

## **APPENDIX B: City of Cannon Beach Proposed Code Edits**

This appendix documents suggested edits and amendments to the City's existing municipal code to conform to state requirements under Oregon's Transportation Planning Rule and to facilitate implementation of recommended TSP projects, policies, and programs.

## Title 16

### SUBDIVISIONS

Chapter:

16.04 Subdivision

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- 16.04.310 Design standards—Lots.
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- 16.04.340 Design standards—Utilities.
- 16.04.350 Improvement standards and approval.
- 16.04.360 Improvements.

16.04.090 Tentative plan—Public notice.

Public notice shall be mailed to property owners within two hundred feet of the boundary of the proposed subdivision or partition.

The City shall notify ODOT if an ODOT facility is accessed or for a land division or subdivision. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

The content of the public notice shall be in accordance with Section 17.88.030 through 17.88.050. (Ord. 95-20 § 1)

16.04.130 Applicable standards.

In making its decision, the planning commission shall determine whether the proposed subdivision or partition complies with the applicable standards of this code and the policies of the comprehensive plan, in conformance with the requirements of Section 17.88.110. Where this chapter imposes a greater restriction upon the land than is imposed or required by existing provisions of law, ordinance, contract or deed, the provisions of this chapter shall control. Pursuant to ORS 197.195(1), the city has determined that the following comprehensive plan policies are applicable standards for a proposed subdivision or partition.

A. General Development Policies.

1. General Development Policy 4. The city shall control excavation, grading, and filling in order to: avoid landslides and other geologic hazards; protect adjacent property and structures; provide for appropriate drainage improvements; minimize the extent of vegetation removal; minimize erosion and sedimentation; and protect the aesthetic character of the city.

2. General Development Policy 5. The density of residential development throughout the city shall be based on the capability of the land in terms of its slope, potential for geologic hazard and drainage characteristics. Density limits throughout the city shall generally be:

Net Density Standards	
	Dwellings Per Acre
High (R3), (RM)	15
Duplex or medium (R2), (RMa), (MP), (RAM)	11
Moderate single-family (R1)	8
Low (RL)	4
Very low (RVL)	1

3. General Development Policy 9. To control development in areas with slopes exceeding twenty percent and areas subject to potential geologic hazards so that potential adverse impacts can be minimized.

4. General Development Policy 10. When site investigations are required in areas of potential landslide hazard, a site specific investigation shall be prepared by a registered geologist. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official. When site investigations are required in areas of potential coastal erosion hazard, the site specific investigation shall be prepared by a registered geologist with expertise in shoreline processes. Based on the conclusions of this investigation, protective structures designed by a registered civil engineer may be required by the building official. Site investigation reports shall meet the city's criteria for the content and format for geologic hazard reports.

5. General Development Policy 11. Site investigations by a qualified soils engineer may be required for the construction or development of property identified by the Soil Conservation Service as containing weak foundation soils. Site reports shall include information on bearing capacity of the soil, adequacy and method of drainage facilities, and the length of fill settlement necessary prior to construction.

6. General Development Policy 12. Site investigations by a registered geologist shall be performed, prior to development, in any area with a slope exceeding twenty percent. Based on the conclusions of this investigation, an engineered foundation design by a soils engineer may be required by the building official.

7. General Development Policy 14. To ensure that development is designed to preserve significant site features such as trees, streams and wetlands.

8. General Development Policy 15. The city shall regulate the removal of trees in order to preserve the city's aesthetic character, as well as to control problems associated with soil erosion and landslide hazards.

9. General Development Policy 16. To provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.

B. Northside Policies.

1. Northside Policy 1. The Northside area, the area extending from Fifth Street to Ninth Street, shall remain primarily residential in character. Development should take place only in a manner that is compatible with sensitive lands, steep slopes, active foredunes, areas subject to flooding, wetlands and streambanks.

2. Northside Policy 3. Active foredunes shall remain in their undeveloped state in order to provide a buffer from ocean and wind erosion (please refer to hazards section of the plan).

3. Northside Policy 5. A fifteen-foot buffer on either side of Logan Creek is established to protect riparian vegetation. In order to minimize impacts on riparian vegetation, uses and activities permitted within the buffer shall be limited.

4. Northside Policy 8. Subdivision or development of the land area east of Ecola Park Road shall be carefully undertaken. Streets shall be replatted along contour lines in steeper areas, and the density of development shall be inversely proportionate to the steepness of the slopes. The area shall be platted in large lots or acreages. All development in the area shall take advantage of the existing topography and natural vegetation, particularly older trees. Prior to subdivision, issuance of a building permit, or other development, a complete geologic hazards study and topographic map shall be filed with the city.

5. Northside Policy 9. Clustering of development may be considered in order to reduce the effect of geologic hazards, protect trees and wetland areas, and to retain larger areas of open space. Where cluster development is permitted, wetland areas shall not be used in determining the permitted density of the development (no density transfer from wetland to upland areas).

C. Tolovana Park Policies.

1. Tolovana Park Policy 1. The Tolovana Park area of Cannon Beach shall remain primarily residential. Generally, the area west of Hemlock shall continue to develop with single-family dwellings on fifty-foot by one-hundred-foot lots, except where smaller lots already exist.

D. Urban Growth Area Policies.

1. Urban Growth Area Policy 3. All land use actions shall be in conformance with the city comprehensive plan and zoning ordinance. The density of development within the urban growth boundary shall be in the range of one to three acres per dwelling. The specific density shall be based on the capacity of the land in terms of slope or landslide and the availability of water service, sewage disposal and police and fire protection.

2. Urban Growth Area Policy 4. Full city services (water, sewer, police, street maintenance) shall be provided only to those developments which annex to the city. Developments within the urban growth boundary but outside the city limits shall include plans for individual utility systems which have been approved by the city.

E. Housing Policies.

1. Housing Policy 1. In order to maintain the city's village character and its diverse population, the city will encourage the development of housing which meets the needs of a variety of age and income groups, as well as groups with special needs.

2. Housing Policy 3. To the extent possible, the city shall endeavor to accommodate affordable housing in a manner that disperses it throughout the community rather than concentrating it at specific locations.

3. Housing Policy 5. The city recognizes the importance of its existing residential neighborhoods in defining the character of the community and will strive to accommodate new residential development in a manner that is sensitive to the scale, character and density of the existing residential development pattern.

4. Housing Policy 6. The city shall preserve and enhance the qualities that contribute to the character and liveability of its residential areas. These qualities include limited traffic disruptions, uncongested streets, and a low level of noise and activity.

5. Housing Policy 11. The city will provide flexibility in regulations governing site design so that developments can be adapted to specific site conditions.

6. Housing Policy 12. The city will consider the use of cluster development and planned development techniques as a means of preserving common open space, protecting significant natural features, and providing for a variety of affordable housing types.

7. Housing Policy 13. To the extent feasible, higher density housing developments should be located in proximity to the city's major employment areas and arterial streets.

F. Hazards-Area Specific Policies.

1. Area Specific Policy 1. The Curves Area (Tolovana Hill). Further development within the large active landslide on either side of Hemlock must be carefully planned and closely monitored.

2. Area Specific Policy 2. The North End Area.
  - a. Topographic map coverage is important for the evaluation of the area's buildability. At the present time, this coverage is not feasible due to the dense vegetation that covers most of the area. Proposed developments, through their site investigations, should provide more detailed topographic mapping.
  - b. Development could be allowed on certain steep slopes where the thick basalt sill occurs as bedrock near enough to the surface for footings to be anchored in solid, fresh basalt without extensive (preferably no) excavation of soil. This area is designated Ti-basaltic intrusive rocks on the geologic hazard formations map. Efforts shall be made to retain the natural conditions of steep slopes.
  - c. The remainder of the north end area shall be designated low density.
- G. Overall Policies-Geologic Hazards.
  1. Geologic Hazard Policy 1. A site specific investigation performed by a qualified expert shall be a prerequisite for the issuance of any building permit in the following areas, and delineated on the master map:
    - a. Those areas consisting of landslide topography developed in tertiary sedimentary rocks (TOMS);
    - b. Any property containing, or adjacent to all or part of, an active landslide;
    - c. Any property having beach frontage;
    - d. The area south of Maher Street underlain by the Astoria Formation (Tma units);
    - e. Within the two stream drainages south of West Way.
  2. Geologic Hazard Policy 2. Development requirements for the city are:
    - a. Structures should be planned to preserve natural slopes. Cut and fill methods of leveling lots shall be discouraged.
    - b. Access roads and driveways shall follow the slope contours to reduce the need for grading and filling.
    - c. Removal of vegetation shall be kept to a minimum for stabilization of slopes.
    - d. Drainage patterns shall not be altered in steeper areas. Roof drains shall be channeled into natural drainage or storm sewers.
    - e. No development shall be allowed to block stream drainageways, or to increase the water level or water flow onto adjacent property.
- H. Flood Hazard Policies.
  1. Flood Hazard Policy 2. Where development within the floodplain is allowed, assurance to the city shall be given that the development will not be expected to raise adjacent flood heights and increase public safety hazards.
  2. Flood Hazard Policy 3. Development in areas subject to severe ocean erosion or flooding (the velocity zone) shall be constructed in such a way that hazards are minimized.
  3. Flood Hazard Policy 4. Filling of wetlands or natural drainages shall be prohibited unless it is adequately demonstrated that it will not affect adjacent property,

and the wetlands area is not, in the view of state and federal resource agencies, valuable biologically.

I. Sand Dune Construction Policies.

1. Sand Dune Construction Policy 1. The city shall prohibit residential development and commercial and industrial buildings on beaches, active foredunes, on other foredunes which are conditionally stable and are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. Permitted uses in these areas shall be those which are of very low intensity (such as raised wooden walkways), uses which do not cause the removal of sand or vegetation, and which could be easily removed in the event of ocean flooding, erosion or other hazard.

J. Recreation, Open Space, Natural, Visual and Historic Resources Policies.

1. Recreation, Open Space, Natural, Visual and Historic Resources Policy 11. Vegetation and tree cover along the ocean front shall be managed in a manner which retains its erosion control capabilities and maintains its contributions to the scenic character of the beach.

