construction.
2. A grading plan showing the nature and extent of all cuts and fills, and information on the nature of the soils, provisions for storm drainage, erosion control and revegetation.
3. Information showing areas to be cut or filled.
4. A site investigation by a qualified geotechnical expert for proposals when the average slope of created parcels is 20 percent or more, or in other cases where in the opinion of the Planning Commission a geological hazard may exist.

F. Review and Approval.

1. Within five (5) days after a partitioning plan submitted and accepted, the City Planner shall distribute copies thereof to appropriate offices and agencies for their review. Not more than fifteen (15) days thereafter, the copies shall be returned to the City Planner with any comments or information each deems necessary for the public benefit. The Oregon Real Estate Commissioner shall be notified of the plan submission as appropriate.
2. The Planning Commission shall consider the tentative plan and the reports by appropriate agencies at a Planning Commission public hearing no more than sixty (60) days after the tentative plan is submitted. The plan shall be approved by the Planning Commission if the Commission can determine that:
  - a. the plan conforms to the laws of the state and to the requirements of this ordinance and other pertinent city ordinances; and that
  - b. improvements and payment provisions as specified in Section 22.1 of the Ordinance have been complied with

G. Submission of Final Map. Not more than one year following approval of the tentative map, the partitioner shall prepare and submit to the City Planner a final map in conformance with the tentative map as approved. A reproducible drawing shall also be submitted to the City Recorder.

H. Information on Final Map. The final map shall show the following:

1. The date, scale, north point (general pointing up), legend, and controlling topography (i.e., creeks, highways, railroads, etc.);
2. Reference points of existing surveys identified, related to the map by distances and bearings, and referenced to a field book or map as follows:

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- a. All stakes, monuments or other evidence found on the ground and used to establish the initial point of the partitioned area boundary and to otherwise determine the boundaries of the partitioned area;
- b. Adjoining corners of all adjoining developed areas;
- c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the map;
- d. Whenever the city has established the centerline of a street adjacent to or within the proposed partitioned area, the location of this line and monuments found or reset;
- e. All other monuments found or established in making the survey of the partitioned area or required to be installed by the provisions of this ordinance.

3. Tract boundary lines, right-of-way lines and center lines of streets, and lot lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in 10,000 feet;

4. The center and side lines of all streets, the widths of the portions being dedicated, and width of existing rights-of-way, and the widths each side of the center line. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius, and central angle. Block corner curb data to be shown separately;

5. All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement, Easements shall be denoted by fine dotted lines. The widths of the easement and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the partition must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

6. Lot numbers beginning with the number "1" and numbered consecutively in a clockwise direction.

I. Information in Statement. At time of submission of the final map, a statement shall be submitted containing information required in Section 22.1 of this Ordinance.

J. Technical Review. Review of the final map shall conform to the requirements of Section 6(K) of this Section.

K. Final Approval of City Planning Commission/City Manager or Designate

Final approval of a Major Partition by the City Planning Commission, or City Planner, shall be pursuant to the provisions of Section 6(L).

L. Appeal to the City Council or Hearings Referee. Decisions by the Planning Commission, or Staff, on preliminary and final maps on preliminary and final maps may be appealed to the City Council, or a hearings referee, in accordance with Section 33 of this Ordinance.

M. Filing of Final Map. Approval of the final map shall be null and void if the map is not recorded within 90 days after approval is obtained.

### 6. Subdivision of Land

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A. Initial Submission. Ten copies of a tentative plan consistent with Section C (1- through-18) below shall be submitted to the City Planner at least 30 days prior to the meeting of the City Planning Commission, or formal declaration of applicability of the expedited land division process.

B. Preliminary Review.

1. Upon receipt of a completed application accompanied with filing fees, the City Planner shall transmit copies of the tentative plan to the City Planning Commission, City Council, other agencies, such as the County and affected special districts.

2. The City Planner shall prepare a report on the plan for submission to the City Planning Commission or by finding. The report shall include information on the Comprehensive Plan, Comprehensive Plan Background Report, zoning, adjoining streets and property, existing sewers, water mains, culverts, electric conduits, and other community facilities, in addition to features of the proposal, together with any other data pertinent to the review of the plan.

3. The City Planner shall provide adequate public notice according to Section 10 (subsections 10 & 11), of this Ordinance. Individual notices shall be mailed to all owners of parcels of land within 250 feet of the subdivision boundaries, according to Section 10 (3) of this Ordinance.

C. Information on Tentative Plan (Plat). The tentative plan shall contain the following information:

1. Proposed name, date, north point, and scale of drawing.

2. Tentative plans shall be to a scale of one inch equals 50 feet or better, except tracts over 10 acres which may be to a scale of one inch equals 100 feet, and shall be clearly and legibly produced.

3. Location of the subdivision sufficient to define its location and boundaries, and a legal description.

4. Name and address of the owner, and/or authorized agent.

5. Appropriate identification of the drawing as a tentative plan.

6. Names, business address and number of the registered engineer and licensed surveyor who prepared the plan of the proposed subdivision.

7. Location of natural features, such as streams, trees, rock outcroppings.

8. Contour lines at 2' contour intervals.

9. The locations, names, widths, approximate radii of the curves and grades of all existing and proposed streets and easements in the proposed subdivision and along the boundaries thereof, and the names of adjoining platted subdivisions and portions of the subdivisions as shall be necessary to show the alignment of the streets and alleys therein with the streets and alleys in the proposed subdivision.

10. Names of the record owners of all contiguous land.

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11. The approximate location and character of all existing and proposed easements and public utility facilities, including water and sewer lines in the subdivision or adjacent thereto, storm water drainage facilities, and utility lines.
12. The location and approximate dimensions of each lot, with each lot numbered.
13. The outline of any existing buildings and their use showing those which will remain.
14. The location of at least one temporary benchmark within the subdivision boundaries.
15. City boundary lines crossing or bounding the subdivision.
16. Approximate location of all areas subject to inundation of storm water overflow and location, width, known high water elevation flood flow and direction of flow of watercourses.
17. If impractical to show on the tentative plan, a key map showing the location of the tract in relationship to section and township lines and to adjacent property and major physical features such as streets, railroads and water courses.
18. The net density of the subdivision, the total acreage of land, square footage of each lot, and square footage of open areas or common open space.

D. Partial Development. If the subdivision proposal pertains to only part of the tract owned or controlled by the subdivider, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

E. Information in Statement.

1. A general explanation of the improvements and public utilities, including water supply and sewage disposal proposed to be installed.
2. Requested variances.
3. Public areas proposed.
4. Open space, landscaped areas, and tree planting proposed, and means of maintaining such Improvements.
5. A preliminary draft restrictive covenants proposed, if any.
6. Information showing areas to be cut or filled.

F. Supplemental Information. Any of the following may be required by the Planning Commission to supplement the plan of a subdivision.

1. Approximate centerline profiles with extensions for a reasonable distance beyond the limits of the proposed subdivision showing the finished grade of streets and the nature and extent of street construction.
2. A plan for domestic water service lines and related water service facilities.
3. Approval for sewage disposal, storm water drainage, or flood control.
4. Proposals for other improvements such as electric utilities and sidewalks, fire hydrants and streetlights.

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5. An engineering geologist or soils engineer report of the stability of slopes when the average slope of created parcels is 20 percent or greater.

6. Other information as necessary.

G. Preliminary City Planner or Planning Commission Determination. City Staff shall first determine whether the tentative plan is in conformity with the provisions of the Comprehensive Plan and this ordinance. As a quasi-judicial process, the Planning Commission shall then determine whether the tentative plan is in conformity with the provisions of the comprehensive plan and of this Ordinance. The Planning Commission may approve the tentative plan as submitted, or as it may be modified. If the City Planning Commission does not approve the plan, it shall state the reasons for denial. The action of the Planning Commission shall be noted on two copies of the tentative plan, including any conditions attached thereto. The Planning Commission shall retain one copy and the other returned to the subdivider. An appeal, to the City Council, of a Planning Commission decision may be made consistent with Section 33 of this Ordinance.

H. Submission of Final Plat. Within one year after approval of the tentative plan, the subdivider, or land divider shall cause the proposed subdivision, or any part thereof, to be surveyed and a plat thereof prepared in conformance with the tentative plan as approved or conditionally approved, unless an extension is requested in writing and granted by the Planning Commission.

1. A request for extension must be submitted prior to the expiration of one year.

2. An original drawing and five blue line or black line prints of the plat shall be submitted to the City Recorder.

I. Information on Final Plat. The final plat, in addition to other information required by ORS Chapter 92, shall show the following:

1. The date, scale, north point (generally pointing up), and legend.

2. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

a. All stakes, monuments or other evidence found on the ground and used to establish the initial point of the subdivision boundary and to otherwise determine the boundaries of the subdivision;

b. Adjoining corners of all adjoining subdivisions;

c. Whenever there has been established or adopted a system of coordinates, ties into this system but in the absence of such a system, township and section and donation land claim lines within or adjacent to the plat;

d. Whenever the city has established the centerline of a street adjacent to or within the proposed subdivision, the location of this line and monuments found or reset;

e. All other monuments found or established in making the survey of the subdivision or required to be installed by the provisions of this Ordinance.

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3. Tract boundary lines, right-of-way lines and center lines of streets, and lot and block lines with dimensions, bearings or deflection angles and radii, arcs, points of curvature and tangent bearings. Tract boundary and street bearings shall be shown to the nearest 10 seconds with basis of bearings. All distances shall be shown to the nearest 0.01-foot. Error of closure shall be within the limit of one foot in 10,000 feet.

4. The location of additional monuments, which are to be set upon completion of improvements.

5. The center and sidelines of all streets, the width of the portion being dedicated, the width of existing rights-of-way, and widths each side of the center line. For streets on curvature, all curve data shall be based on the street centerline, indicating thereon the radius and central angle. Block corner curb data to be shown separately.

