

GARIBALDI ORDINANCES

ORDINANCE NO. 209

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN AND ZONING ORDINANCE, RELATING TO ACCESSORY STRUCTURE PROVISIONS AND HILLSIDE OVERLAY ZONE PROVISIONS.

The City of Garibaldi ordains as follows:

Section 1. Section 4.080 is added to read as follows:

Section 4.080. Accessory Structures.

1. Accessory structures shall not be used for human habitation.
2. The maximum square footage of an accessory structure shall be 120 square feet.
3. The maximum height of an accessory structure shall be 10 feet.
4. An accessory structure, including all projections, shall not be closer than 6 feet from any other building.
5. An accessory structure shall be located to the side or the rear of the primary structure, except that it may not be located on the street side of a primary structure.
6. An accessory structure shall meet all setback and lot coverage requirements.

Section 2. Section 3.010 (3) (F) is hereby amended to read as follows:

- F. The minimum rear yard shall be 5 feet.

Section 3. Section 5.030 is hereby deleted.

Section 4. Section 5.060 (2) is hereby deleted.

Section 5. Section 3.120 Hillside Overlay Zone provisions shall be amended to read as follows:

a. Section 3.120 (1) is amended to read as follows:

1. Purpose. The Hillside Overlay Zone applies to all areas of the City where the slope of the land is 20 percent or greater. The intent of the Zone is to establish special criteria and procedures for development in a way that the potential for property damage and adverse impacts on the natural environment are reduced, so that safe, orderly and beneficial development in the zone results. For the purposes of this section, development is defined as any

alteration of the land surface greater than two feet in depth by construction of any kind, including hand or machine grading, filling, cutting and other earth moving activities, and/or construction of a building, road, driveway, parking area or other structure. Normal landscaping activities are not regulated by this section.

b. Section 3.120 (5)(A) is amended to read as follows:

5. Development and Use Criteria.

A. The City Planner, at the direction of the City Council, shall require the following reports be provided by an applicant who proposes to develop land within the Hillside Overlay Zone. The cost of all reports shall be borne by the applicant.

c. Section 3.120 (5)(B)(4) is amended to read as follows:

4. The City Planner may recommend to the City Council an independent review of the site report, particularly where the geologist or engineer has a financial interest in the property to be developed. The Council may require the preparation of such a report prior to issuance of a building permit. The cost of the independent review shall be borne by the property owner or developer.

d. Section 3.120 (5)(E)(1) is amended to read as follows:

1. Prior to approval of building permit, only the removal of existing vegetation may be carried out for surveying or planning of structures. Cutting of deciduous trees over six inches (6") diameter and conifers over four inches (4") at a height of four and one half feet above ground level shall only be carried out after the approval of the building permit.

e. Section 3.120 (5) (F), (G), (H), (I), and (J) is added to read as follows:

F. Minimum Lot Size. The minimum lot size for any structure in the Hillside Overlay Zone shall be 8,000 square feet. Where the property proposed for development consists of smaller contiguous lots, such lots shall be aggregated to meet this minimum lot size. Lots of less than 8,000 square feet may be built upon after a variance is granted in accordance with Article 8, Variances.

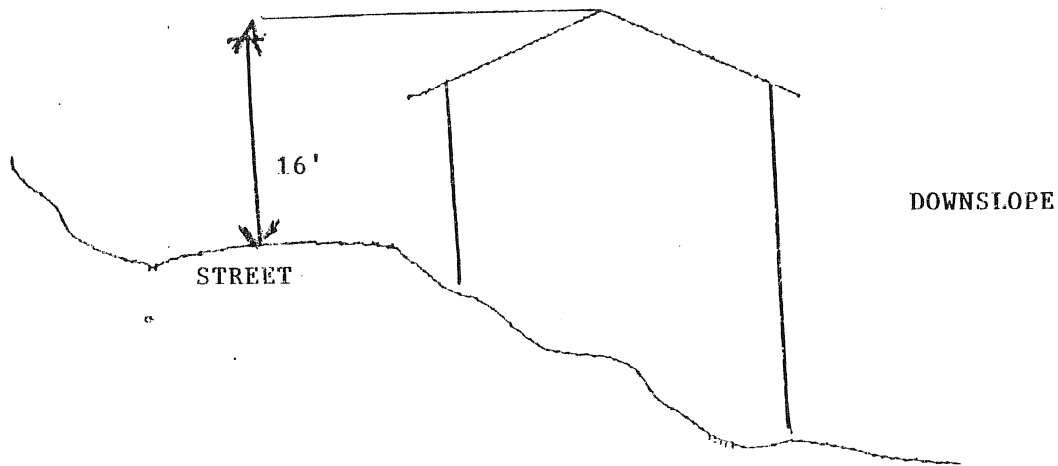
G. Maximum Lot Coverage. The total amount of the lot on which structures and other impervious surfaces may be constructed shall not exceed 40%.

H. Yard Requirements. The minimum yard requirement for the yard abutting a street or vehicular access way is five (5) feet. Where this standard is used, the minimum rear yard, or yard opposite the yard abutting the street or vehicular access way, shall be 30 feet. The minimum side yard shall be ten (10) feet.

I. Building Height. Within the Hillside Overlay Zone, building heights of structures other than accessory buildings shall be as follows:

1. Structures which are located below or downslope from the street, road, or vehicular access way shall have a maximum height of 16 feet above the centerline of the adjacent street, road or access way.
2. Structures other than those described in (1) above shall adhere to the height requirements of the underlying zone.

(EXAMPLE)



(Note: Measurements shall be taken at the midpoint of the structure at its highest point perpendicular to the street.)

J. Uncovered vehicle access structures such as bridges may be located in the front yard setback.

Section 6. The following definitions shall be added to Section 1.030:

Property, downslope: A lot, or parcel of land which is located below, or at a lower elevation, than the adjacent street, road, or vehicular access way, including easements. A lot or parcel which runs between two parallel streets shall be considered downslope property for purposes of building height.

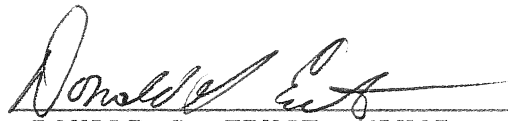
Section 7. Section 1.030, Definition 21 shall amended to read as follows:

21. Grade (Ground level): The average elevation of the existing grade or ground at the centers of all walls of a building.

Section 8. Section 5.070 is amended to read as follows:

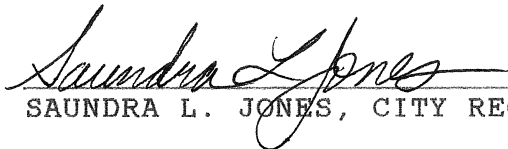
Projections such as chimneys, aerials, flagpoles, and other similar objects not used for human occupancy, no more than 48 inches in width, are not subject to the building height limitations of this ordinance.

PASSED by the Council and APPROVED by the Mayor this 14th day of February, 1994.



DONALD G. ERNST, MAYOR

ATTEST:



SAUNDRA L. JONES, CITY RECORDER