2. Recreation, Open Space, Natural, Visual and Historic Resources Policies Concerning Archaeological Sites.

a. The city will review land use activities that may affect known archaeological sites. If it is determined that a land use activity may affect the integrity of an archaeological site, the city will consult with the State Historic Preservation Office on appropriate measures to preserve the site and its contents;

b. Indian cairns, graves and other significant archaeological resources uncovered during construction or excavation shall be preserved intact until a plan for their excavation or reinterment has been developed by the State Historic Preservation Office. Upon discovery of any new archaeological sites, the city will address the Goal 5 requirements through an amendment to comprehensive plan background report.

K. Street Policies.

1. Street Policy 1. Streets shall be built in conformance with adopted City standards, specifications for which are contained in "Minimum Standards for Streets to be Adopted by the City of Cannon Beach." ~~The city planning commission may grant an exception from these standards, based on unique circumstances such as topography or number of lots to be served.~~ **The City may grant an exception at the discretion of the City Engineer.**
2. Street Policy 2. The city shall accept privately constructed streets into the city system only after they have been improved to city standards.
3. Street Policy 3. Adequate storm drainage shall be provided in all street improvement projects. The public works director shall specify the appropriate placement and sizing of all drainage facilities. Existing ditches or natural drainages may be acceptable if approved by the public works director.



4. Street Policy 4. Local City streets may be reconfigured by the City for use as pedestrian plazas, and or include mini-roundabouts in order to create community and reinforce the use of streets for all modes.
5. Street Policy 5. The City may require developers to consider proposed mobility hub and transit stop locations contained in the TSP and dedicate appropriate rights of way to support implementation of these facilities.
6. Street Policy 6. The City shall require development of a Transportation Impact Study for any development, phased or otherwise, that is anticipated to result in more than 100 new vehicle trips per day. The City will use the results of these studies to require all parties to provide their fair share to the City for improvements.
7. Street Policy 7. Pedestrian and bicycle standards and provisions. Per Oregon's Transportation Planning Rule (OAR 660-012-000), the City requires developers to provide 'safe and convenient' pedestrian access to and through new subdivisions, multifamily development, planned developments and shopping centers as necessary to support a variety of modes of transportation in the community.

L. Water System Policies.

1. Water System Policy 4. Large developments or heavy water users shall make equitable contributions to the improvement of the water system, and shall pay all costs associated with the extension of the water lines.
2. Water System Policy 7. Subdivisions (requiring a connection larger than one inch), planned development, motels or other uses having large water demands shall be approved only if sufficient water capacity is available.
3. Water System Policy 8. Water lines in proposed developments shall be adequately sized to meet future needs at the projected usage of density, including fire flow requirements.
4. Water System Policy 9. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the City and Fire Protection District.

M. Sewer System Policies.

1. Sewer System Policy 3. Large developments shall make equitable contributions to the improvement and expansion of the sewage treatment system. Subdivisions or developments other than single-family residences and duplexes shall be approved only if sufficient capacity is available to meet present and future needs.
2. Sewer System Policy 4. Sewer lines in proposed developments shall be adequate to meet future needs of the development and shall be designed so as to minimize excavation of the road surface for future connections.

N. Fire Protection Recommendations.

1. Fire Protection Recommendation 1. In cooperation with the Cannon Beach Rural Fire Protection District, the city shall maintain and develop a strong fire protection

system. Subdivisions and other developments should be reviewed by the fire department to determine if the sizing of the water system and placement of fire hydrants is adequate; developments should be allowed only if the water system is capable of providing adequate fire flow.

2. Fire Protection Recommendation 2. The city should adequately assess new development in any area to cover the cost of future water system improvement or for fire protection.

3. Fire Protection Recommendation 3. Fire hydrants or other fire protection devices shall be installed by the developer of major developments to the satisfaction of the city and the fire protection district. (Ord. 98-6 §§ 1, 2; Ord. 97-20 §§ 1—9; Ord. 96-3 § 3; Ord. 95-20 § 1)

#### 16.04.280 Design standards—Streets.

The following design standards are required for streets:

A. Conformity. The arrangement, character, extent, width, grade and location of all streets shall conform, insofar as practicable, with existing street layouts and the filing or application for approval of a plat or street improvement in the vicinity. Streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience, geologic or soil conditions, and the proposed use of land served by such streets.

B. Relation to Adjoining Street System. The arrangement of streets in new subdivisions, and new streets in existing subdivisions, shall make provision for the continuation of the existing streets in adjoining areas.

C. Projection of Streets. Where adjoining areas are not subdivided, the arrangement of streets in a new subdivision shall make provision for the proper projection of streets.

D. Streets to be Carried to Property Lines. When a new subdivision joins unsubdivided lands suitable for subdivision, the new streets shall be carried to the boundaries of the tract proposed to be subdivided.

E. Cul-de-sacs. Dead-end streets or cul-de-sacs, designed to be so permanently, shall not be longer than four hundred feet measured from the end of the cul-de-sac to its intersection with the right-of-way of the adjoining street. The distance shall be measured along the centerline of the street terminating in the cul-de-sac. The street shall be provided at the closed end with a turnaround with a street right-of-way radius of at least forty feet when parking is not allowed and forty-eight feet if parking is allowed. The planning commission may approve a hammerhead turnaround of a design acceptable to the fire district. If a dead-end street is of a temporary nature, a similar turnaround should be provided and provision made for future extension of the street into adjoining properties.

~~F. Street Widths. All street rights-of-way shall be at least forty feet in width. Roadway improvements shall not be less than twenty feet in width.~~

G. Street Surface. Street surfaces shall be designed to support the imposed loads of fire apparatus and shall be provided with a surface so as to provide all weather driving capabilities.

H. Street Grade. The gradient of streets shall not exceed an average of twelve percent with a maximum of fifteen percent on short pitches. Due to topographic conditions, an exception to this standard may be approved where a deed restriction is recorded which requires that affected buildings are provided with approved automatic fire sprinkler systems.

I. Fire Apparatus Access. The street layout shall be configured so that future building sites are located so that the maximum distance from the exterior wall of the first story of a building to a fire access road is no more than one hundred fifty feet. An exception to this standard may be provided where a deed restriction is recorded which requires that a building is completely protected with an approved automatic fire sprinkler system.

J. Intersections. The intersections of more than two streets at one point shall be avoided wherever possible. Streets shall intersect one another at an angle as near to a right angle as possible. If an intersection occurs at an angle other than a right angle, it shall be rounded with a curve of a radius acceptable to the public works director.

K. Subdivision into Tracts Larger than Ordinary Building Lots. Where a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged so as to allow the openings of future streets and logical further resubdivisions. However, each lot shall contain a feasible building site.

L. Half Streets. Half streets shall be prohibited except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the planning commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.

M. Street Names and Numbers. All new streets shall be approved by the planning commission, and be named in accordance with existing street names and extensions and projections thereof. Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with, the existing or platted street. House numbers shall be assigned in accordance with the city's house numbering system.

N. Gated Streets. Gated streets are not permitted. (Ord. 95-20 § 1)

#### 16.04.285 Rights-of-Way and Street Section Widths.

A. The standards contained in Table 1 below are intended: to provide for streets of suitable location, width, and design to accommodate expected vehicle, pedestrian, and bicycle traffic; to afford satisfactory access to law enforcement, fire protection,

sanitation, and road maintenance equipment; and to provide a convenient and accessible network of streets, avoiding undue hardships to adjoining properties. Where a range of street width or improvement options is indicated, the Planning Commission shall determine requirements based on the advice of a qualified professional and all of the following factors:

- A. Street classification and requirements of the roadway authority, if different than the City's street classifications and requirements;
- B. Existing and projected street operations relative to applicable standards;
- C. Safety of motorists, pedestrians, bicyclists[, and transit users], including consideration of accident history;
- D. Convenience and comfort for pedestrians and bicyclists;
- E. Provision of on-street parking;
- F. Placement of utilities;
- G. Street lighting;
- H. Slope stability, erosion control, and minimizing cuts and fills;
- I. Surface water management and storm drainage requirements;
- J. Emergency vehicles or apparatus and emergency access, including evacuation needs;
- K. Transitions between varying street widths (i.e., existing streets and new streets); and
- L. Other factors related to public health, safety, and welfare.

**Table 1. Cannon Beach Street Design Standards**

Functional Classification	Min. Travel Lane Width	Center Lanes	Bikeways	Min. Sidewalk Width	Sidepaths (Optional if no sidewalk)	On-Street Parking	Shoulder
Principal Arterial	11' – 12'	Optional 14'	Required if no sharrow, 6' min.	6' standard	8-12'	Varies	None
Minor Arterial	11' – 12'	Optional 14'	Required if no sharrow, 6' min.	6' standard	8-12'	Varies	0-3'
Major Collector	11' – 12'	None	Shoulder or sharrow	6' or optional sidepath	8-12' on one side	Optional 8' on both sides	If no parking or bike lanes, outside travel lane of 15'

Functional Classification	Min. Travel Lane Width	Center Lanes	Bikeways	Min. Sidewalk Width	Sidepaths (Optional if no sidewalk)	On-Street Parking	Shoulder
Minor Collector	10'	None	Shoulder or sharrows	6' or optional sidepath	8'-12' on one side	Optional 8' on both sides	If no parking or bike lanes, outside travel lane of 15'
Local Street	10'	None	None required; sharrows optional	None required	If no shoulder or sidewalk, 6'	Permitted on both sides	Optional 5'

Range of widths listed represent minimum and maximum acceptable widths.

A 10' multi-use path or sidepath on one or both sides of the roadway that meets a **minimum separation distance of 5 ft.** from the roadway is an acceptable substitute for bicycle lanes and sidewalks Arterial and Collector Streets in Cannon Beach.

16.04.290 Design standards—Easements.

The following design standards are required for easements:

A. Utility Lines. Easements for sewers, drainage, water mains, electric lines, or other public utilities shall be dedicated. Easements on interior lot lines shall be ten feet in width, the centerline of which shall be the lot lines. Easements along exterior lot lines shall be ten feet in width, except no easement will be required for those lot lines paralleling a street or other public way. Tie-back easements shall be six feet wide and twenty feet long along lot side lines at change of direction points of the lot lines.