6. All easements clearly labeled, and identified and if already of record, the recorded reference. If any easement is not definitely located of record, a statement of the easement. Easements shall be denoted by fine dotted lines. The widths of the easements and the lengths and bearings of the lines thereof, and sufficient ties thereto, to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certified dedication.

7. Lot numbers beginning with the number "1" in each block and numbered consecutively in a clockwise direction, unless in conflict with adjoining subdivisions.

8. Block numbers beginning with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid and have sufficient size and thickness to stand out and shall be so placed as to not obliterate any figure. Block numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision.

9. Appropriate words, symbols, or legends distinguishing lots intended for sale from land parcels dedicated for any purpose, public or private, with all dimensions, boundaries, and courses clearly shown and defined in every case.

10. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the plat.

11. A certificate signed and acknowledged by the engineer or surveyor responsible for the survey and plat, the signature of such engineer or surveyor, to be accompanied by his seal.

12. Any additional certificates or information required by ORS Chapter 92.

J. Information in Statement. At the time of the submission of the final plat, the subdivider shall also submit the following:

1. A preliminary title report issued by a recognized title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises;

2. Sheets and drawings showing the following:



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- a. Traverse data indicating the coordinates of the boundary of the subdivision and ties to section corners, donation land claim corners, if any, or triangulation systems, and showing the error of closure, if any;
  - b. The computation of all distances, angles and courses shown on the final plat;
  - c. Ties to existing monuments, proposed monuments, adjacent subdivisions, street corners, and state highway stationing;
  - d. Coordinates of all block corners and all street center points.
3. A copy of any deed restrictions applicable to the subdivision.
  4. A list of all taxes and assessments on the tract, which have become a lien on the tract.

### K. Technical Review

1. Upon receipt of the final plat and accompanying data, the City Planner shall review the plat and documents, to determine that it conforms to the proposed tentative plan, and that there has been compliance with provisions of the law and with this Ordinance.
2. An engineer or surveyor may examine the plat for compliance with requirements for accuracy and completeness and shall collect such fees as are provided by state law. He may make checks in the field to verify that the map is sufficiently correct on the ground, and he may enter the property for this purpose. If he determines that there has not been full conformity, he shall advise the subdivider of the changes or additions that must be made and afford the subdivider an opportunity to make such changes or additions.
3. If the engineer determines that full conformity has been made, he shall so certify and transmit the plat to the Planning Commission.

L. Final Plat Approval of City Planning Commission/ City Manager or Designate The City Planning Commission, under quasi-judicial review, shall examine the proposed plat to determine whether it conforms to the tentative plan and with all changes permitted and all requirements imposed as a condition of its acceptance. If the City Planning Commission does not approve the proposed plat, they shall advise the subdivider of the changes or additions that must be made for this purpose, and shall afford him the opportunity to make the same. If the City Planning Commission determines that the plat conforms to all requirements, it shall approve same, but before certifying its approval thereon, it shall be required that the subdivider file the agreement and bond, or make the deposit, required in Section 8 of this Section and when the agreement and bond have been filed as approved and prescribed, the City Planning Commission approval shall be endorsed upon the plat by execution of the appropriate certificate as prescribed by law. The approval of the plat does not constitute or affect an acceptance by the public of the dedication of any street or other easement shown on the plat.

M. Filing of Final Plat. A subdivider shall, without delay, submit the plat for signatures of other public officials required by law. Approval of the plat shall be null and void if the plat is

## SECTION 23 - LAND DIVISIONS & PLANNED UNIT DEVELOPMENT

not recorded within 90 days after the date the last required approving signature has been obtained.

### N. Appeal.

1. A person may appeal to the city council a decision or requirement of the planning commission. Written notice of the appeal must be filed with the city within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal.

2. The city council shall hold a hearing on the appeal according to Section 33 of this Ordinance. The city may continue the hearing for good cause according to Section 33 of this Ordinance. The council may uphold, modify, or overrule the decision of the planning commission.

### 7. Planned Unit Development

A. Purpose. To encourage development of large land areas as planned building groups by making possible greater variety and diversification in the location and orientation of buildings and open spaces. It is further the purpose of Planned Unit Developments to utilize and take advantage of: advances in technology and design; the potential of sites characterized by special features of geography, topography, size and shape; and opportunities to further the objectives and policies of the Tillamook City Comprehensive Plan.

B. Applicability of Planned Unit Development Regulations. The requirements for a Planned Unit Development set forth in this Section are in addition to the conditional use procedures and standards of Section 27.

C. Findings for Project Approval. The Planning Commission or City Planner shall approve a Planned Unit Development only if it finds that the Planned Unit Development will satisfy standards of this section including the following:

1. The Planned Unit Development is an effective and unified treatment of the development possibilities on the project site while remaining consistent with the Comprehensive Plan, and making appropriate provisions for the preservation of natural features such as streams and shorelines, wooded cover and rough terrain.

2. The Planned Unit Development will be compatible with the area surrounding the project site and with no greater demand on public facilities and services than other authorized uses for the land.

3. Financing is available to the applicant sufficient to assure completion of Planned Unit Development.

D. Potential Uses. The following uses are allowed in a planned development if the planning commission or City Planner considers them appropriate for the particular development being proposed and if other applicable standards are satisfied:

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1. Single-family dwellings, detached or attached;
2. Duplexes and triplexes;
3. Multi-family housing developments;
4. Commercial uses supported mainly by residents of the planned development when such commercial uses require an area no larger than five percent of the area devoted to residential uses;
5. Non-residential uses permitted in the parent zone as either an outright use or a conditional use.

E. Size of the Planned Unit Development Site. A tract of land to be developed as a Planned Unit Development shall contain not less than four (4) contiguous acres and be of a configuration that is conducive to a Planned Unit Development.

F. Density. The density of a planned development shall not exceed the density of the parent zone.

G. Dimensional and Bulk Standards.

1. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a Planned Unit Development is proposed do not apply within a Planned Unit Development. The lot area may be less than the minimums set forth in this ordinance, provided that the residential density, open space, and other requirements of this section are satisfied.
2. No building shall be located closer than 20 feet from any street right-of-way within the planned development. Other setbacks may be established by the Planning Commission to provide adequate light, ventilation, privacy, and other characteristics.
3. If the spacing between main buildings is not equivalent to the spacing, which would be required between buildings similarly developed under this Ordinance on separate parcels, other design features shall provide light, ventilation and other characteristics equivalent to that obtained from the spacing standards.
4. Buildings, off-street parking and loading facilities, open space, landscaping, and screening shall provide protection outside the boundary lines of the development comparable to that otherwise required of development in the zone.
5. The maximum building height shall, in no event, exceed those building heights prescribed in the applicable zoning district in which the Planned Unit Development is proposed, except that a greater height may be approved if surrounding open space within the Planned Unit Development, building setbacks, and other design features are used to avoid any adverse impact due to a greater height.

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### H. Open Space.

1. In all planned developments forty percent (40%) of the total land area shall be devoted to open space. Of this 40%, Seventy-five percent (75%) of this area shall be common open space, and the remaining twenty-five percent (25%) of said open space may be utilized privately by individual owners or users of the planned development.

2. No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

- a. The location, shape, size and character of the common open space is suitable for the planned development.
- b. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development, considering its size, density, expected population, topography, and the number and type of dwellings provided.
- c. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open space are appropriate to the uses which are authorized for the common open space.
- d. The development schedule which is part of the development plan coordinates the improvement of the common open space, and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the Planned Unit Development.
- e. If buildings, structures or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures and improvements will be completed. The City Manager shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

3. Land shown on the final development plan as common open space shall be conveyed under one of the following options:

- a. To a public agency which agrees to maintain the common open space and any buildings, structures, or other improvements which have been placed on it.
- b. To an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws, and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the

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continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

- c. No common open space may be put to a use not specified in the final development plan unless the final development plan is amended to permit the use. However, no change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved.
  - d. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement and maintenance of the common open space shall authorize the City to enforce their provisions.
4. The development schedule which is part of the development plan coordinates the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned development.

### I. Transportation.

1. Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within planned developments shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.
2. Streets in a planned development may be dedicated to public use or may be retained in private ownership except the planning commission/city staff may require major streets to be dedicated to the public. All streets will be constructed in accordance with city public works design standards.
3. All uses shall comply with access, parking, and loading standards as shown in Section 25 of this ordinance except additional requirements may be specified by the planning commission or City Manager when appropriate.

J. Signs. All signs larger than eight (8) square feet within a planned development are subject to approval of the planning commission. The planning commission or City Manager shall consider each such sign on its merits based on the aesthetic impact on the area, potential traffic hazards, and the need for the sign.

K. Compatibility with Adjacent Development. If topographical or other barriers near the perimeter of the development do not provide reasonable privacy for existing uses adjacent to the development, the planning commission shall require buildings in the planned development to be setback an adequate distance, as determined by the planning commission or City Planner, from the perimeter and/or require an attractively designed and maintained buffer in the form of vegetation, fencing, walls, and/or berms.

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L. Maintenance of Common Areas. Common open space, streets, and any area or facility designated by the planning commission or City Planner as a shared area will comply with the following provisions:

1. The developer shall enter into a contractual agreement with the City specifying the developer's responsibility to adequately maintain any common open space, streets, shared area or structures or the property will be conveyed under one of the following options:

a. To a public agency which agrees to maintain the common open space and any buildings or structures which have been placed on it, or

b. To an association of owners and/or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and by-laws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the planning commission as providing for the continuing care of the space.

2. The property may not be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use. However, a change of use may be considered as a waiver of any of the covenants limiting the use of the property, and all rights to enforce these covenants against any use permitted are expressly reserved.

3. If the property is not conveyed to a public agency, the covenants and restrictions that govern the association of owners and/or tenants will at least include the following provisions:

a. Membership must be mandatory for each home buyer or tenant and each successive buyer or tenant.

b. The association must be responsible for liability insurance, local taxes, and the maintenance of the property.

c. Homeowners and tenants must pay their pro rate share of the cost.

d. The association must be able to adjust the assessment to meet changed needs.