B. Drainage Ways. Where a subdivision or partition is traversed by a watercourse, drainage way, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as may be adequate for the purpose but in no event less than twenty feet. (Ord. 95-20 § 1)

~~16.04.300—Design standards—Blocks.~~

~~—The following design standards are required for blocks:~~

~~—Dimensions. Block, length, width and area within bounding roads shall be such as to accommodate the size of lots required by the zoning ordinance and to provide for convenient access, circulation control and safety of street traffic. (Ord. 95-20 § 1)~~

**16.04.300. Design Standards-Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by an interconnected street network, pursuant to the standards in subsections (1) through (4) below. Distances are measured from the edge of street rights-of-way. Where**

a street connection cannot be made due to physical site constraints, approach spacing requirements, access management requirements, or similar restrictions; where practicable, a pedestrian access way connection shall be provided pursuant to Section 16.04.305, Pedestrian access and connectivity.

1. Residential zones: Minimum of [200]-foot block length and maximum of [600]-foot length; maximum [1,400]-foot block perimeter;

2. Main Street zone: Minimum of [200]-foot length and maximum of [400]-foot length; maximum [1,200]-foot perimeter;

3. General Commercial zone and Light Industrial zone: Minimum of [100]-foot length and maximum of [600]-foot length; maximum [1,400]-foot perimeter; and

4. Not applicable to General Industrial zone.

16.04.305. Pedestrian access and connectivity. This subsection of the City's code is designed to implement the pedestrian access and connectivity policies of City of Cannon Beach's Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.

B. Standards. The following developments: multifamily, ~~planned developments~~ mixed-use and commercial centers as well as subdivisions and those projects required to provide off-site road improvements shall conform to all of the following standards for pedestrian access and circulation:

1. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

2. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent parking areas, recreational areas, playgrounds, and public rights-of-way conforming to the following standards:

a. The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of- direction travel.

b. The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Engineer, Design Review Board, Planning Commission ~~or City Council~~ may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.

c. The walkway network connects to all primary building entrances, and where required, Americans with Disabilities Act (ADA) requirements.

3. Vehicle/Walkway Separation. Except as required for crosswalks, per Crosswalks subsection below, where a walkway abuts a driveway or street it shall be raised [six] inches and curbed along the edge of the driveway or street. Alternatively, the City Engineer, Design Review Board, Planning Commission or City Council may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle- maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.

4. Crosswalks. Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material). The crosswalk may be part of a speed table to improve driver-visibility of pedestrians. Painted or thermo-plastic striping and similar types of non-permanent applications are discouraged, but may be approved for lesser used crosswalks not exceeding [24] feet in length.]

5. Walkway Width and Surface. Walkways, including access ways required shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Engineer, and not less than five feet wide.

6. Walkway Construction. Walkway surfaces may be concrete, asphalt, brick or masonry pavers, or other City-approved durable surface meeting ADA requirements. Walkways shall be not less than [five ] feet in width, except that concrete walkways a minimum of [five] feet in width are required in commercial developments and subdivisions. The Planning Commission may also require [five-]foot wide, or wider, concrete sidewalks in other developments where pedestrian traffic warrants walkways wider than [five ] feet.

7. Multi-Use Pathways. Multi-use pathways, where approved, shall be [8-12] feet wide and constructed of [asphalt / concrete /crush and run] consistent with the [applicable Engineering / Public Works Design Standards.

## Title 17

## ZONING\*

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- 17.92 Administrative Provisions
- 17.94 Enforcement

\* Prior Ordinance History: Ord. 79-4A as amended by Ords. 780-1, 80-6, 81-1, 81-3, 81-16, 81-18, 81-20, 82-3, 82-5, 82-7, 82-10, 82-11, 82-12, 82-13, 82-15, 82-17, 83-12, 83-13, 83-20, 84-3, and 84-7.

17.04.066 Bicycle Facilities. Facilities which provide for the needs of bicyclists, including bikeways, signing, pavement marking, and parking.

17.04.433 Pedestrian Circulation System: Pedestrian connection (s) between entrances(s) of the proposed development and adjacent streets, the parking area and the existing or future development on adjacent properties. The routes shall be safe, convenient and reasonably free of hazards and conflicts with vehicles. The system shall follow a reasonably direct route of travel. Also included under Transportation Facilities.

17.04.434 Pedestrian Connection: A continuous, unobstructed, reasonably direct route between two points that is indented and suitable for pedestrian use. The routes shall be safe, convenient and reasonable free of hazards and conflicts with vehicles. Pedestrian connections include but are not limited to sidewalks, walkways, accessways, stairways and pedestrian bridges. On developed parcels, pedestrian connections are generally hard surfaces. In parks and natural areas, pedestrian connections may be soft or gravel pathways. On undeveloped parcels intended for redevelopment, pedestrian connection may also include right of way or easements for future pedestrian improvements. Also included under Transportation Facilities.

17.04.435 Pedestrian Facilities. Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, shared-use paths, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient, reasonable convenient and attractive walking conditions. Also included under Transportation Facilities.

17.04.4356 Permit.

“Permit” means discretionary approval of a proposed development of land under ORS 227.215. (Ord. 89-3 § 1)

7.04.447 Private parking lot.

“Private parking lot” means an area designed for the off-street parking of vehicles where an hourly or daily fee is charged for the use of the parking spaces and where those parking spaces are not provided in order to satisfy off-street parking requirements of a permitted or conditional use. A private parking lot does not include an area designed for the off-street parking of vehicles where those parking spaces are made available through monthly or yearly lease arrangements. (Ord. 97-13 § 1)

17.04.510 Rip-rap.

“Rip-rap” is a layer, facing or protective mound of stones placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. (Ord. 86-16 § 1 (87); Ord. 86-10 § 1 (87))

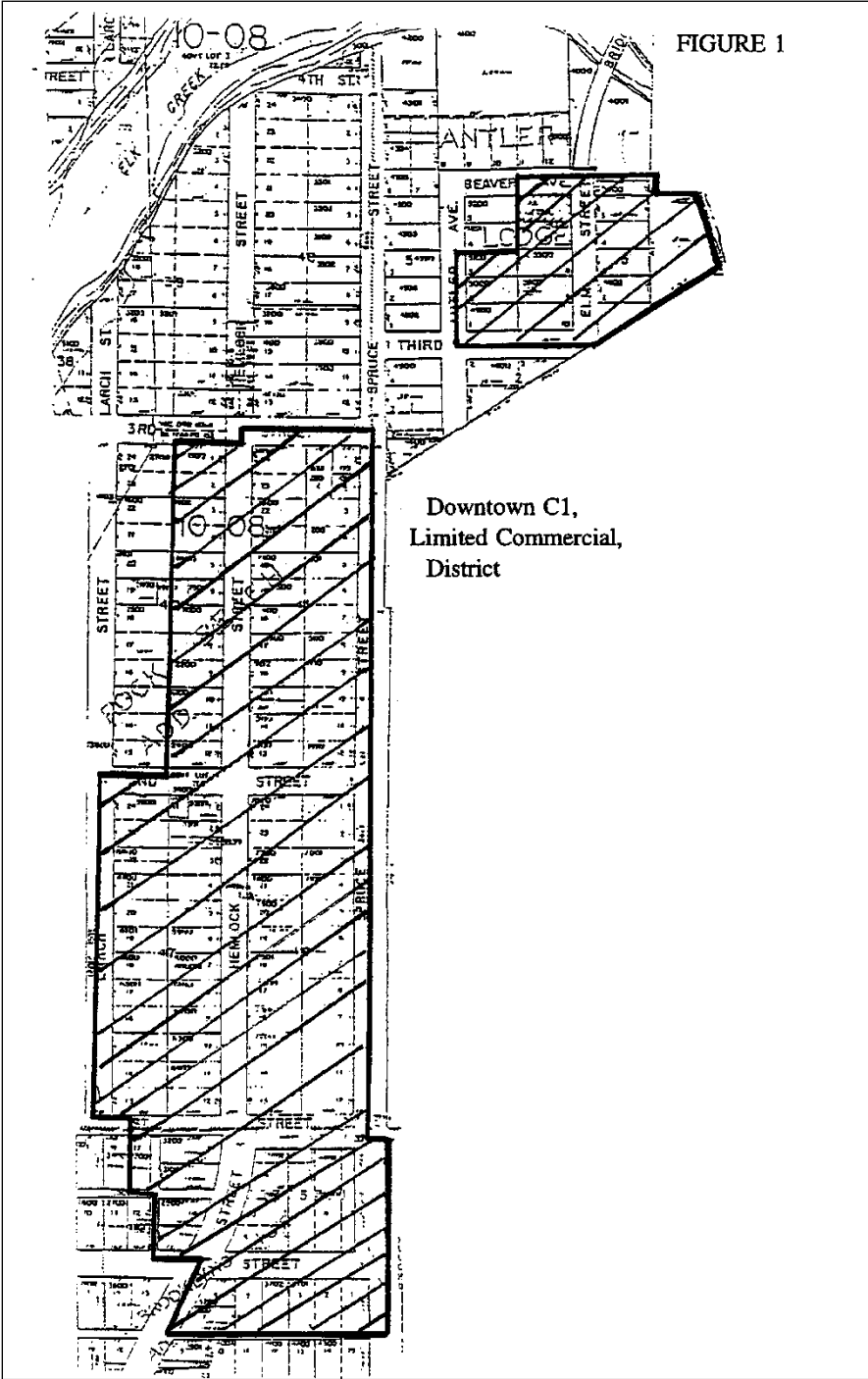
17.04.511 Roundabout or Mini-roundabout. A “roundabout” is a type of circular intersection or junction in which road traffic is permitting to flow in one direction around a central island, and priority is typically given to traffic already in the junction. A “mini-roundabout” is a type of roundabout that is much smaller in inscribed diameter than a traditional roundabout, on the order of 50 to 80 ft, and a relatively small circular central island (e.g. 16 ft to 45 ft diameter that is traversable via mountable curb to preserve access by freight and larger vehicles.

17.04.535 Street.

“Street” means the entire width between the right-of-way lines of every way for vehicular and pedestrian traffic and includes the terms “road,” “highway,” “lane,” “place,” “avenue,” “alley” and other similar designations. (Ord. 86-16 § 1 (92); Ord. 86-10 § 1 (93))

17.04.536 Traffic Impact Analysis/Transportation Impact Study (TIA/TIS). A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

17.04.537 Transportation Improvement. A transportation improvement is a proposed improvement that implements the Transportation System Plan. It includes operation, maintenance and repair of existing transportation facilities that are identified in the Transportation System Plan. It includes road, bicycle and pedestrian facilities.





**Chapter 17.73****TRANSPORTATION IMPACT ANALYSIS/LETTER****Sections:**

- 17.73.010 Purpose.**
- 17.73.020 When a Transportation Impact Analysis Is Required.**
- 17.73.030 Traffic Analysis Letter.**
- 17.73.040 Transportation Impact Analysis Preparation.**
- 17.73.060 Approval Criteria.**
- 17.73.070 Conditions of Approval.**
- 17.73.080 Deferral of Improvements.**

**17.73.010 Purpose.**

The purpose of this subsection is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.

**17.73.020 When a Transportation Impact Analysis (TIA) is Required.**

The City or other road authority with jurisdiction may require a TIA as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use and/or development would involve one or more of the following:

- A. A change in zoning or a Comprehensive Plan amendment designation per Chapter 17.86;**
- B. Operational or safety concerns documented in writing by a road authority;**
- C. An increase in site traffic volume generation by 100 Average Daily Trips (ADT) or more;**
- D. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;**
- E. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of level of service during the peak operating hour.**

- F. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones.
- G. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
- H. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;
- I. A change in internal traffic patterns that may cause concern;
- J. A TIA required by ODOT pursuant to OAR 734-051; or
- K. Other potential transportation needs or concerns as requested by City Engineer or County or State roadway authority.

#### 17.73.030 Traffic Analysis Letter. (TAL)

The City may require the completion of a TAL in cases where a full TIA may not be required. The TAL completion will be determined at the pre-scoping meeting noted below unless otherwise determined by the City Engineer or County/State roadway authority. The TAL is to be prepared by or prepared under the direct supervision of a Professional Engineer, licensed in the State of Oregon.

#### 17.73.040 Traffic Impact Analysis Preparation.

The TIA shall be prepared by a professional engineer with competence in traffic engineering, with a current license in the State of Oregon. Prior to beginning work on the TIA, the applicant shall have a pre-scoping meeting with the City to ensure that all required elements are included in the TIA.

#### 17.73.050 Approval Criteria.

The TIA shall be reviewed according to the following criteria:

- A. The analysis complies with the content requirements set forth by the City and/or other road authorities as appropriate;
- B. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the road authority;
- C. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the Zoning Ordinance of Cannon Beach, Oregon and Transportation System Plan, and includes identification of multi-modal solutions used to meet these standards, as needed; and
- D. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in the Zoning Ordinance of Cannon Beach, Oregon and the City's Transportation System Plan.

#### 17.73.060 Conditions of Approval.

A. The City may deny, approve, or approve a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.

B. Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.

C. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or contribution to traffic signals; and/or construction of sidewalks, bikeways, access ways, paths, or streets that serve the proposed use may be required.

D. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

E. If the TIA identifies level of service conditions less than the minimum standard established in the Transportation System Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with the development proposal.

#### 17.73.060 Deferral of Improvements

The Planning Commission may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (1) through (4) is met.

Additionally, where the City Manager or Planning Commission agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

1. The standard improvement conflicts with an adopted capital improvement plan.

2. The standard improvement would create a safety hazard.

3. It is unlikely due to the developed condition of adjacent property that the subject improvement would be extended in the foreseeable future, and the improvement under consideration does not by itself significantly improve transportation operations or safety.

4. The improvement under consideration is part of an approved partition in the City's lower density residential zones (Residential, Very Low Density, RVL; Residential, Lower Density, RL; Residential) and the proposed partition does not create any new street.

5. The City may require that the property owner provide a signed waiver of remonstrance.



## Chapter 17.78

## OFF-STREET PARKING

## Sections:

- 17.78.010 Requirements generally.
- 17.78.020 Off-street parking requirements.
- 17.78.030 Design standards.
- 17.78.040 Improvement standards.
- 17.78.050 Bicycle Parking

## 17.78.010 Requirements generally.

The following general provisions shall govern the application of off-street parking requirements:

A. The provision and maintenance of off-street parking is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking. The subsequent use of property for which the building permit is issued is conditional upon the unqualified continuance and availability of the amount of off-street parking required by this chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing required off-street parking, it shall be a violation of this chapter to begin or maintain such altered use until the required increase in off-street parking is provided.

B. Requirements for types of buildings and uses not specifically listed herein shall be determined by the planning commission based upon the requirements of comparable uses listed.

C. 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, unless evidence is presented to the satisfaction of the city that the various uses will not be used simultaneously, thus not requiring that the required amount of off-street parking be the sum of the requirements of the several uses. Where the city determines that various uses will not be used simultaneously, the city shall determine the amount of off-street parking to be provided.

D. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking area where the amount of the off-street parking provided in such a joint use parking area is the sum of the required off-street parking for those several uses and where a deed restriction or covenant for the shared parking between the cooperating property owners is recorded with Clatsop County. The deed restriction or covenant shall be approved by the city and shall contain a provision that it cannot be modified or revoked without the approval of the city.

E. Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located no farther than two hundred feet from the building or use they are required to serve measured in a straight line from the building, except that in the downtown commercial area the provisions of Section 17.22.050(E) apply. For uses where parking is permitted within two hundred feet of the intended use, the parking must be located in a zone which permits the use for which the parking is to be provided.

F. Required parking spaces shall be available for the parking of passenger vehicles of residents, customers and employees of the use and shall not be used for storage of vehicles or materials.

G. A plan drawn to scale, indicating how the off-street parking requirements are to be met shall accompany an application for a building permit.

H. It is unlawful to charge a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirements specified in Sections 17.78.020 and 17.22.050(J)(1). Where such a fee was charged prior to the effective date of Ordinance 97-12, an amortization period of four months, from the effective date of Ordinance 97-25, is established. At the conclusion of the amortization period, charging a fee of any kind for the use of off-street parking spaces provided to meet the off-street parking requirement specified in Sections 17.78.020 and 17.22.050 (J)(1) shall be prohibited whether or not a fee was charged prior to the adoption of Ordinance 97-12.

(Ord. 08-1 § 48; Ord. 97-25 § 1; Ord. 97-12 § 1; Ord. 89-3 § 1; Ord. 86-17 § 2; Ord. 86-16 § 10; Ord. 86-10 § 9; Ord. 84-10 § 2; Ord. 79-4 § 1 (5.030))

**17.78.020 Off-street parking requirements.**

A. At the time a structure is erected or enlarged or the use of a structure or parcel of land changes, off-street parking spaces shall be provided in accordance with this section and Sections 17.78.010, 17.78.030 and 17.78.040.

B. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.

C. Where square feet are specified, the area measured shall be gross floor area, where gross floor area means the sum of the gross horizontal area of all floors of a building, as measured from the exterior walls of a building. Where employees are specified, persons counted shall be those working on the premises including the proprietors, during the largest shift at a peak season.

D. In determining the number of parking spaces required by this section, all fractions 0.5 or greater shall be rounded to the nearest whole number. (Example, if it is determined that 5.65 parking spaces are required, six off-street parking spaces must be provided. If it is determined that 5.25 parking spaces are required, five off-street parking spaces must be provided.)

<b>Use</b>	<b>Parking spaces required</b>				
Retail and office	<p><b>Downtown</b></p> <p>a. For structures existing as of July 6, 1995, existing off-street parking spaces which were required to meet the off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;</p> <p>b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;</p> <p>c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of July 6, 1995, one parking space per four hundred square feet of gross floor area shall be required;</p> <p>d. At the time an existing structure, which was not used for commercial purposes as of July 6, 1995, is converted to retail or office use, one parking space per four hundred square feet of gross floor area shall be required, <u>except one space per 1,000 sq. ft. for bulk retail (e.g., auto sales, nurseries, lumber and construction materials, furniture, appliances, and similar sales)</u></p> <p><b>Midtown and Tolovana Park</b></p> <p>a. For structures existing as of December 2, 2004, existing off-street parking spaces, which were required to meet the use's off-street parking requirement (1.5 parking spaces per four hundred square feet of gross floor area), as per Ordinance 88-6, shall be retained;</p> <p>b. At the time an existing structure containing retail or office use is replaced or enlarged, off-street parking spaces shall be required for the proposed building's gross floor area which exceeds the existing building's gross floor area. The additional required off-street parking spaces shall be provided in accordance with the standard of one parking space per four hundred square feet of gross floor area;</p> <p>c. At the time a new structure is erected on a parcel of land which did not contain a commercial use as of December 2, 2004, one parking space per four hundred square feet of gross floor area shall be required;</p> <p>d. At the time an existing structure, which was not used for commercial purposes as of December 2, 2004, is converted to retail or office use, one parking space per four hundred square feet of gross floor area shall be required.</p>				
Motels and hotels	1-1/4 per unit and 2 for a manager's unit; 1 for each unit of 400 sq. ft. or less, as long as that unit has only 1 bedroom				
Recreational vehicle park and campground	1 per employee				
Residences	<p>a. <u>Single-family dwelling. -: 2 per dwelling unit, except that 1 per dwelling unit is required for residences that are provided in conjunction with a commercial use where those residences constitute no more than 50% of the building area.</u></p> <p>b. Two-family and Multiple-family dwellings in other than condominium ownership:</p>				
	<table border="0" style="width: 100%;"> <tr> <td style="width: 50%;">Studio</td> <td style="width: 50%;">1 per dwelling unit</td> </tr> <tr> <td>1 bedroom</td> <td>1.25 per dwelling unit</td> </tr> </table>	Studio	1 per dwelling unit	1 bedroom	1.25 per dwelling unit
Studio	1 per dwelling unit				
1 bedroom	1.25 per dwelling unit				

Use	Parking spaces required
	<p>2 bedroom 1.25 per dwelling unit</p> <p>3 or more bedrooms 2 per dwelling unit</p>
Group housing	1 per sleeping room
Assisted living	1 per 2 residential units
<u>Schools,</u>	<del>1 per employee or teacher</del>
<u>Pre-School, Elementary and middle school</u>	<u>Pre-School through Middle-School: one space per classroom</u>
<u>High School</u>	<u>7 spaces per classroom</u>
Restaurants, bar, or lounge	<p>Downtown</p> <p>1.5 parking spaces per four hundred square feet of gross floor, except that one parking space per four hundred square feet of gross floor area shall be required for: (1) additions to a restaurant, bar or lounge after July 6, 1995; or (2) a restaurant, bar or lounge on a parcel of land which did not contain a commercial use as of July 6, 1995; or (3) a restaurant, bar or lounge in a structure which was not used for commercial purposes as of July 6, 1995.</p>

Use	Parking spaces required
	Midtown 1.5 parking spaces per four hundred square feet of gross floor area shall be required.
	Tolovana Park 1.5 parking spaces per four hundred square feet of gross floor area shall be required.
Meeting rooms	One parking space per one hundred square feet of gross floor area shall be required.
Limited manufacturing	1 per employee at the maximum shift.
Transient rental, vacation home rental	Per Section 17.77.040(A)(2)(e).
Similar uses or aggregate	To be evaluated on a case-by-case basis based on above standards.