4. If the common open space is not conveyed to a public agency, approval of the planned development shall be expressly conditioned upon a conveyance by the developer to the town of the development rights.

M. Utility Easements. Easements necessary for the orderly extension and maintenance of public utilities may be required as a condition of approval.

N. Public Works Design Standards. All planned developments will comply with any applicable portions of the city public facilities standards. Construction of all public facility improvements shall be in accordance with the Tillamook City Public Works Construction

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Standards adopted by Ordinance #1160. The planning commission or City Planner may also establish additional requirements which it considers necessary to assure that any development conforms to the purpose and intent of this section.

O. Accessory Uses in a Planned Unit Development. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a Planned Unit Development may include the following uses:

1. Golf courses;
2. Private park, lake or waterway;
3. Recreation area;
4. Recreation building, club house or social hall;
5. Other accessory structures which the Planning Commission finds is designed to serve primarily the residents of the Planned Unit Development, and is compatible to the design of the Planned Unit Development.

P. Application Requirements. When an application is submitted for a planned development, the following items will be submitted:

1. Written documents:
  - a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development.
  - b. A statement of the present ownership of all property within the planned development.
  - c. A statement of the proposed financing and the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development such as land areas and dwelling units.
  - d. A development schedule including:
    1. The approximate date when construction of the project can be expected to begin;
    2. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin;
    3. The anticipated rate of development;

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4. The approximate dates when each stage in the development will be completed;

5. The area, location and degree of development of common open space that will be provided at each stage.

e. Quantitative data for the following:

1. total number and type of dwelling units;

2. parcel sizes;

3. proposed lot coverage of buildings and structures;

4. approximate residential densities; total amount of open space (including separate figures for common open space and usable open space);

5. the total amount of non-residential acreage (including a separate figure for commercial and industrial acreage.)

f. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open space areas.

2. Site Plan and Supporting Maps: A site plan and any maps necessary to show the major details of the proposed planned development must contain the following minimum information:

a. The existing site conditions, including contours at two-foot intervals, shorelines, flood plains, unique natural features, and forest cover;

b. A grading plan for the site showing future contours if the existing grade is to be changed by more than two feet;

c. Proposed lot lines and other divisions of land for management, use or allocation purposes;

d. The approximate location of present and proposed buildings and structures;

e. The location and size of all areas proposed to be conveyed, dedicated, or reserved for streets, parks, playgrounds, public and semi-public buildings, and similar uses;

f. The existing and proposed vehicular circulation system including off-street parking and loading areas;



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- g. The existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system, indicating proposed treatments of points of conflict;
- h. The existing and proposed utility systems including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines;
- i. Enough information on land areas adjacent to the proposed development to indicate the relationship between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, and unique natural features of the landscape;
- j. The proposed treatment of the perimeter of the development including materials and techniques used such as screens, fences, and walls;
- k. Any additional information as required by the review authority necessary to evaluate the character and impact of the proposed development.

### Q. Review Procedures.

1. Planned developments will be reviewed in two phases; a preliminary development plan phase and a final development plan phase. However, pre-application review of the project before these phases is required.
2. The preliminary development plan will include the information and procedures specified in subsection 6, of this Section. If the proposed planned development involves subdividing land, the preliminary plat shall be reviewed concurrently with the preliminary development plan.

a. Planning Commission Action. The planning Commission shall act upon the application for a Planned Unit Development within 90 days of its submittal to the City Planner. A Public hearing shall be held in accordance with provisions in this section and Section 27. In taking action, the Planning Commission may approve with conditions or deny the Planned Unit Development based on the Preliminary Development Plan. Any Planned Unit Development authorized shall be subject to all conditions imposed, and shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder, shall be exempted from other provisions of this Ordinance only to the extent specified in said authorization. Any approval of a Planned Unit Development granted hereunder, shall lapse and become void unless, within 12 months after the final granting of approval, or within such other period of time as may be stipulated by the Planning Commission as a condition of such approval, construction of the buildings or structures involved in the development has begun and diligently pursued. The Planning Commission may further impose other conditions limiting the time within which the development or portions thereof must be completed. The decision of the Planning Commission shall be final unless appealed to the City Council according to the procedures set forth in Section 33.

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3. Within three (3) months to a year following the approval of the preliminary development plan, or approval of the plan with conditions, the applicant shall file with the City a final development plan containing in final form the information required in the preliminary plan. This plan may be for the entire development or, when submission in stages has been authorized, for the first stage of the development.

4. If the City Planner finds evidence of a material deviation from the preliminary development plan, the City Planner shall advise the applicant to submit an application for amendment of the Planned Unit Development to the Planning Commission. An amendment shall be considered in the same manner as an original application. If no significant deviation from the preliminary development plan is found the City Planner will approve the planned development.

R. Control of the Development After Completion. The final development plan shall continue to control the Planned Unit Development after it is finished, and the following shall apply:

1. The building official in issuing a Certificate of Completion of the Planned Unit Development shall note the issuance on the recorded final development plan.

2. After the Certificate of Completion has been issued, the use of the land and the construction, modification or alteration of a building or structure within the Planned Unit Development shall be governed by the approved final development plan.

3. After the Certificate of Completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan, except as follows:

a. Minor modifications of existing buildings or structures may be authorized by the Planning Commission if they are consistent with the purposes and intent of the final plan and do not increase the cubic footage of a building or structure.

b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.

4. An amendment to a completed Planned Unit Development may be approved by the Planning Commission if it is required for the continued success of the Planned Unit Development, if it is appropriate because of changes in conditions that have occurred since the final development plan was approved, or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related land use regulations.

5. No modification or amendment to a completed Planned Unit Development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to

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enforce these covenants against any change permitted by this section are expressly reserved.

S. Commercial/Industrial P.U.D. In addition to the criteria contained in subsection 6 of this section, a P.U.D. within a Commercial or industrial zone shall be subject to the following standards:

1. The principal uses conducted on the site are either outright or conditional uses for the respective zone. Conditional uses shall meet the review criteria of Section 27.
2. Secondary uses shall be directly related to the principal use, or provide support services including, but not limited to, transportation, housing, commercial service and commercial retail.
3. Secondary uses should be limited to 30% of the buildable area within the P.U.D.

T. Adherence to Approved Plan. Building permits for construction within a planned development shall be issued only on the basis of an approved planned development plan. Any changes in an approved plan will be submitted to the planning commission and shall be reviewed using the same procedure used to review the original application.

### 8. Design Standards

A. General Requirements. Before final approval of a final plat of a subdivision or final map of a major partition, the subdivider shall either install required street improvements and repair existing streets and other existing public facilities damaged in the development of the property or 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. The agreement shall also provide the reimbursement of the City for the cost of inspection by the City of the improvements to be installed. 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.

1. Public Works Design Standards. All major partitions, subdivisions, planned developments will comply with any applicable portions of the city public facilities standards. Construction of all public facility improvements shall be in accordance with Section 22.1 of this Ordinance and the Tillamook City Public Works Construction Standards adopted by Ordinance #1160. The planning commission, City Planner and/or Public Works Director may also establish additional requirements, which it considers necessary to assure that any development conforms to the purpose and intent of this section.

(Added by Ordinance #1182, effective 2/06/03)

## 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. Standards Applicable to Signs. In addition to compliance with provisions of this Ordinance, all signs shall comply with the provisions of the 1983 Uniform Sign Code, as amended.

Permit fees pursuant to Section 304 of the Uniform Sign Code shall be as follows:

- A. \$10.00 for a sign of less than twenty-four (24) square feet in total face area.
  - B. \$20.00 for a sign of twenty-four (24) to one hundred (100) square feet in total face area.
  - C. \$40.00 for a sign of more than one hundred (100) square feet in total face area.
3. General Provisions
    - A. Conflicting Standards: Signs shall be allowed subject to the provisions of this subsection, except when the provisions conflict with the specific standards for signs in the subject district.
    - B. Signs Subject to State Approval: All signs visible to the traveling public from state highways are subject to the regulations and permit requirements of the Highway Division 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 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.
    - E. Sign Clearances: A minimum of eight (8) feet above sidewalks and fifteen (15) feet above driveways shall be provided under freestanding signs.
    - F. Setbacks: All signs shall be situated in a manner so as not to adversely affect safety, corner vision or other similar conditions. Unless otherwise specified, all signs shall observe the yard setback requirements of the districts in which they are located.
    - G. Blanketing: No sign shall be situated in a manner, which results in the blanketing of an existing sign.

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### H. Illuminated Signs:

1. Internally illuminated signs or lights used to indirectly illuminated signs 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.
3. No sign or other illuminating devices shall have blinking, flashing or fluttering lights, with the exception of a time and temperature sign approved by the Planning Commission. This subsection shall not apply to Holiday lights (e.g. Christmas Lights).
4. 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.

### I. Moving Signs: No sign structure, or portion thereof, shall be designed to rotate, flutter or appear to move.

### J. 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.

### K. 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 31 for Non-conforming Uses, 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 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.

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

### 4. Design Standards

- A. 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.
- B. 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.

### 5. Residential (R-7.5, R-5.0, R-O).

#### A. Signs permitted outright

##### 1) Residential Name Plates:

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

##### 2) Temporary Signs as described in 8 (G) and (H) below

#### B. Signs permitted with a Sign Permit

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

- a) 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.
- b) Only one (1) such sign shall be permitted upon the premises.
- c) 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.