(Ord. 11-02 § 1; Ord. 08-1 § 49; Ord. 04-11 § 5; Ord. 98-17 § 4; Ord. 92-11 § 69; Ord. 89-3 § 1; Ord. 88-6 § 2; Ord. 86-17 § 1; Ord. 86-16 § 8; Ord. 84-10 § 1; Ord. 79-4 § 1 (5.010))

### 17.78.030 Design standards.

A. The following design requirements shall apply to an off-street parking area consisting of ~~five~~ **three** or more parking spaces at the time of a change in use and/or significant development:

1. Parking area layouts shall provide parking spaces and aisle dimensions that meet the minimum dimensions contained in Figure A, Minimum Design Requirements.
2. A parking space must be at least nine feet by eighteen feet. Where parallel parking spaces are provided, the minimum dimension is nine feet by twenty-two feet.
3. Parking spaces for disabled persons shall be in accordance with the requirements of the Oregon Structural Specialty Code. These standards control: dimensions of disabled person parking spaces and access aisles; the minimum number of disabled person parking spaces required; location of disabled person parking spaces and circulation routes; curb cuts and ramps including slope, width and location; and signage and pavement markings.
4. All parking areas must be designed so that a vehicle may enter or exit without having to move another vehicle. Stacked or tandem parking is not permitted.
5. At a minimum, ten percent of the area of the parking lot shall be landscaped. In determining the area of the parking lot and required landscaping the minimum area separation between the building and the parking lot described in subsection (A)(6) of this section shall not be included. The landscaped area of the parking lot shall contain at least one tree for every one hundred seventy-five square feet of

landscaping provided. Areas that contain a tree shall have a minimum width of five feet. Any landscaped area shall have a minimum area of fifty square feet.

6. An area with a minimum width of five feet shall separate the exterior wall of a building from the parking lot. The separation between the parking lot and the building can consist of landscaping material, a pedestrian walkway, or a combination of the two.

7. Provide separation and screening of the parking area from the street and abutting property. The separation can be provided by either a fence or a landscaped planting area. Where landscaping is utilized, the planting area shall have a minimum width of three feet. The height of the fence or planting shall be sufficient to screen the parking facility, but without encroaching into the required clear vision area.

8. When a parking area serving a multifamily, commercial, industrial or governmental use abuts a residential zone, buffering meeting the requirements of Chapter 17.66 shall be provided.

9. The number of access points from the adjacent public street(s) to the parking area shall be limited to the minimum that will allow the property to accommodate the anticipated traffic. **Preference shall be given to the street with the lowest classification unless otherwise determined by the City Engineer or roadway authority. Additionally,** access points shall be located on side streets or existing driveways wherever possible so as to avoid congestion of arterial or collector streets. The width of the access point(s) to the parking area shall comply with the standards of Municipal Code Section 12.08.040.

10. Maneuvering space (to prevent backing onto streets) shall be provided for all lots which provide access onto arterial streets (Hemlock Street, Sunset Boulevard, and US Highway 101).

11. 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 fifteen feet from their intersection.

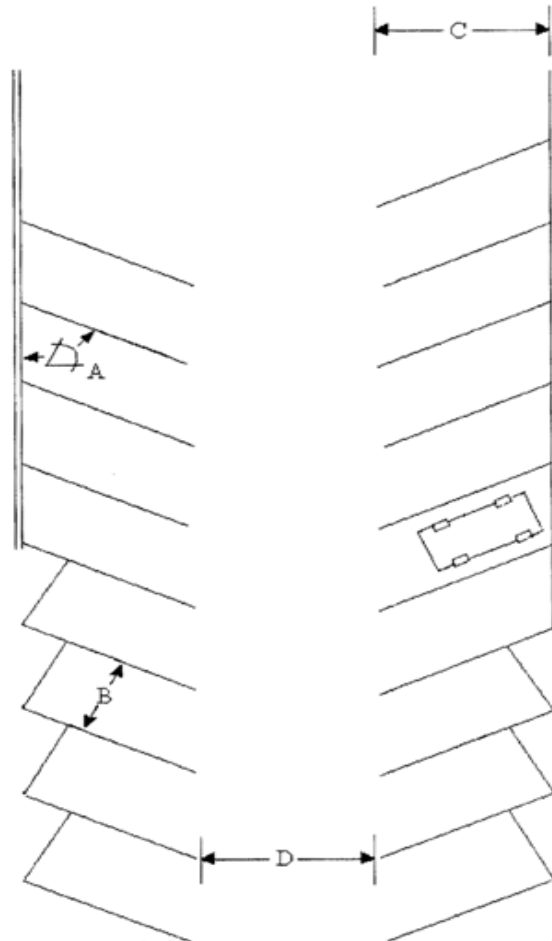
B. Areas for required off-street parking consisting of fewer than five parking spaces, which serve uses other than single-family dwellings, modular housing, manufactured homes, duplexes or triplexes, shall comply with the standards of Section 17.78.030(A)(1)—(4), (7), (9)—(11).

C. Areas for required off-street parking associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes, shall comply with the standards of Section 17.78.030(A)(2), (9), (10).

**Parking Minimum Design Requirements**

Parking Angle	Standards		Minimum Aisle Width	
	Minimum Stall Width	Minimum Stall Depth	One-way	Two-way
0°	22'0"	9'0"	10'10"	18'0"
30°	9'	17'0"	12'0"	20'0"
45°	9'	17'4"	12'3"	20'0"
60°	9'	18'10"	14'4"	20'0"
70°	9'	19'2"	16'0"	21'6"
90°	9'	18'	22'6"	22'6"
A	B	C	D	D

- A. Parking Angle
- B. Stall Width
- C. Stall Depth
- D. Aisle Width



(Ord. 08-1 § 50)\* Prior ordinance history: Ords. 86-16, 79-4.

17.78.040 Improvement standards.

A. The following improvement standards shall apply to off-street parking areas, except for those associated with single-family dwellings, modular housing, manufactured homes, accessory dwellings, duplexes and limited triplexes:

1. The surface material shall be an approved hard surface such as asphalt, concrete, or pavers.
2. The parking lot shall be clearly marked as to parking stalls, traffic flow and handicapped spaces.
3. Wheel stops shall be provided for each parking space.
4. Planting areas shall be defined by the use of curbing or other approved material.
5. A stormwater runoff system approved by the public works department shall be installed.
6. No pole mounted lighting shall exceed a height of fifteen feet. All lighting shall be shielded so that direct illumination is confined to the property boundaries of the light source. (Ord. 08-1 § 51)

17.78.050 Bicycle Parking

A. Standards. Bicycle parking spaces shall be provided with new development and, where a change of use occurs at a minimum, following the standards in this section and the Table noted below. Where an application is subject to Conditional Use review approval or the applicant has requested a reduction to an automobile-parking standard, pursuant to Section 17.84.040, the City of Cannon Beach may require bicycle parking spaces in addition to those in the Table below.

B. Bicycle Parking Minimum Amount Required.

Table, Bicycle Parking Amount

<u>Multifamily Residential</u> <u>(not required for parcels with fewer than 4 dwelling units)</u>	<u>4 bike spaces per 4 dwelling units</u>
<u>Commercial</u>	<u>2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater</u>
<u>Industrial</u>	<u>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</u>



<u>Community Service</u>	<u>2 bike spaces</u>
<u>Parks (active recreation areas only)</u>	<u>4 bike spaces</u>
<u>Schools (all types)</u>	<u>2 bike spaces per classroom</u>
<u>Institutional Uses and Places of Worship</u>	<u>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</u>
<u>Other Uses</u>	<u>2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater</u>

## B. Bicycle Parking Development Requirements

1. Design and Useability. Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or other means providing a safe and secure means of storing a bicycle. The layout of the spaces shall be designed so people of all ages and abilities can access the bicycle parking and securely lock a variety of bicycle types without undue inconvenience.

a. A standard required bicycle space is 2 feet wide, 6 feet long and 3 feet 4 inches tall and shall provide reasonable maneuvering room for the cycle and the cyclist.

2. Location. The bicycle parking shall be a minimum of 50 feet from the building entrance is in areas that are reasonably safeguarded from theft and accidental damage. The spaces shall be located in areas that are convenient for their intended users.

3. Exemptions. This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The City of Cannon Beach may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.

4. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians or other cyclists and shall be located so as to not conflict with the vision clearance standards of Section 17.90.040.

## Chapter 17.82

## NONCONFORMING LOTS, USES AND STRUCTURES—PRE-EXISTING USES

## Sections:

- 17.82.010 Purpose.
- 17.82.020 Nonconforming lots.
- 17.82.030 Nonconforming uses.
- 17.82.040 Nonconforming structures.
- 17.82.050 Prior approval.
- 17.82.060 Pre-existing uses.
- 17.82.070 Nonconforming uses pursuant to a claim for compensation under ORS 197.352.
- 17.82.080 Nonconforming private parking lot.

## 17.82.010 Purpose.

Within the districts established by the zoning code, or amendments that may later be adopted, there may exist lots, structures, uses of land and structures and characteristics of use which were lawful before the effective date of the zoning code or amendments thereto, but which would be prohibited, regulated, or restricted under the terms of this zoning code or future amendments thereto. The purpose of this chapter is to establish the legal status of such nonconforming uses, structures, lots, and other site improvements by creating provisions through the application of which such uses, structures, lots and other site improvements may be maintained, altered, reconstructed, expanded or abated. (Ord. 08-1 § 54; Ord. 92-12 § 3; Ord. 88-11 § 2; Ord. 79-4 § 1 (7.010))

## 17.82.020 Nonconforming lots.

A. If a lot, or the aggregate of contiguous lots held in a single ownership as recorded in the office of the county clerk on or before June 19, 1979, has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or the aggregate of contiguous lots may be occupied by a use permitted in the zones, subject to the other requirements of the zone. If the lot does not meet the minimum lot size for the zone in which the property is located, residential use shall be limited to a single-family dwelling.