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

- d) May be illuminated by indirect lighting only.
- 2) Signs identifying multiple use development, multi-family development or subdivisions:
  - a) Free-standing and ground-mounted signs shall not exceed twenty-four (24) square feet, as viewed from a single direction, and shall not exceed a height of five (5) feet above the natural ground elevation.
  - b) On-building signs shall be reviewed as part of the architecture of the building.
  - c) 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.
  - d) Directional signs within the development shall not exceed three (3) square feet except as provided in the district.
- 3) Signs for Public and Semi-public facilities, schools, churches, hospitals, and similar uses:
  - a) Shall not exceed eighteen (18) square feet.
  - b) Shall pertain only to the use on the premises.
  - c) May be illuminated by indirect lighting only.
  - d) Only two (1) such sign shall be permitted upon the premises.
- 6. Permanent Identification Signs for Commercial and Industrial Development
  - A. Freestanding or ground-mounted signs oriented to off-site circulation identifying the uses on the premises shall be allowed subject to the following conditions:
    - 1) Only one (1) such sign shall be allowed in all commercial (C-N, C-H, C-C, C-TC) and industrial (I-L, I-G) zones per street frontage.
    - 2) Maximum Height:
      - a) All Signs within the Commercial Zoned District (C-N, C-H, C-C, T-C) = Twenty (20) feet
    - 3) Maximum Sign Area:

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

- a) Neighborhood Commercial (C-N)
    - (1) Eight (8) square feet
  - b) Highway Commercial (C-H)
    - (1) Forty (40) square feet
  - c) Central Commercial (C-C)
    - (1) Forty (40) square feet
  - d) Town Center (C-TC)
    - (1) As described in Section 22(6)(L) Historic Architectural Design Guidelines
- 4) Setbacks
- a) Signs within the Downtown Business District, as defined in Section 4, 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 grade, or closer than two (2) feet toward the inside edge of the existing curb.
  - 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 less than eight (8) feet above grade or closer than two (2) feet toward the inside edge of the existing curb.
  - c) Signs less than twenty-eight (28) square feet in size must observe at least one-half of the yard setback requirements of the district in which it is located.
  - d) Signs greater than twenty-eight (28) square feet in size must observe the setback requirements of the district in which it is located.
- 5) Sign 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.
- 6) Any sign not located on the site of the use or activity for which it is advertising shall be subject to a Conditional Use Permit. Public facility signs as defined in Section 4 of this Ordinance shall be exempt from this requirement.



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- 7) Illumination: Such signs may be internally or indirectly illuminated.
  - B. On-Building Signs identifying the use of the premises shall be allowed subject to the following conditions:
    - 1) Three (3) such signs shall be allowed per street frontage in each of the commercial and industrial zones.
    - 2) 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) Size: On-building signs shall not exceed 40 square feet in size and shall not be placed in locations which interrupt, detract from, or change the architectural character of the building.
  - C. Changeable copy signs may be incorporated into a permanent identification sign for a business or development, subject to review and approval of the Planning Commission. Approval shall not be granted unless the following conditions are satisfied:
    - 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.
  - D. All Permanent Identification Signs for Commercial and Industrial Development shall be subject to the approval of a sign permit.
7. On-site Traffic Control and Identification Signs
- A. On-site 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.
  - B. Traffic Control: Signs which direct the flow of traffic to and from and within the site area shall observe the clear-vision requirements of the district and shall be a maximum of three (3) square feet.
  - C. Directories: 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

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

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.

D. Identification signs: An on-site, temporary or permanent (such as a sandwich board, A-frame sign), ground-mounted tenant identification sign for an individual building 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.
- 3) Not exceed four (4) 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 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.
- 6) 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 public facility shall be allowed more than a total of three (3) signs within the Urban Growth Boundary area. No more than five (5) signs from any number of public facilities 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.

E. All On-site Traffic Control and Identification signs shall be subject to the approval of a sign permit.

### 8. Temporary Display and Portable Signs

A. Temporary Display Signs: A combination of banners, 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.

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- 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.
- 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.

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

- 10) Hazards: No sign, light, electrical cord, streamer, banner, or other apparatus shall be situated or used in a manner which creates a hazard.
- 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.
- 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.
- 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.
- 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 sixty (60) 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.
- 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.

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- 3) Shall be located at least five (5) feet behind the front lot line.
  - 4) Shall not exceed five (5) feet in height.
  - 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.
- 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.
- I. Off-premise directional signs directing traffic to a sale of property or a retail sale
- 1) Shall not exceed six (6) 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 after the date of sale.
  - 5) Shall not be artificially illuminated.
9. 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 shall be subject to a Conditional Use Permit, 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.

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- 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. Billboards: New billboards shall not be allowed in any zoning district.
  - C. 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.
  - D. Along Public Roads: Off-premise directional signs of a temporary nature such as those used to direct persons to open houses, or special one-day events may be allowed subject to the following conditions:
    - 1) Any such sign, if visible from a state highway, shall be subject to approval pursuant to Subsection 9(A) above.
    - 2) All such signs shall comply with conditions 1 through 4 under C above.
    - 3) Time Limit: All such signs shall be removed at the end of the day on which the event, open house, or garage sale is conducted.
  - E. All Off premise signs, except those used temporarily as described in 8 (I) above, shall be subject to the approval of a sign permit.
10. All other signs, signboards, and other forms of outdoor advertising **may** be allowed after approval by the Planning Commission for a period of five (5) years or less, after examination of the location and upon due proof to the satisfaction of the Planning Commission that such sign, signboard, or other advertising will not be unduly detrimental to the adjacent and surrounding

## SECTION 24 - SIGN STANDARDS AND REQUIREMENTS

property, but the same front and side yard provisions as required for buildings may be required. A building permit may be required.

(Added by Ordinance #1178, effective 10/17/02)

## 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; 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.

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 Section 22, must comply with the following requirements. Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code.



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- A. Except for single-family dwellings, 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. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, 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.
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.
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 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:

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- 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 Zone shall refer to Section 17.1(9) for loading requirements]:

- 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

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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. Where 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 during periods of the day when not required to take care of parking needs.
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(7). 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 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]:

Use	Requirement
<b>A. Residential</b>	
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 for establishments of three guest rooms or more
<b>B. Commercial</b>	
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

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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.
Eating and Drinking Establishments:	One (1) space per two hundred (200) square feet of floor area
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
Other 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
Self-service Laundry or Dry Cleaning:	One (1) space per four (4) washing or cleaning machines

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Service or repair shops, retail stores and outlets selling furniture, automobiles or other bulky merchandise where the operator can show the bulky merchandise occupies the major area of the building:

One (1) space per six hundred (600) square feet of floor area

Supermarkets, Grocery Stores:

One (1) space per two (2) employee, plus

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.

C. Commercial amusements

Bowling alley:

Five (5) 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

D. Industrial

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

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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), not 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
E. Institutions/ Places of Public Assembly	
Child Care Centers, having thirteen (13) or more children	One (1) space per two (2) 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 aged	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

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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  
auditorium or assembly room,  
whichever is greater

High School:

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

Colleges, Universities,  
and commercial trade  
schools for adults:

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

Welfare or 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.

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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 11 - 13.

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 parking provided in each lot	7/8 of 1st column
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column to the left	7/8 of 1st column each one hundred

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 so arranged that it will not project light rays directly upon any adjoining property in an R-7.5, R-5.0 or R-O District.
- 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 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 (excluding oil-matte surfaces). All such areas shall be so drained as to avoid flow of water across sidewalks and adjacent properties.
  - 2. Areas used for standing vehicles, including those required in industrial zones, shall have durable and dustless surfaces maintained adequately for all weather use (excluding oil-matte surfaces). All such areas shall be so drained as to avoid flow of water across sidewalks and adjacent properties.



## SECTION 25 - OFF-STREET PARKING AND LOADING

3. 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.
  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 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.
- 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. 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.
11. Maximum Number of Parking Spaces Allowed. The number of parking spaces provided by any particular 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 and Compact Car Parking. 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 figure below. Disabled person parking spaces shall conform to the following standards and dimensions of this Section.

SECTION 25 - OFF-STREET PARKING AND LOADING

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(Added by Ordinance #1178, effective 10/17/02)

## SECTION 25 - OFF-STREET PARKING AND LOADING

13. Bicycle Parking Requirements. The following new developments shall be required to provide bicycle parking in compliance with this subsection:

- A. 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 be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
- B. New retail, office, and institutional development shall provide at least one bicycle parking space for each retail, office and institutional development. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) 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 be sheltered.
- C. Transit transfer and park and ride lots shall provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces.
- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- 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

## SECTION 25 - OFF-STREET PARKING AND LOADING

closest parking space). It 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 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.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 26 - FENCE, HEDGE AND SHRUB STANDARDS

1. Purpose. The purpose of this section is to protect visual clearance for traffic and pedestrian safety, to provide visual access to private property for crime prevention, to protect visual and aesthetic values for property owners and adjacent property owners, to prevent physical harm to the citizens of Tillamook City, to promote harmony between adjacent property owners and to protect each property's right of access to sunlight, air and open spaces.
2. Vision Clearance Area. Vision Clearance Areas shall be provided within the required yard area for the following distances from the intersecting points of the right-of-way lines: (See Section 30).
  - A. In a residential district (R-7.5, R-5.0 and R-O) the minimum distance shall be 30 feet, or at intersections including an alley, 10 feet.
  - B. In all other districts where yard setbacks are required, the minimum distance shall be 15 feet, or at intersections including an alley, 10 feet, except when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet.
  - C. Vision Clearance Area shall contain no plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height as measured from the top of the curb, or if no curb, then from the center line elevation of the adjacent street. Street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height above eight (8) feet above the grade.
3. Front Yard Area. No plantings, fences, walls, structures, or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the curb, or if no curb, then from the center line elevation of the adjacent street, shall be placed in any required front yard area.
4. Interference and Hazard to the Public.
  - A. 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) feet above the sidewalk and not less than fourteen (14) feet above the roadway.
  - B. No owner or person in charge of property shall allow to stand a dead or decaying tree that is a hazard to the public or to persons or property on or near the property.
  - C. 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; except such wire may be placed above the top of other fencing not less than six feet , 6 inches high.



## SECTION 26 - FENCE, HEDGE AND SHRUB STANDARDS

- D. 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.
5. Relation to Adjoining Property.
- A. 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.
- B. 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.
- C. Determination of where property line is located shall not be the responsibility of Tillamook City or its officials.
6. General Height Limitation for Hedges and Enforcement Thereof. Hedges shall not be permitted to grow higher than ten (10) feet unless a lower height is specified on the permit as issued under (10a) later in this section. Existing hedges which exceed this height may be reviewed by the Design Review Committee if contested by any citizen. 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.
7. 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.

For rules on planting in the City rights-of-way refer to Ordinance #557.

8. 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 9(a) and Section 5(b) of this Ordinance.
9. Basis for Review.
- A. Fences greater than six (6) feet in height shall be, and hedges greater than six (6) feet in height may be, referred to the Design Review Committee for determination that the fence or hedge is in compliance with Section 6 and is generally attractive in appearance. The Design Review Committee will, upon completion of their determination, recommend that a permit be issued by the planning Department at no cost to the permittee. Said permit to state the Committee's findings and conditions for issuance of the permit.

## SECTION 26 - FENCE, HEDGE AND SHRUB STANDARDS

- B. Fences and hedges less than six (6) feet in height may be referred to the Design Review Committee by the Building Inspector, City Recorder, City Manager, Planning Director, or member of the Planning and Zoning Commission, if there is a need for interpretation of Section 5 of this section.

### 10. Design Review Committee.

- A. A Design Review Committee is hereby established as a sub-committee of the Planning and Zoning Commission.
- B. The Committee shall consist of three (3) members of the Planning and Zoning Commission.
- C. All members shall serve terms consistent with current tenure, at which time they shall be reappointed or replaced by the Chairman of the Planning and Zoning Commission.

### 11. Appeals. An applicant or any interested person may appeal a decision of the Design Review Committee to the Planning and Zoning Commission, as per Section 32 of this Ordinance.

### 12. Compliance with Provisions of Section 26.

All existing trees, hedges and shrubs not in conformance at the time of the adoption of this Ordinance shall be brought into compliance by June 30, 1982. Those properties not in compliance by July 1, 1982, shall be referred to the Design Review Committee for appropriate review and action.

All existing fences not in conformance at the time of adoption of this Ordinance shall be brought into compliance by January 1, 1985. Those properties not in compliance by this date shall be referred to the Design Review Committee for appropriate review and action.

## SECTION 27 - CONDITIONAL USE PERMITS

1. Purpose. Conditional uses may be permitted in certain districts, subject to the granting of a Conditional Use Permit. Conditional uses may require special consideration, because of unusual characteristics of the area in which it is to be located. It is important that conditional uses be properly located with respect to the objectives of this Ordinance and the effect to the surrounding properties.
2. Planning Commission Authority. The Planning Commission shall have the authority to approve, approve with conditions, disapprove, or revoke Conditional Use Permits subject to the provisions of this section. Changes in use, expansion or contraction of site area, or alteration of structures or uses classified as conditional and existing prior to the effective date of this Ordinance shall conform to all regulations pertaining to conditional uses and shall require a new Conditional Use Permit.
3. Application. A property owner or any interested person may make application for a Conditional Use Permit by filing an application in accordance with the provisions of Section 10.
4. Public Hearings. Before a conditional use is permitted, the proposed conditional use shall be considered by the Planning Commission at a public hearing, or administratively. Notice of said hearing or administrative action shall be provided as per Section 10 (10-14).

(Amended by Ord. 1129, effective 10/20/93)

5. Action by the Commission. The Planning Commission may approve, approve with conditions, or disapprove the application for a Conditional Use permit. In permitting a conditional use the Planning Commission may impose, in addition to regulations and standards expressly specified in this Ordinance, requirements increasing the required lot size or yard dimensions, increasing street widths, controlling the location and number of vehicular access points to the property, increasing the number of off-street parking or loading spaces required, limiting the number of signs, limiting the coverage or height of buildings because of obstructions to view and reduction of light and air to adjacent property, limiting or prohibiting openings in sides of buildings or structures or requiring screening and landscaping where necessary to reduce noise and glare. Any future enlargement or alteration of the use shall be reviewed by the City so as to be in accordance with the regulations and standards of this Ordinance.
  - A. In order to grant any conditional use, the Planning Commission must find that the establishment, maintenance or operation of the use applied for will not, under the circumstances of the particular case, be in violation to the appropriate regulations and standards contained in this Ordinance.
  - B. The Planning Commission shall render a decision within 60 days after the filing of the application. The decision of the Planning Commission shall be final unless appealed to the City Council.

## SECTION 27 - CONDITIONAL USE PERMITS

- C. A Conditional Use permit shall become void after one year after approval, or after such greater or lesser times as may be specified as a condition of approval, unless within that time the required building construction, alteration or enlargement has been commenced and diligently pursued or, if no such construction, alteration or enlargement is required, unless the permitted activity is being regularly conducted on the premises. The Planning Commission may extend the permit for a period of one year.
- D. Any conditional use authorized according to this Section (excepting "E" below) shall be subject to the following criteria, where applicable:
- 1) The use is listed as a conditional use in the underlying zone, or in an applicable overlying zone.
  - 2) The use is consistent with the applicable goals and policies of the comprehensive plan.
  - 3) The parcel is suitable for the proposed use considering its size, shape, location, topography, existence of improvements and natural features.
  - 4) The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or prevents the use of surrounding properties for the permitted uses listed in the underlying zone.
  - 5) The proposed use is timely, considering the adequacy of public facilities and services existing or planned for the area affected by the use.

(Amended by Ord. 1129, effective 10/20/93)

### E. Conditional Uses and Criteria for Certain Transportation Facilities and Improvements

- 1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation facilities that are (1) not designated in the adopted City of Tillamook Transportation System Plan ("TSP"), or (2) not designed and constructed as part of an approved subdivision or partition, are allowed in all Zones subject to a Conditional Use Permit - Transportation Facilities and satisfaction of all of the following criteria:
  - a. The project and its design are consistent with City of Tillamook adopted TSP, or, if the city has not adopted a TSP, consistent with the State Transportation Planning Rule, OAR 660-012 ("the TPR").
  - b. The project design is compatible with abutting land uses in regard to noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
  - c. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with

## SECTION 27 - CONDITIONAL USE PERMITS

fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.

- d. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - e. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.
- 2) State transportation system facility or improvement projects. The State Department of Transportation (“ODOT”) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in Section 27A 1.b-e. Where applicable, an Environmental Impact Statement or Environmental Assessment may be used to address one or more of these criteria.
- 3) Proposal inconsistent with TSP/TPR. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall apply for and obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant shall choose one of the following options:
- a. If the City’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional use permit application; or
  - b. If the City’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit if and when the amendment is approved; or
  - c. If the City’s determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
  - d. If the City’s determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
- F. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after five (5) years.

## SECTION 27 - CONDITIONAL USE PERMITS

6. Appeal. The applicant or any interested person may appeal a decision of the Planning Commission to the City Council in the form prescribed by the City. The appeal procedures shall be set forth in Section 33.
7. Effect. No building or other permit shall be issued in any case where a Conditional Use Permit is required by the terms of this Ordinance until ten (10) days after the approval of the conditional use by the Planning Commission. An appeal from an action of the Planning Commission shall automatically stay the issuance of a building or other permit until such appeal has been completed.
8. Violation of Condition. The Planning Commission, on its own motion, may revoke any Conditional Use Permit for non-compliance with conditions set forth in the granting of said permit after first holding a public hearing and giving notice of such hearing as provided in Section 34. The foregoing shall not be the exclusive remedy, and it shall be unlawful and punishable hereunder for any person to violate any condition imposed by a Conditional Use Permit.
9. Limitation on New Applications. In a case where an application is denied by the Planning Commission, or denied by the City Council on appeal from the Planning Commission, unless specifically stated to be without prejudice, it shall not be eligible for resubmittal for the period of one year from the date of said denial, unless, in the opinion of the Planning Commission, new evidence is submitted or conditions have changed to an extent that further consideration is warranted.
10. Notification of Action. The Planning Commission shall notify the applicant for a conditional use in writing of the Planning Commission's action within five (5) days after the decision has been rendered.
11. Applicability. The approved Conditional Use Permit shall apply to the specific use applied for only, and shall transfer with the ownership of the property.

(Added by Ordinance #1187, effective 12/03/03)

## SECTION 28 - PROVISIONS APPLYING TO SPECIAL USES

1. Automobile Service Stations. In addition to other standards of this Ordinance, automobile service stations, where permitted 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 30, 5 (c, d).
2. Animal Hospitals and Veterinary Clinics. A veterinary clinic or animal hospital shall not be located within 100 feet of a lot in any 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.
3. 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 establish and maintain appropriate landscaping and screening to minimize the conflict with abutting residential use.
4. 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.
5. 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. Christmas tree sales lots may be permitted in an R-5.0 or R-O District after receiving permission in writing from the City manager. 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.
6. 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

## SECTION 28 - PROVISIONS APPLYING TO SPECIAL USES

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.

7. 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.
8. 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. Utility transmission and distribution lines, poles and towers may exceed the height limits otherwise provided for in this Ordinance.
9. 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 Ordinance unless and until a Conditional Use Permit shall first have been secured therefore.
10. Nursery Schools, Kindergartens and Child Care Centers. Nursery schools, kindergartens and child care centers 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 square feet per child of total capacity. 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. Nursery schools, kindergartens and child care centers serving more than six (6) children shall meet criteria and standards listed in Section 22 (Site Development Standards).
11. Rear Lot Permits (Site Plan Review Required)
  - A. Purpose. The purpose of this section is to permit development of deep lots or other large parcels in residential areas, which are incapable of being subdivided or divided as a major partition under the strict application of this Ordinance. No deep lots or other large parcels of land may be divided or developed under this section or in any other manner not provided for in the City Land Division Standards Ordinance, if the property is physically capable of



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being subdivided or major partitioned, either separately or in conjunction with adjacent properties, either now or in the future. No rear lots may be created without compliance with the provisions of this section. Any property proposed to be developed under this section shall comply with all the following eligibility and development requirements:

### B. Eligibility

- 1) Property must be less than four (4) acres in area.
- 2) Property must be so situated that further subdivision or segregation under terms of other applicable City ordinances and regulations is not possible, either individually or in conjunction with any other adjacent property.
- 3) Minimum Area: Twice that required by the applicable zoning district.