B. In the R-1, R-2, R-3 and RM zones, where two contiguous lots, which were created prior to the effective date of Ordinance 79-4A, are held in a single ownership and one of the lots has a minimum lot area of at least four thousand square feet and the other lot has a minimum lot area of at least two thousand five hundred square feet, both the lots may be occupied by a single-family dwelling so long as the total

building coverage on the lot does not exceed forty percent. (Ord. 17-3 § 1; Ord. 06-10 § 11; Ord. 85-1 § 2; Ord. 79-4 § 1 (7.020))

#### 17.82.030 Nonconforming uses.

The following provisions apply to nonconforming uses:

A. “Nonconforming use” means a lawful use which existed prior to the adoption of Ordinance 79-4A on June 19, 1979, or ordinances adopted prior to Ordinance 79-4A and which does not conform to the use requirements of the zone in which it is located, and which does not qualify as a pre-existing use pursuant to Section 17.82.060. Nonconforming uses are those that were made nonconforming by Ordinance 79-4A or ordinances adopted prior to Ordinance 79-4A.

B. Requirements. Nonconforming uses are subject to the following requirements:

1. Reconstruction. If a structure devoted to a nonconforming use is destroyed or damaged by any cause other than actions of the owner of that structure or his agents, that structure may be rebuilt. The construction or reconstruction of the structure shall:

- a. Conform to the setbacks, building height and floor area of the structure prior to damage or destruction; or
- b. Conform to the setbacks, building height and other requirements of the zone in which it is located.

A building permit for the construction or reconstruction of a structure devoted to a nonconforming use thus damaged or destroyed shall be obtained within one year of the date that the damage or destruction occurred. If a building permit is not obtained within one year, the use of the property shall be in conformance with the requirements of the zone in which it is located.

2. Alteration. A structure devoted to a nonconforming use may be structurally altered, but not enlarged or altered in a manner that changes the external dimensions of the structure.

3. Expansion. A structure devoted to a nonconforming use may not be enlarged, expanded or reconstructed.

C. Change of Use. A nonconforming use may be changed to a conforming use. However, after a nonconforming use is changed to a conforming use it shall thereafter not be changed to a use that does not conform to the use zone in which it is located.

D. Discontinuance of Use.

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

2. If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall conform to this chapter. (Ord. 08-1 § 55; Ord. 88-11 § 3 ; Ord. 869 § 1; Ord. 79-4 § 1 (7.030))

#### 17.82.040 Nonconforming structures.

The following provisions apply to nonconforming structures:

A. Where a lawful structure exists at the effective date of adoption or amendment of the ordinance codified in this chapter that could no longer be built under the terms of this chapter by reason of restrictions on area, building coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may continue so long as it remains otherwise lawful.

B. A nonconforming structure may be altered in a way that does not increase its nonconformity so long as the proposed alteration (within a three-year period) does not exceed fifty percent of the fair market value of the building, as indicated by the records of the county assessor. Alterations in excess of fifty percent of the fair market value of the building may be authorized in accordance with the provisions of Chapter 17.64, Setback Reduction.

C. A nonconforming structure may be enlarged in a way that does not increase its nonconformity provided that the total building coverage does not exceed forty percent.

D. The enlargement or alteration of a nonconforming structure in a way that increases its nonconformity may be authorized in accordance with the provisions of Chapter 17.64, Setback Reduction.

E. Any structure or portion thereof may be altered to decrease its nonconformity.

F. If a nonconforming structure or nonconforming portion of a structure is destroyed by any means to an extent amounting to eighty percent of its fair market value as indicated by the records of the county assessor, it shall not be reconstructed except in conformity with the provisions of this title. (Ord. 92-11 §§ 72, 73; Ord. 89-3 § 1; Ord. 85-3 § 3; Ord. 79-4 § 1 (7.040))

#### 17.82.050 Prior approval.

Nothing contained in this chapter shall require any change in the plans, construction, alteration or designated use of a structure for which a legal permit has been issued by the city and construction has begun, provided the structure, if nonconforming or intended for a nonconforming use, is completed and is used within two years from the time the permit was issued. (Ord. 79-4 § 1 (7.050))

#### 17.82.060 Pre-existing uses.

The following provisions apply to preexisting uses:

A. Purpose. The purpose of this section is to minimize hardship on land use activities that were subject to restrictive zone changes, or zoning ordinance text amendments, occurring after the adoption of the city's zoning ordinance on June 19, 1979, which were adopted to carry out overall comprehensive plan policies. As a result of these zone boundary or zoning ordinance text amendments, some land use activities no longer comply with the regulations of this title. The preexisting use regulations are a means to provide these affected uses the same general rights as those of their previous

use zone. The regulations provide flexibility for expansion of the pre-existing use and as such are intended to be less restrictive than the nonconforming use provisions of Section 17.82.030.

B. Definition. "Pre-existing use" means:

1. A use existing on June 19, 1979 which was a permitted or conditional use in its use zone, as indicated by Ordinance 79-4 and the land use and zoning map contained therein, but which, as the result of a zoning ordinance map or text change, is no longer a permitted or conditional use in its use zone; or

2. A use constructed after June 19, 1979 in a use zone in which it was a permitted or conditional use, but which, as a result of a zoning ordinance map or text change, is no longer a permitted or conditional use in its use zone.

C. Requirements. Pre-existing uses shall be subject to the following requirements:

1. Reconstruction. If a structure devoted to a pre-existing use is destroyed or damaged by any cause other than actions of the owner of that structure or his agents, that structure may be rebuilt. The construction or reconstruction of the structure shall:

a. Conform to the setbacks, building height and floor area of the structure prior to damage or destruction; of

b. Conform to the setbacks, building height and other requirements of the zone in which it is located.

There shall be no time limit on the reconstruction of a damaged or destroyed preexisting use.

2. Building Expansion. Pre-existing uses may be structurally altered, enlarged, expanded or reconstructed on an existing site subject to the standards (e.g., building height, setbacks) of the use zone in which the use is located. In addition, the density of preexisting motels shall not exceed one motel unit per one thousand square feet of site area. Building expansion shall include the construction of nonstructural improvements such as parking. Building expansion, other than structural alteration, of a pre-existing use that was previously a conditional use, shall require a public hearing pursuant to Sections 17.88.010 through 17.88.190, Public Deliberations and Hearings. The standards for reviewing the proposed building expansion, other than structural alteration, are:

a. A demand exists for the use at the proposed location. Several factors which should be considered in determining whether or not this demand exists include: accessibility for users (such as customers and employees), availability of similar existing

uses, availability of other appropriately zoned sites, particularly those not requiring conditional use approval, and the desirability of other suitably zoned sites for the use.

b. The use will not create excessive traffic congestion on nearby streets or overburden the following public facilities and services: water, sewer, storm drainage, electrical service, fire protection and schools.

c. The site has an adequate amount of space for any yards, building, drives, parking, loading and unloading areas, storage facilities, utilities, or other facilities which are required by city ordinances or desired by the applicant.

d. The topography, soils and other physical characteristics of the site are appropriate for the use. Potential problems due to weak foundation soils will be eliminated or reduced to the extent necessary for avoiding hazardous situations.

e. An adequate site layout will be used for transportation activities. Consideration should be given to suitability of any access points, on-site drives, parking, loading and unloading areas, refuse collection and disposal points, sidewalks, bike paths, or other transportation facilities required by the city ordinances or desired by the applicant. Suitability, in part, should be determined by the potential impact of these facilities on safety, traffic flow and control, and emergency vehicle movements.

f. The site and building design ensure that the use will be compatible with the surrounding area.

3. Site Expansion. A site expansion of a pre-existing use, beyond the existing site, shall occur only:

a. On abutting lots or on lots directly across a public right-of-way from the existing site of the pre-existing use; and

b. Where such lots were in the same ownership as the pre-existing use on the date that the pre-existing use became classified as a pre-existing use; and

c. Where such lots were in the same use zone as the pre-existing use, or where such lots were in a zone which allowed the preexisting use as a permitted or conditional use.

Any building shall conform to the standards (e.g., building height, setbacks) of the use zone in which the use is located. In addition, for motels that were previously in the RMA zone, the maximum lot size shall be twenty thousand square feet.

4. Definition of Existing Site. For the purpose of paragraphs 2 and 3 of subsection C of this section, "existing site" means the lot or lots on which the pre-existing use was situated at the time the use became nonconforming.

5. Change of Use. A pre-existing use may be changed to a conforming use. However, after a pre-existing use is changed to a conforming use it shall thereafter not be changed to a use that does not conform to the use zone in which it is located.

6. Discontinuance of Use. If a pre-existing use involving a structure is discontinued for a period of one year, further use of the property shall conform to the ordinance codified in this chapter.