Minimum Depth: 200 feet

Minimum Width: As required by applicable zoning district.

C. Development Standards. Provided the eligibility requirements are met, a permit may be issued subject to the following standards and criteria after Site Plan Review, as provided for in Section 22.

- 1) Front Parcel:
  - a) Minimum Lot width: 10 feet less than required by applicable zoning district.
  - b) Minimum Lot depth: 100 feet.
  - c) Yard requirements: Same as required in applicable zoning district.
- 2) Rear Parcel:
  - a) Access way minimum: 15 feet in width, of which 12 feet (width of standard single lane) shall be a permanent, durable, dustless surface.
  - b) Yard requirements: No building shall be erected within 10 feet of any property line.
  - c) Lot area: Area of rear lot shall be within 15% of the area of the front lot.
  - d) Access way shall be conveyed with ownership of the rear lot and shall be an integral part of the rear lot.
  - e) Access way shall be improved according to the standards of the City of Tillamook Public Works Street Design Standards.

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- f) Development of property subject to approval by the Planning Commission. Applicant shall submit site plan for all buildings, structures, and other improvements such as roadways, walks, and parking facilities to the Planning Commission for approval. All improvements made on the property shall conform to the plans as approved by the Planning Commission.

12. 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.
- 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 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.

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- 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 Ordinance, 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.
- 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

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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 Ordinance.

### 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 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:
  - a) Ambulance service;
  - b) Animal hospital, veterinary services, kennels or animal boarding;
  - c) Auto and other vehicle repair, including auto painting;
  - d) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site;

### 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 Ordinance 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.

13. 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

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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.
- 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.
14. **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. In addition to required parking per Section 25 of this ordinance, the additional parking spaces cannot be located in the front yard and must be asphalted. Signing shall be per Section 24 of this ordinance. 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.

### 15. Adult Businesses:

- A. Applicability. Section 28 (15A-15B), 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 (15A-15B) and all other applicable zoning requirements.

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### 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.

## 16. 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 Planning Director 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.
- 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.

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- 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 Planning Director.
- 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 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;
- 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 of the following design(s) and in the following location(s):
  - a) Lattice towers and support structures;

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- 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.
    - 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



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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 Planning Director or City Manager 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 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

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- 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
  - 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

(Added by Ordinance #1178, effective 10/17/02)

SECTION 29 - PROVISIONS APPLYING TO MANUFACTURED HOMES & RECREATIONAL VEHICLES

1. 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 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.

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- 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 mad 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, 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.
2. 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 Ordinance 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

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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.

3. 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.

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.

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- 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.
  - 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.
- A. 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.
- B. There shall be no outdoor storage of furniture, tools, equipment, building materials or supplies belonging to the occupants or management of the park.
- C. 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.
- D. 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.
- E. 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.
- F. 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

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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 ordinances. 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.

- G. 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 manufactured dwelling park within 200 feet of the manufactured dwelling spaces served and at a ration of one parking space for each two manufactured dwelling spaces.
- H. 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.
- I. 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.
- J. 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.
- K. 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 park shall be created on a site less than one acre.

(Amended by Ord. 1121, effective 2/22/92)

4. 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.

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- 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 or similar impervious 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.
- E. A recreation vehicle space shall be provided with electrical service.
- E. 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.
- F. 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.
- G. 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.
- H. 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.
- I. 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



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material, shall have sanitary ceiling, floor and wall surfaces, and shall be provided with adequate floor drains to permit easy cleaning.

- J. 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.

5. Temporary Permits

- A. Authorization. the Director 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 500 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 Director's final action on the proposal.
- C. Standards. Applicants for temporary permits shall submit evidence as may be required to enable the Director 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.

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- 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.
  - 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 Director 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 Director 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.
  - 10) A time limit on total duration 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.

SECTION 29 - PROVISIONS APPLYING TO MANUFACTURED HOMES & RECREATIONAL VEHICLES

- 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 Director 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 Director.

## SECTION 30 - INTERPRETATIONS AND EXCEPTIONS

1. General Exceptions to Lot Size Requirements. If at the time of passage of this Ordinance, or annexation to the city, a legally created lot or the aggregate of contiguous lots or land parcels held in a single ownership, has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district, provided however, that the use of a lot in an R-7.5, R-5.0 or R-O District which has an area deficiency shall be limited to a single-family dwelling.
2. Accessory Structures and Uses.
  - A. A greenhouse or hot house may be maintained accessory to a dwelling provided there are no sales.
  - B. A guest house may be maintained accessory to a dwelling.
  - C. Sight obscuring fences, as per Section 4 (Definitions), may be located in a required front yard or in a vision clearance area provided that they shall not exceed three (3) feet in height measured from the top of the curb.
3. Exception to Height Regulations. Height limitations set forth elsewhere in this Ordinance shall not apply to: water towers and tanks, provided they are not less than 50 feet from every lot line; chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, monuments, fire hose towers, masts, aerials, elevator shafts and other similar projections; and outdoor theater screens, provided said screens contain no advertising matter other than the name of the theater.
4. Access. Except as permitted by other provisions of this Ordinance, no lot shall contain any building used in whole or in part for residential purposes unless said lot abuts a street for a distance of at least 20 feet.
5. Vision Clearance Area. Vision Clearance Area shall be provided within the triangular corner, two sides of which are the intersecting right-of-way lines, and the third side, the connection of points on those right-of-way lines the following distance from the point of intersection of those two lines (See Figures 1 and 2.)
  - A. In a residential district, the minimum distance shall be 30 feet or, at intersections including an alley, 10 feet.
  - B. In all other districts where yards are required, the minimum distance shall be 15 feet or at intersections including an alley, 10 feet, except that when the angle of intersection between streets other than an alley is less than 30 degrees, the distance shall be 25 feet.
  - C. In districts where no yards are required, the minimum distance shall be 10 feet.

SECTION 30 - INTERPRETATIONS AND EXCEPTIONS

## SECTION 30 - INTERPRETATIONS AND EXCEPTIONS

- D. Vision clearance area shall contain no plantings, fences, walls, structures or temporary or permanent obstructions exceeding three (3) feet in height measured from the top of the curb, except that street trees exceeding this height may be located in this area provided all branches and foliage are removed to a height of eight (8) feet above the grade, and a maximum of two (2) sign support posts not exceeding eight (8) inches in diameter may be located in this area provided that no portion of the sign or signboard may extend below eight (8) feet above the grade.
6. Exception to Yard Requirements.
- A. Projects into required yards. Certain architectural features may project into required yards or courts as follows:
- 1) Cornices, canopies, eaves, belt courses, sills, or other similar architectural features, or fireplaces, but they may not in any case extend more than eighteen (18) inches into any required yard areas.
  - 2) Fire escapes, open uncovered porches, balconies, landing places or outside stairways may not in any case extend more than eighteen (18) inches into any required side or rear yards, and not exceeding six (6) feet into any required front yard. This is not to be construed as prohibiting open porches or stoops not exceeding eighteen (18) inches in height and not approaching closer than eighteen (18) inches to any lot line.
- B. Residential use in Commercial or industrial Zoning Districts. Any structure in a "C" or "I" District designed and used for residential purposes shall comply with the requirements of the R-O District. Structures in any "C" or "I" District which contain dwelling units not on the ground floor need not comply with residential district yard requirements, provided such structures comply with other applicable codes or regulations as may exist concerning the health and safety aspects of the dwelling units.
7. Authorization for Similar Uses. The Planning Commission may rule by resolution that a use, not specifically named in the allowed uses of a district shall be included among the allowed uses, if the use is of the same general type and is similar to the allowed uses.
8. Existing Uses. Except as hereinafter specified, any use, building or structure lawfully existing at the time of the enactment of this ordinance, may be continued even though such use, building or structure may not conform to the provisions of this Ordinance for the district in which it is located; provided however, that this section does not apply to any use, building or structure established in violation of any zoning ordinance previously in effect.
9. Pending Building Permits. Nothing herein shall require any change in the location, site plans, building plans, construction, size, or designated use of any development, building, structure or part thereof, for which the required official approval has been granted prior to the adoption of this Ordinance, or which was lawfully permitted within an area prior to annexation thereof to the City of Tillamook City. Unless construction on such building or structure within the City

## SECTION 30 - INTERPRETATIONS AND EXCEPTIONS

begins within one (1) year after the adoption of this Ordinance, no such existing permit shall be deemed to allow any building or use which would not conform to the requirements of this Ordinance.

10. Existing Land Restrictions. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided however, that where this Ordinance imposed a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provisions of this Ordinance shall govern.

## SECTION 31 - NON-CONFORMING USES

A use lawfully occupying a structure or site on the effective date of this Ordinance or amendments thereto, which does not conform to the use regulations for the district in which it is located, shall be deemed to be a non-conforming use and may be continued, subject to the following regulations:

1. Routine maintenance and repairs may be performed on structures or sites, the use of which is non-conforming.
2. No structure, the use of which is non-conforming, shall be moved, altered or enlarged without permission of the Planning and Zoning Commission unless required by law or unless the moving, alteration or enlargement will be performed in the elimination of the non-conforming use.
3. No structure partially occupied by a non-conforming use shall be moved, altered or enlarged in such a way as to permit the enlargement of the space occupied by the non-conforming use, without permission of the Planning and Zoning Commission.
4. The Planning Commission may grant an application for a change of use, filed in accordance with the provisions of Section 27, if on the basis of the application and the application and the evidence submitted, they make the following findings:
  - A. That the proposed use is classified in a more restrictive category than existing or pre-existing use by the district regulations of this Ordinance. the classifications of a non-conforming use shall be determined on the basis of the district in which it is first permitted, provided that a conditional use shall be deemed to be in a less restrictive category than a permitted use in the same district.
  - B. That the proposed use will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.
  - C. That the change of use will not result in the enlargement of the space occupied by a non-conforming use, except that a non-conforming use of a building may be extended throughout those parts of a building which were designed or arranged for such use prior to the date when such use of the building became non-conforming provided that no structural alterations, except those required by law are made.

(Amended by Ord. 1129, effective 10/20/93)

5. If a non-conforming use has been changed to a conforming use, or if the non-conforming use of a building, structure, or premises ceases for the period of one (1) year or more, said use shall be considered abandoned, and said building, structure or premises shall thereafter be used only for uses permitted as a matter of right or as a conditional use in the district in which it is located.



## SECTION 31 - NON-CONFORMING USES

6. If a structure containing a non-conforming use is destroyed by any cause, it may be rebuilt for that use subject to the requirements that, if the structure is not returned to that use within one (1) year from the date of destruction, a future use on the site shall conform to the Ordinance.
7. Nothing contained in this Ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a valid permit exists prior to the adoption of this Ordinance and subsequent amendments thereto, except that if the designated use will be non-conforming, it shall for the purpose of Section 31, 5 be a discontinued use if not in operation within one (1) year of the date of issuance of the building permit.
8. The Planning and Zoning Commission may grant an application for the expansion of a non-conforming use existing at the date of passage of this Ordinance when filed in accordance with the provisions of Section 27. Permission may be given if, on the basis of the application and the evidence submitted, the Commission makes the following findings:
  - A. That the proposed expansion will not more adversely affect the character of the district in which it is proposed to be located than the existing or pre-existing use.
  - B. That there is public need for the expansion of such use.
9. If an existing non-conforming use, or portion thereof not housed or enclosed within a structure, occupies a portion of a lot or parcel of land on the effective date hereof, the area of such use may not be expanded, nor shall the use, or any part thereof, be moved to any other portion of the property not theretofore regularly and actually occupied by such use; provided, that this shall not apply where such increase in area is for the purpose of increasing an off-street parking or loading facility to the area specified in this Ordinance for the activity carried on in the property; and providing further, that this shall not be construed as permitting unenclosed commercial activities where otherwise prohibited by this Ordinance.

A building or structure lawfully occupying a site on the effective date of this Ordinance or amendments thereto, which does not conform to the setback or coverage regulations for the district in which it is located, shall be deemed to be a non-conforming structure and may be continued, subject to the following regulations:

- A. If a building or structure, in existence on the effective date of this Ordinance and subject to any yard, location or coverage restriction imposed by this Ordinance, fails to comply with such restriction, such building or structure may be enlarged or altered to the extent that such alteration or enlargement does not itself encroach upon a required area of the building or structure that it violated the coverage restriction; but this right shall be subject to all other restrictions contained in this Ordinance.
- B. If a non-conforming structure is destroyed by any cause other than a willful act by the owner(s) or his agent, it may be rebuilt within the foundation and building outlines of that pre-existing structure subject to the requirement that, if destruction exceeds 80 percent of its assessed value as indicated by the records of the County Assessor and it is not returned to

## SECTION 31 - NON-CONFORMING USES

use within (1) year, a future structure on the site shall conform to this Ordinance. The willful removal or destruction of the structure by the owner(s) or his agent does not entitle the right to replace the structure to its original form and, hence, any new structure on the property must conform to the lot requirements as specified for the applicable zoning district.

## SECTION 32 - VARIANCES

Variations may be granted as provided in this section where practical difficulties, unnecessary hardships and results inconsistent with the general purposes of this Ordinance may result from the strict application of certain provisions. This section shall not be used to allow a use that is not permitted by this ordinance for the district in which the land is located.

1. Authorization to Grant or Deny Variations. The Planning Commission may authorize variations from the requirements of the Ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this Ordinance would cause an undue or particular hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the district in which the proposed use would be located.

In granting a variance, the City may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purposes of this Ordinance. The conditions to an authorized variance shall also be a part of the public record and be a part of the requirements for an issuance of a building permit.

2. Conditions for Granting a Variance. No variance shall be granted unless it can be shown that ALL of the following conditions exist:
  - A. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same district or vicinity, which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.
  - B. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same district or vicinity.
  - C. The authorization of the variance shall not be materially detrimental to the purposes of this Ordinance, be injurious to property in the district or vicinity in which the property is located or be otherwise detrimental to the objectives of any city development plan or policy.
  - D. The variance requested is the minimum variance from the provisions and standards of this Ordinance which will alleviate the hardship.
3. Application for Variance. A request for a variance may be initiated by a property owner or his/her authorized agent by filing an application in accordance with the provisions of Section 10.
4. Before a variance is granted, the proposed variance shall be considered by the Planning Commission at a public hearing, or administratively by staff. Notice of said hearing or administrative action shall be provided as per Section 10.
5. Action of the Planning Commission. Planning Commission shall make its findings and decision in writing within 45 days after the hearing on the proposed variance.

## SECTION 32 - VARIANCES

- A. The Secretary of the Planning Commission shall notify the applicant in writing of the Planning Commission's action within five (5) working days after the Planning Commission has rendered its decision. The Commission may attach conditions to an authorized variance, which it feels are necessary to protect the public interest and carry out the purpose of this Ordinance.
  - B. The conditions to an authorized variance shall also be part of the public record and be a part of the requirements for an issuance of a building permit.
6. Time Limit on Approval of a Variance. Authorization of a variance shall be void after six months unless a building permit has been issued and substantial construction has taken place. However, the authorization may be extended for an additional six months on request to the Planning Commission.

## SECTION 33 - APPEALS, GENERAL

The Planning Commission shall have the power to hear appeals from administrative decisions, and to declare the meaning and intent, and interpret the provisions of the Ordinance. In thus resolving ambiguities on appeal, the Planning Commission shall so interpret the Ordinance as to carry out Section 1, of this Section. In the event of an ambiguity in this Ordinance affecting enforcement thereof, the City Council shall have the power to hear and decide appeals from Planning Commission interpretations, and to declare the meaning and intent, and interpret the provisions of the Ordinance. In thus resolving ambiguities on such appeal the City Council shall so interpret the Ordinance as to carry out Section 2, of this Section. Final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals, shall be taken by the governing body of the City within 120 days after the application is deemed complete (according to ORS 227.180).

### 1. Appeal to Planning Commission.

- A. Any appeal from a decision of the administration, shall be based on a specific issue about the criteria and/or standards raised in the administrative decision that pertains to this Ordinance, and shall be filed with the Planning Commission within ten (10) days of the administrative decision. The Commission shall consider such appeal and render its decision within sixty (60) days of the receipt of the appeal. Any action of the Planning Commission interpreting any uncertainty or ambiguity may be in the form of a resolution, and shall be signed by the President or presiding member of the Commission and filed with the City Recorder.

Notice of the public hearing shall be by one publication in a newspaper of general circulation in the City, not less than four (4) days nor more than ten (10) days prior to the date of the hearing.

- B. The action of the Planning Commission shall be final and an appeal shall not be heard by the City Council if the appeal period has lapsed.

### 2. Appeal to City Council.

- A. The appellant must be an interested party who has participated either orally or in writing in previous Planning Commission proceedings pertaining to the decision under appeal. The appeal must be made within ten (10) days of the action of the Planning Commission, in writing to the Tillamook City Council. All appeals shall be made in writing, based on a specific issue about the criteria and/or standards raised during the Planning Commission Hearing, dated and signed by the appellant. Such appeal shall be filed with the appropriate fee listed in Section 10 of this Ordinance within ten (10) days after the action of the Planning Commission with the City Recorder.

The City Council shall consider such appeal and render its decision within sixty (60) days of the receipt of the appeal. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant. Notice of the public

## SECTION 33 - APPEALS, GENERAL

hearing shall be by one publication in a newspaper of general circulation in the City, and sent to those who attended the Planning Commission Hearing, not less than four (4) days nor more than ten (10) days prior to the date of the hearing.

### B. City Council - Hearings Procedures.

- 1) It shall be the duty of the City Council, upon receiving an application of Appeal of a Decision by the Planning Commission, to receive and examine available information, including Planning Commission transcripts per Section 10, and conduct a hearing on behalf of the applicant or other interested party. Individual Council Members may tour the site at any time prior to the Council rendering its decision, but there is no requirement that Council Members do so. The Mayor may call a special City Council Meeting to tour the site should he/she determine a unique need exists due to site characteristics or complexity of proposed development. A written decision will be rendered within thirty (30) days of the hearing and will be considered final. In no case, however, shall this decision and preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application (ORS 227.178).
- 2) The City Council shall review only the record of the prior proceeding(s), and may ask for clarification or additional information from the participating parties as it relates to the record. Full disclosure of both parties must be made at the Planning Commission level and additional non-related issues of law or fact shall not be accepted nor considered.
- 3) The City Council shall establish and issue rules of procedures and standards for the conduct of hearings.
- 4) The City Council may affirm, rescind, or amend the action of the Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan. The City Council may also remand the matter back to the Planning Commission for additional information subject to the agreement of the applicant to extend the 120-day review period.
- 5) The City Council shall make and enter findings from the record and conclusions thereof which support its decision; and the findings and conclusions shall set forth and demonstrate the manner in which the decision recommended shall be carried out, as well as the implementation of the goals and objectives of the Comprehensive Plan, the Zoning Ordinance, and other official policies and objectives of the City.