7. Determination of a Pre-existing Use. Where there is a difference between the city and a property owner on whether a particular use should be classified as a pre-

existing use or a nonconforming use, the burden of proof is on the property owner to show that the definitions and requirements of this section have been met. (Ord. 92-12 §§ 4—6; Ord. 92-11 § 74; Ord. 88-11 § 5; Ord. 79-4 § 1 (7.070))

**17.82.070 Nonconforming uses pursuant to a claims for compensation under ORS 197.352**

Uses or structures, including lots and parcels created by land divisions, that are approved as part of the city's final action modifying, removing or not applying the city's land use regulation(s) in response to a demand for compensation under ORS 197.352, but where the city's final action does not include a development agreement, shall be considered nonconforming and are subject to the requirements of Section 17.82.020 and Sections 17.82.030(B) through (D). (Ord. 06-3 § 28)

**17.82.080 Nonconforming private parking lot.**

The use of a private parking lot shall be controlled by the provisions of this section and not those of Section 17.82.030, Nonconforming uses, or Section 17.82.060, Preexisting uses. Where a private pay parking lot existed prior to the effective date of Ordinance 97-13, an amortization period of four months, from the effective date of Ordinance 97-26 is established. At the conclusion of the amortization period, the use of a nonconforming private parking lot shall be terminated. (Ord. 97-26 § 1)

## Chapter 17.88

## PUBLIC DELIBERATIONS AND HEARINGS

## Sections:

- 17.88.010 Procedure for mailed notice.
  - 17.88.020 Procedure for published notice.
  - 17.88.030 Notice of hearing.
  - 17.88.040 Time of notice.
  - 17.88.050 Date of public hearing.
  - 17.88.055 Availability of staff reports.
  - 17.88.060 Additional documents or evidence.
  - 17.88.065 Public hearing procedure and requirements.
  - 17.88.070 Procedural rights.
  - 17.88.080 Rights of disqualified member of hearing body.
  - 17.88.090 Burden and nature of proof.
  - 17.88.100 Nature of proceedings.
  - 17.88.110 Decision.
  - 17.88.120 Record of proceedings.
  - 17.88.130 Notice of decision.
  - 17.88.140 Request for review of a decision.
  - 17.88.150 Requirements of a request for appeal of a development permit, design review board or planning commission decision.
  - 17.88.160 Scope of review.
  - 17.88.170 Review on the record.
  - 17.88.180 Review consisting of additional evidence or de novo review.
  - 17.88.190 Review body decisions.
  - 17.88.200 Notification of state and federal agencies.
  - 17.88.210 Final action on applications.
- 17.88.010 Procedure for mailed notice.
- A. Mailed notice shall be sent to property owners within the following distances from the exterior boundary of the subject property:
    1. Legislative change to the zoning ordinance: none;
    2. Quasi-judicial change to the zoning ordinance: two hundred fifty feet;
    3. Conditional use: two hundred fifty feet;
    4. Variance and setback reduction: one hundred feet;
    5. Design review plans: one hundred feet;
    6. Cutting and filling, pursuant to Chapter 17.62: abutting property owners.
  - B. Mailed notice shall be sent to the applicant.
  - C. Addresses for a mailed notice required by this title shall be obtained from the county assessor's real property tax records. The failure of a property owner to receive



notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this title for notice.

D. Mailed notice shall contain the information contained in subsection A of Section 17.88.030. (Amended during 7/92 supplement; Ord. 90-3 § 16; Ord. 90-10 § 1 (Appx. A § 53); Ord. 89-3 § 1; Ord. 79-4 § 1 (10.010))

E. The mailed notice shall include any governmental agency that is entitled to notice under any intergovernmental agreement entered into with the City and any other affected agencies. At a minimum, the City shall notify the road authority if different than the City of Cannon Beach.

F. The City shall notify ODOT if an ODOT facility is accessed or for the following situations: applications requiring a public hearing; applications affecting roadway access; Amendments to the City's code including changes to design standards, densities or zoning. The failure of another agency to respond with written comments on a pending application shall not invalidate an action or permit approval made by the City under this Code.

## Chapter 17.90

## GENERAL REQUIREMENTS AND REGULATIONS

## Sections:

- 17.90.010 Authorization of similar uses.
- 17.90.020 Access requirement.
- 17.90.030 Maintenance of access.
- 17.90.040 Clear-vision areas.
- 17.90.050 Maintenance of minimum requirements.
- 17.90.060 Dual use of required open space.
- 17.90.065 Architectural design elements.
- 17.90.070 Projections into required yards.
- 17.90.080 Exceptions to building height regulations.
- 17.90.090 Limited triplexes.
- 17.90.100 Control of lights on public beach.
- 17.90.110 Residential exterior lighting.
- 17.90.120 Conversion of motels to condominiums.
- 17.90.130 Storage in front yards.
- 17.90.135 Recreational vehicle occupancy.
- 17.90.140 Storage of unused vehicles, junk or debris.
- 17.90.150 Outdoor merchandising.
- 17.90.160 Land surveys.
- 17.90.170 Duplex standards.
- 17.90.180 Claims for compensation under ORS 197.352.
- 17.90.190 Site plan.
- 17.90.200 Transportation Impact Analysis/Letter

## 17.90.010 Authorization of similar uses.

The planning commission may authorize that a similar use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if deemed similar. However, this section prohibits the inclusion in a zone where it is not listed, a use specifically listed in another one, or a use of the same general type and similar to a use specifically listed in another zone. (Ord. 79-4 § 1 (4.020))

## 17.90.020 Access and Frontage requirement.

Every lot shall access and abut a street, other than an alley, for at least twenty-five feet. Lots which were created prior to adoption of the zoning ordinance which do not meet this provision may be accessed via an irrevocable recorded easement of a minimum of ten feet in width. (Ord. 87-14 § 1; Ord. 79-4 § 1 (4.030))

17.90.030 Maintenance of access.

The city shall review, under ORS 271.080 through 271.230, proposals for the vacation of public easements or rights-of-way which provide access to the ocean beach or estuarine waters. Existing rights-of-way and similar public easements which provide access to coastal waters shall be retained or replaced if they are sold, exchanged or transferred. Rights-of-way may be vacated so long as equal or improved access is provided as part of a development project. (Ord. 89-28 § 3; Ord. 86-10 § 4; Ord. 79-4 § 1 (4.035))

17.90.040 Clear-vision areas.

A. Requirement. A clear-vision area shall be maintained on the corners of all property adjacent to the intersection of two streets. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding three feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet above the grade.

B. Measurement. A clear-vision area is that area enclosed by the lines formed by the center lines of intersecting pavements or driving surfaces and a straight line drawn diagonally, across the corner, connecting those lines at the various distances specified by the chart below. The measured distance along the uncontrolled driving surface is “vision clearance distance -a-.” The measured distance along the controlled driving surface is “vision clearance distance -b-.” Measurement of the vision clearance distance -a- shall be from the point of intersection of the center lines of the two travel surfaces. Measurement of the vision clearance distance -b- shall be from the adjacent stop sign.

C. Exceptions. The requirements of subsection B do not apply to public utility poles or traffic control signs.

Street Classification	Clear-Vision Area	
	Vision Clearance Distance -a-	Vision Clearance Distance -b-
15 mph street and 15 mph street	75 ft.	10 ft.
15 mph street and 20 mph street	125 ft.	10 ft.
15 mph street and 30 mph street	200 ft.	10 ft.

(Ord. 93-21 §§ 2, 3, 4)

17.90.050 Maintenance of minimum requirements.

No lot area, yards, other open space or off street parking or loading area existing on or after the effective date of the zoning ordinance shall be reduced below the minimum required for it by the zoning ordinance. No conveyance of any portion of a lot, for other than a public use, shall leave a structure on the remainder of the lot with less than minimum ordinance requirements. (Ord. 79-4 § 1 (4.070))

17.90.060 Dual use of required open space.

No lot area, yard or other open space or off street parking or loading area which is required by the zoning ordinance for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use. (Ord. 79-4 § 1 (4.080))

17.90.065 Architectural design elements.

All single-family dwellings, modular housing and manufactured homes located in the RVL, RL, R1, R2, RAM, R3, RM, and C1 zones shall utilize at least two of the following architectural features: dormers; more than two gables; recessed entries; covered porch/entry; bay window; building off-set; deck with railing or planters and benches; or a garage, carport or other accessory structure. (Ord. 94-5 § 11)

17.90.070 Projections into required yards.

A. Cornices, eaves, window sills and similar incidental architectural features may project not more than eighteen inches into a yard required to be a minimum of five feet, or thirty-six inches into a yard required to be fifteen feet or more.

B. Bay windows, with no useable floor area and not exceeding a length of ten feet and not more than one per building elevation, may project not more than eighteen inches into a required side yard, or thirty-six inches into a required front or rear yard. Bay windows may not project into a required ocean yard.

C. Chimneys shall project not more than twenty-four inches into any required yard.

D. Building Entrances.

1. Unroofed landings may project not more than thirty-six inches into a required front yard, rear yard or street side yard where they provide access to the first story of a dwelling, as the term story is defined by the building code and where the landing is limited to no more than ten lineal feet. Such a landing may be accessed by no more than three risers. Unroofed landings and stairs may not project into a required ocean yard.

2. A covered entry to a dwelling may project not more than thirty-six inches into a required front yard, rear yard or street side yard where the entry provides access to the first story of the dwelling, as the term story is defined in the building code. The covered entry is limited to no more than ten feet in length and shall be completely open on all sides. The entry may be accessed by no more than three risers. Covered entries and stairs may not project into a required ocean yard.

E. Patios and decks, including any fixed benches, railings, or other attachments, which are no more than thirty inches in height above the existing grade may project into a required yard, but may not be closer than two feet to any property line. For lots abutting the oceanshore, a deck or patio permitted in the required yard may not be closer than two feet to the western property line or the Oregon Coordinate Line, whichever is further east. Patios and decks constructed in a required yard shall not obstruct significant views of the ocean, mountains or similar features from abutting property. (Ord. 08-1 §§ 58, 59; Ord. 92-11 § 54; Ord. 92-11 § 54; Ord. 79-4 § 1 (4.090))

17.90.080 Exceptions to building height regulations.

Projections such as chimneys, spires, domes, elevator shaft housings, towers, wind generators, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of the zoning ordinance. (Ord. 79-4 § 1 (4.180))

17.90.090 Limited triplexes.

Triplexes permitted by Section 17.16.020(D) shall conform to the following standards:

- A. The minimum lot size shall be five thousand square feet;
- B. Four off-street parking spaces shall be provided;
- C. The property owner shall annually submit a notarized sworn statement that a minimum of two of the dwelling units are used for nothing other than long-term rental purposes (periods of thirty calendar days or more). (Ord. 92-11 § 65; Ord. 89-3 § 1; Ord. 79-4 § 1 (4.150))

17.90.100 Control of lights on public beach.

No artificial light source shall be placed so that it directly illuminates the public beach at a distance of more than one hundred feet from the Oregon Coordinate Line or the property line, whichever is most eastward, after January 1, 1985. "Artificial light source" is defined as a lamp or other emitter of light which is directly visible from the public beach, including but not limited to flood lamps, area or barn lights, and street lights. (Ord. 79-4 § 1 (4.105))

17.90.110 Residential exterior lighting.

Exterior lighting, either free-standing or attached to a single-family residence, shall comply with these standards.

- A. General Requirements. For residential properties including multiple residential properties not having common areas, all outdoor luminaires shall be fully shielded and shall not exceed one thousand two hundred sixty lumens.
- B. Exceptions.
  - 1. One partly shielded or unshielded luminaire at the main entry, not exceeding six hundred thirty lumens.

2. Any other partly shielded or unshielded luminaires not exceeding three hundred fifteen lumens.
3. Low voltage landscape lighting aimed away from adjacent properties and not exceeding two thousand one hundred lumens.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding two thousand one hundred lumens.
5. Open flame gas lamps.
6. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than fifteen minutes after the area is vacated.
7. Exempt Lighting.
  - a. Temporary lighting for theatrical, television, performance areas and construction sites.
  - b. Underwater lighting in swimming pools and other water features.
  - c. Temporary lighting and seasonal lighting provided that individual lamps are less than ten watts and seventy lumens.
  - d. Lighting that is only used under emergency conditions.
  - e. Low voltage landscape lighting controlled by an automatic device that is set to turn the lights off no later than ten p.m.
  - f. Upcast lighting illuminating a flag of the United States, not exceeding two thousand one hundred lumens. (Ord. 14-6 § 8)

17.90.120 Conversion of motels to condominiums.

In the event a motel is converted to a condominium, the requirements of the use to which it is converted shall apply. (Ord. 79-4 § 1 (4.125))

17.90.130 Storage in front yards.

Boats eighteen feet in length or greater, or recreation vehicles six feet six inches in height or greater shall not be stored in a required front yard. (Ord. 90-11A § 1 (Appx. A § 13); Ord. 79-4 § 1 (4.050))

17.90.135 Recreational vehicle occupancy.

Recreational vehicles may not be occupied on any lot in the city except as follows:

- A. In an approved recreational vehicle park; or
- B. During the construction period of a permitted use for which a building permit has been issued, but not to exceed one year and where the size of the recreational vehicle does not exceed three hundred square feet. (Ord. 90-11A § 1 (Appx. A § 14); Ord. 79-4 § 1 (4.055))

17.90.140 Storage of unused vehicles, junk or debris.

It is unlawful to keep inoperative vehicles or vehicle parts within view of persons on a public street or adjacent properties, or to keep unsightly and potentially hazardous

accumulations of debris within view of persons on the public street or adjacent properties. (Ord. 79-4 § 1 (4.850))

17.90.150 Outdoor merchandising.

A. Purpose. The purpose of this section is to ensure that certain commercial activities are carried out in a manner that is aesthetically compatible with adjacent uses, minimizes congestion in commercial areas, minimizes impact on pedestrian circulation and maintains open space areas designed for pedestrian use.

B. All uses in the C1, C2 and RM zones shall be conducted entirely within a completely enclosed building except that the outdoor storage, display, sale or rental of merchandise or services may be permitted where the standards of subsection D of this section are met. The following uses and activities, subject to applicable conditions, are exempt from this prohibition:

1. The sale of living plant materials and cut flowers;
2. Outdoor seating in conjunction with a restaurant;
3. Holiday tree sales lot;
4. The dispensing of gasoline at a service station;
5. Newspaper vending machines subject to subsection (E)(1) of this section;
6. The sale of goods and services by a nonprofit organization are subject to Section 04.01.130;
7. Automatic teller machines, subject to the design review requirements of Chapter 17.44;
8. Telephone booths, subject to the design review requirements of Chapter 17.44;
9. Live music and other outdoor performances, subject to Section 04.01.130; and
10. Farmers' market, subject to Section 04.01.130.

C. The prohibition on the outdoor storage or display of merchandise in conjunction with a commercial use applies to the general type of merchandise which is sold within the business premises, not just specific merchandise styles or brands.

D. The outdoor storage, display, sale or rental of merchandise or services may be permitted where:

1. The outdoor area in which the merchandise or service is stored, displayed, sold or rented is accessible only through a building entrance;
2. The outdoor area is screened from a public street or adjacent property in a manner approved by the design review board; or
3. The outdoor activity is permitted through a special event permit.

E. Newspaper vending machines: Newspaper vending machines, placed on a public sidewalk, shall be located so that the use of the sidewalk by handicapped persons is not impeded. This standard shall be met by maintaining a minimum, unobstructed sidewalk width of four feet.

F. For the purposes of this section, the free distribution of merchandise with a special events permit, is not considered outdoor merchandising. (Ord. 21-04 § 5; Ord. 10-5 §§ 1, 2; Ord. 08-1 §§ 60, 61; Ord. 97-2 § 2; Ord. 90-10 § 1 (Appx. A § 44); Ord. 79-4 § 1 (4.900))

#### 17.90.160 Land surveys.

Before an action is taken pursuant to this title which would cause adjustments or realignment of property lines, required yard areas or setbacks, the exact lot lines shall be validated by location of official survey pins or by a recorded survey performed by a licensed surveyor. If a property boundary survey was recorded prior to January 1, 1986, a letter from the licensed surveyor responsible for the recorded survey, or another licensed surveyor, shall be submitted stating that the survey as performed and recorded is still valid and accurate and that nothing in the monumentation or methods used has changed since the survey was done which would make it inaccurate or invalid, and no known disputes of that survey exist. Failing to produce such a letter, the property owner shall be required to secure a new survey. (Ord. 96-2 § 1; Ord. 92-11 § 68; Ord. 90-10 § 1 (Appx. A § 45); Ord. 79-4a § 1 (4.955))

#### 17.90.170 Duplex standards.

The following standards are applicable to duplexes:

The individual dwelling units of a duplex may not be sold as separate personal property. (Ord. 09-2 § 1; Ord. 06-10 § 12; Ord. 95-8 § 13)

#### 17.90.180 Claims for compensation under ORS 197.352.

A. For purposes of this section, “final action” means an order approved by the city council modifying, removing or not applying the city’s land use regulation(s) in response to a demand for compensation under ORS 197.352.

B. The following standards must be met in order for a use to be considered a use permitted outright in the zone in which it is located:

1. If the demand does not involve a land division, the use or structures described in the development agreement created as part of the city’s final action have been constructed in conformance with the standards and conditions of the development agreement by the person who obtained the right(s) to use the property under the city’s final action; or

2. If the demand involves a land division, the lots are shown on a final plat recorded in conformance with the development agreement created as part of the city’s final action and any state laws or city ordinances that continue to apply; or

3. If the use described in the development agreement created as part of the city’s final action does not require construction and is not a land division, the property continues to be owned by the person who obtained the right(s) to use the property under the city’s final action;



4. The state of Oregon has made a final determination to modify, remove or not apply the requirements of any applicable state laws or regulations that restrict the intended use of the property, thus permitting the use of the property as provided for in the city's final action. (Ord. 06-3 § 27)

#### 17.90.190 Site plan.

Except for interior renovation of an existing structures and exterior renovations such as siding replacement where there will be no ground disturbance, no new construction shall be approved unless a site plan containing the following information is submitted and approved showing the location of:

- A. Property boundaries and dimensions.
- B. Easements, if any.
- C. Existing and proposed structures.
- D. Existing structures on adjoining property if within one tree-protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of trunk diameter measured at four and one-half feet above grade.
- E. Existing trees six-inch diameter at breast height (DBH) or larger.
- F. Existing trees six-inch DBH or larger on adjoining property that, in the judgment of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees on adjoining property within one tree protection zone of the common property boundary. A tree protection zone is defined as a circle with two feet of radius for each inch of DBH.
- G. Existing trees six-inch DBH or larger in the adjoining street right-of-way that, in the judgment of the applicant's certified arborist, might be damaged by construction activity on the subject property. Alternatively, in the absence of a report by a certified arborist, all trees in the adjoining street right-of-way within one tree protection zone of the subject property.
- H. Existing and proposed features needed to calculate lot coverage as defined in Section 17.04.335.
- I. Topographic information needed to determine average grade as defined in Section 17.04.275.
- J. For property in the oceanfront management overlay (OM) zone, data needed to calculate oceanfront setback pursuant to Section 17.42.050(A)(6).
- K. For property in the wetland overlay (WO) zone, the location of wetlands and riparian corridors.
- L. For property in the flood hazard overlay (FHO) zone, the location and type of flood hazard.

The planning director may waive any of these requirements if not applicable for particular developments or sites. (Ord. 19-3 § 1)

17.90.200 A Transportation Impact Analysis (TIA) or Letter may be required as per Chapter 17.74. The City or other road authority with jurisdiction may require a TIA as part of an application for development, a change in use, or a change in access.

## Chapter 17.92

## ADMINISTRATIVE PROVISIONS

## Sections:

<b>17.92.050</b>	<b>Permit Not Required</b>
17.92.010	Development permits.
17.92.020	Enforcement.
17.92.030	Building permits.
17.92.040	Application information.
<b>17.92.050</b>	<b>Consolidated and Coordinated application procedure.</b>
17.92.060	Filing fee.

**17.92.050 Permit Not Required.** The following activities are permitted outright in all zones and excluded from the requirement of obtaining a land use permit. Exclusion from the permit requirement does not exempt the activity from otherwise complying with applicable standards, conditions, and other provisions of this code.

1. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan; and

2. Dedication of right-of-way, authorization of construction, and the construction of transportation facilities and improvements, where the improvements are planned improvements identified in the Transportation System Plan or are otherwise consistent with clear and objective dimensional standards.

- 17.92.010 Development permits.
- A. Permit Required.
    1. A development permit is required for:
      - a. The construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any structure or building which requires a building permit pursuant to either the State of Oregon, One and Two Family Dwelling Code, or the State of Oregon, Structural Specialty Code. (For the purpose of this section, these are referred to as Type 1 development permits.); or
      - b. An activity or structure specifically listed in this title as requiring a development permit. (For the purpose of this section, these are referred to as Type 2 or Type 3 development permits.)
    2. In the case of a structure or building requiring a building permit, the development permit may be part of the building permit.
  - B. Application. A property owner or their designated representative may initiate a request for a development permit by filing an application with the city using forms provided by the city.

17.92.050 Consolidated application procedure.

Where a proposed development requires more than one development permit, or a change in zone designation from the city, the applicant may request that the city consider all necessary permit requests in a consolidated manner. If the applicant requests that the city consolidate his or her permit review, all necessary public hearings before the planning commission shall be held on the same date. When proceedings are consolidated, required notices may be consolidated, provided the notice shall identify each application to be decided. When more than one application is reviewed in a hearing, separate findings and decisions shall be made on each application.

(Ord. 94-8 § 22; Ord. 86-10 § 16; Ord. 79-4 § 1 (11.035))