(Added by Ordinance #1182, effective 2/06/03)

## SECTION 34 - REVOCATION OF PERMITS OR VARIANCES

1. Revocation of Permits, Automatic if not Used. Any Planned Unit Development Permit, Conditional Use Permit, Home Occupation Permit, Change of Use Permit, or Variance granted in accordance with the terms of this Ordinance shall be deemed revoked if not used within one (1) year from the date of approval or such time as specified by the Planning Commission. Said permit shall not be deemed used until the applicant has actually obtained a building permit, and commenced construction thereunder. Site Plan Approval shall be deemed revoked if not used within six (6) months from the date of approval or such time as specified by the Planning Commission.
2. Revocation for Non-Compliance with Conditions. Any Planned Unit Development Permit, Conditional use Permit, Home Occupation Permit, Change of Use Permit, Site Plan Approval, or Variance granted in accordance with the terms of this Ordinance may be revoked if any of the conditions or terms of such permit or variance are violated, or if any law or ordinance is violated in connection therewith. If, after notice and hearing, a Planned Unit Development Permit is revoked for a substantial violation of any of its conditions, the City Council may reconsider any zone change granted in connection with the Planned Unit Development and restore the zoning existing prior to such revocations, but any such proposed change of zone shall follow the procedures otherwise specified for zone changes herein.
3. Public Hearing. The Planning Commission shall hold a public hearing on any proposed revocation after giving written notice to the permittee and to other owners of property as set forth in Section 10. The Planning Commission shall render its decision within forty-five days after the conclusion of the hearing. In case the permittee is not satisfied with the action of the Commission, they may appeal the Planning Commission decision to the City Council in the manner provided in Section 10 and Section 33.

## SECTION 35 - AMENDMENTS

This Ordinance may be amended by changing the boundaries of districts or by changing any other provisions thereof. Whenever the public necessity and convenience and the general welfare requires such an amendment, such a change may be proposed by the City Council on its own motion or by motion of the Planning Commission, or by petition as hereinafter set forth. Any such proposed amendment or change shall first be submitted to the Planning Commission and the Planning Commission shall, within 40 days after a hearing, recommend to the Council, approval, disapproval or modification of the proposed amendment.

1. **Application and Fee.** An application for amendment by a property owner or his authorized agent shall be filed with the City Recorder. The application shall be made on the forms provided by the City, accompanied by a site plan drawn to scale showing the property involved and adjacent land. A non-returnable fee as set forth in the City's fee schedule shall accompany each application. The applicant shall pay the costs of notification and publication required by this Ordinance.
2. **Public Hearing on an Amendment.** Before taking final action on a proposed amendment, the Planning Commission shall hold a public hearing thereon. After receipt of the report on the amendment from the Planning Commission, the Council shall hold a public hearing on the amendment.
  - A. **Notice of hearing.** Notice of time and place of the public hearing before the Planning Commission and of the purpose of the proposed amendment shall be given by the City Recorder in the following manner.
    - 1) If an amendment to the text is proposed, the notice shall be by one publication in a newspaper of general circulation in the City not less than four (4) days nor more than 10 days prior to the date of hearing. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the same manner as provided in this section. If an amendment to the Zoning Map is proposed, the notice shall be as provided in Section 10 of this Ordinance.

(Amended by Ord. 1129, effective 10/20/93)
    - 2) Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.
  - B. **Recess of hearing.** The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose the Commission shall announce the time and date when the hearing will be resumed.
  - C. **Public hearing held by council.** Notice of the hearing to be held by the Council on the proposed amendment to the Zoning Ordinance shall be given as provided in Section 35 (2A).



## SECTION 35 - AMENDMENTS

3. Action by the City Council. At the conclusion of the public hearing, the Council may enact an ordinance granting the zone change or amendment, or may by motion deny the granting of the zone change or amendment. The Council shall in any event render its decision on any application within 40 days after the public hearing, provided however, that nothing shall prohibit the City Council from by motion, postponing disposition of the application to a definite time past the said 40 day period.
4. Record of Amendments. The signed copy of each amendment to the text and the map of this Ordinance shall be maintained on file in the office of the City Recorder. A record of such amendments shall be maintained in a form convenient for the use of the public.
5. Resubmittal. In a case where a petition for an amendment is denied by the City Council, said petition shall not be eligible for resubmittal for one (1) year from the date of said denial, unless such denial was specifically stated to be without prejudice. A new petition affecting the same property must be, in the opinion of the Planning Commission and the City Council, substantially different from the petition denied, to be eligible for consideration within one (1) year from the said date of denial, unless the first denial was denied without prejudice, or the Planning Commission finds that conditions have changed to the extent that further consideration is warranted.
6. Resolution of Intent to Re-Zone. If, from the facts presented and findings and the report and recommendations of the Planning Commission, as required in Section 35 hereof, the City Council determines that the public health, safety, welfare and convenience will be best served by a proposed change of zone, the Council may indicate its general approval in principal of the proposed re-zoning by the adoption of a "resolution of intent to re-zone" the area involved. This resolution shall include any conditions, stipulations or limitations, which the Council may feel necessary to require in the public interest as a pre-requisite to final action, including those provisions which the Council may feel necessary to prevent speculative holdings of the property after re-zoning. The fulfillment of all conditions, stipulations and limitations contained in said resolution, on the part of the applicant, shall make such resolution a binding commitment on the City Council. Such a resolution shall not be used to justify spot zoning, to create unauthorized zoning categories by excluding uses otherwise permitted in the proposed zoning or by imposing setback, area or coverage restrictions not specified in the Ordinance for the zoning classification, or as a substitute for a variance. Upon completion of compliance action by the applicant, the Council shall by ordinance effect such re-zoning. The failure of the applicant to meet any or all conditions, stipulations, or limitations contained in the resolution, including the time limit placed in the resolution, shall render the resolution of intent to re-zone null and void, unless an extension is granted by the Council upon recommendation of the Planning Commission.
7. Nothing contained in Section 35 or in any other section of this Ordinance shall be construed as being applicable to the enactment of amendment to this Ordinance so long as they apply to procedural matters, including but not limited to, the matter of appeal rights, limitation for appeals, filing fees relating to land use actions, as well as any and all matters deemed by the Tillamook City Council to pertain to procedure.

## SECTION 36 - ENFORCEMENT AND PENALTIES

1. Enforcement. It shall be the duty of the City Manager to enforce this Ordinance. All departments, officials and public employees of the City of Tillamook City, vested with the duty or authority to issue permits shall conform to the provisions of this Ordinance and shall issue no permit, certificate, or license for any use, building or purpose which violates or fails to comply with conditions or standards imposed by this Ordinance. Any permit, certificate or license issued in conflict with the provisions of this Ordinance, unintentionally or otherwise, shall be void.
2. Penalties for Violation. Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for a term not to exceed 100 days or both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this Ordinance is committed or continued by such a person, firm or corporation and shall be punishable as herein provided.
3. Injunctive Relief. The foregoing sanctions shall not be exclusive, and where the public health, safety, morals, or general welfare will be better served thereby, the City Manager may institute such proceedings for injunctive relief against a continuing violation as may be authorized by the statutes of the State of Oregon. In the enforcement of provisions prohibiting nuisances caused by odor, sound, vibration and the like, the City Manager may seek injunction against the specific device, activity or practice causing the nuisance.
4. Evidence. In any prosecution for causing or maintaining any condition or use of, or activity on, or constructing, moving or maintaining any structure on, any premises in violation of this Zoning Ordinance, a person in possession or control of the premises, as owner or lessee at the time of the violation or continuance thereof, shall be presumed to be the person who constructed, moved, caused or maintained the unlawful activity, use, condition or structure. This presumption shall be rebuttable and either the City or the defendant in such prosecution shall have the right to show that the offense was committed by some person other than, or in addition to, an owner or lessee or other person in possession or control of the premises; but this shall not be construed as relieving a person in possession and control of property from any duty imposed upon him by this Ordinance. For the purposes hereof, the person to whom the premises are taxed according to the records of the Tillamook County Assessor shall be prima facie the person in possession or control of the premises. Where premises on which the violation is committed are commercial or industrial premises on which a sign is situated identifying the commercial or industrial activity conducted thereon, or displaying the real or assumed business name of a person or proprietor thereof, the same shall constitute prima facie evidence that the person whose name is thus displayed is in possession or control of the premises as owner or lessee, but this shall not be construed to relieve from responsibility any agent, manager, employee or other person who actually committed the violation.
5. Abatement. Where, because of the absence of the responsible person, or persons from the City or from the State, as the case may be, the courts of the City of Tillamook City or the State of

## SECTION 36 - ENFORCEMENT AND PENALTIES

Oregon cannot secure effective jurisdiction over the person or persons responsible for the cause or continuation of a structure or condition erected or maintained in violation of this Ordinance, or where the City Council deems it important to the public interest that the unlawful structure or condition be removed or corrected without delay, the City Council may, after notice and hearing, order the removal of the unlawful structure or condition and, if such removal or correction is not effected within the time prescribed in the order, the City Manager shall cause such abatement, going upon the premises with such men or equipment as may be necessary and the City Council shall thereafter by ordinance assess the cost of abatement against the real property. The lien of the assessment shall be enforced in the same manner as in the case of street improvement liens. Notice of hearing shall be sufficient if give thirty (30) days in advance of the hearing, either by personal delivery or by mailing the same to the last known address of the owner of the property as shown by the County Assessor's records. The order shall be served upon the owner or responsible person in the manner prescribed for the notice of hearing, and the owner or responsible person shall have such period of time after service of the order, but less than thirty (30) days, as the City Council may deem to be reasonably necessary to accomplish the requirements of the order. The notice of hearing and the abatement order shall contain a notice to the property owner, or other person served, that the City of Tillamook City shall not be responsible for the condition or storage of the component parts of, or personal property situated within, the structure following abatement by the City. The remedy of abatement shall be in addition to, and not in lieu of, the other remedies prescribed in this section.

SECTION 37 - SEVERABILITY AND VALIDITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The city Council of the City of Tillamook City hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases might be declared invalid.

SECTION 38 - REPEAL

Ordinance No. 830 and all other ordinances, or parts of ordinances, inconsistent herewith, are repealed.

PASSED by the Common Council of the City of Tillamook City, Oregon, this 28th day of July, 1980.

APPROVED by the Mayor this 29th day of July, 1980.

\_\_\_\_\_/s/ Donald G. Hurd\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_/s/ Ester Wade\_\_\_\_\_  
City Recorder