

**CITY OF GARIBALDI
ORDINANCE NO. 304**

**AN ORDINANCE AMENDING THE GARIBALDI ZONING CODE TO
ADD DOWNTOWN ZONING, AMEND THE COMPREHENSIVE PLAN
AND ZONE MAP, ALLOW FOR LIMITED VACATION RENTAL USES,
CORRECT SCRIVENERS' ERRORS, AND UPDATE LANGUAGE**

ARTICLES

- 1 *Downtown Zone*
- 2 *Comprehensive and Zone Map Amendments*
- 3 *Vacation Rental Uses*
- 4 *Correct Scriveners' Errors*
- 5 *Updated Language*
- 6 *Administrative Provisions*

ARTICLE I. DOWNTOWN ZONE

Section 1. Chapter 18.27, Downtown Zone (D-1) is added to Division II, Use Zones, to read as follows:

18.27.010 *Purpose.* The D-1 zone is intended to increase mixed-use dense commercial uses in the centralized part of U.S. Highway 101 and to implement the design standards found within Special Transportation Areas as defined by the Oregon Department of Transportation. It is intended to provide an area for small to medium sized commercial uses, encourage revitalization of downtown, provide for adequate traffic flows and a pedestrian friendly environment.

18.27.020 *Uses Permitted Outright.* In a D-1 zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Division IV (Supplemental Provisions) and all development guidelines for natural hazards of this title:

- A. Primary retail activities, such as shops or stores engaged in the sale of retail merchandise, except establishments selling automobiles, manufactured dwellings or other large merchandise.
- B. Consumer services such as banks, barber and beauty shops, repair shops, printing shops, laundries.
- C. Eating and drinking establishments.
- D. Indoor amusement activities and bowling alleys.
- E. Business, government and professional offices.
- F. Residential uses in accordance with 18.27.040(H).
- G. Motels, hotels and tourist housing.
- H. Arts and crafts studios or galleries, museums.
- I. Parks and publicly owned plazas.
- J. Single family residences established prior to July 1, 1996.
- K. Service stations established prior to July 1, 2007.
- L. Accessory structures in accordance with Chapter 18.135.
- M. Certain transportation facilities as defined in Sec. 18.05.030 and 18.185.050, specifically:
 - 1. Normal operation and maintenance of transportation facilities;

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

18.27.030 Conditional Uses Permitted. In a D-1 zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Division IV (Supplemental Provisions) and all development guidelines for natural hazards of this title:

- A. Churches, libraries or community meeting halls.
- B. Health facilities such as clinics, nursing homes.
- C. Family day care center and day care center.
- D. Expansion of service station facilities established prior to July 1, 2007.
- E. Certain transportation facilities as defined in Sec. 18.05.030 and 18.185.050, specifically:
 1. Transportation projects that are not designated improvements in the Transportation System Plan; and
 2. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.
- F. Other uses similar to the above, subject to meeting applicable criteria listed in Section 18.180.020 of this title.

18.27.040 Standards. In a D-1 zone, the following standards shall apply:

A. **Building Setbacks.** In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown. The setback standards apply to both primary and accessory structures. The standards may be modified only by approval of a variance in accordance with Sec. 18.190.

1. **Front Yard Setbacks.**
 - a. **Minimum Setback.** The minimum allowable front yard setback is three (3) feet to be used to match the sidewalk and to allow for the placement of signs, benches, planters and other amenities on private property.
 - b. **Maximum Setback.** The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 75 percent of the front building elevation (façade) is placed no more than 20 feet back from the front property line. In any event, a building must be within the required setback and cover a minimum 75% of lot width. (See also, Pedestrian Amenities Standards and Architectural Standards in this Chapter).
2. **Rear Yard Setbacks.** There is no minimum rear yard setback.
3. **Side Yard Setbacks.** There is no minimum side yard setback required, except that buildings shall conform to the clear vision standards in Chapter 18.95 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

B. **Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

C. **Building Orientation.** This section is intended to promote the walkable, storefront character of Downtown Garibaldi by orienting (placing or locating) buildings close to streets. Placing buildings close to the street not only slows vehicular traffic, but also provides more "eyes on the street", increasing the safety of public spaces. The standards, as listed below, compliment the front yard setback standards in subsection A(1). All development shall be oriented to a street, i.e. Hwy. 101 if the property has frontage on Hwy. 101. The building orientation standard is met when all of the following criteria are met:

1. The minimum and maximum setback standards in subsection A(1) are met;
2. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway, not exceeding the maximum front yard setback in length, is provided between the building entrance and the street right-of-way.
3. New land divisions and developments may be configured to provide a driveway or interior parking court. If parking courts are created, then pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings shall be oriented to the street corner. Parking, driveways and other vehicle facilities shall be prohibited between buildings and street corners.

D. **Building Height.** All buildings in the Garibaldi Downtown District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings incorporating a storefront character:

1. Maximum Height. Buildings shall not exceed a height of 30 feet.
2. Minimum Height. Buildings shall not be shorter than 20 feet. Façade extensions may accommodate the standard.

E. **Architectural Guidelines and Standards.**

1. Purpose and Applicability. These architectural guidelines and standards are intended to encourage innovative design and be of human-scale while affording flexibility to use a variety of building styles and materials complimentary to and with materials used in existing downtown buildings. This section applies to all building types as listed in Section 18.27.020.
2. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of Downtown Garibaldi buildings. This criterion may be met by providing architectural features as listed in items a-e below, in the front or "main street" façade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or façade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street façade in a manner similar to that as the main street façade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that façade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.
 - a. Building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other design aspects or features to reduce the angular appearance of the building at the street corner.
 - b. Fenestration and decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories.
 - c. Display windows. Large display windows on the ground-floor should be set-off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Display windows are not for residential use.

d. Decoration. Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.

e. Weather Protection. Building canopy, awning, pergola, or similar weather protection shall not extend more than two-thirds the width of the sidewalk measured from the building. The height of the bottom or low point of the protection shall be at least eight feet above grade.

F. *Underground Utilities.*

1. It is the policy of the City to place all utilities underground except as otherwise exempted below. Developers shall make arrangements with serving utility companies for installation possibility of such utilities.

2. Exceptions. The City may permit overhead utilities as a condition of approval where the Applicant can demonstrate one of the following conditions:

a. Underground utility locations are not feasible.

b. Temporary installations.

c. Major transmission facilities located within right-of-ways or easement

d. Surface mounted structures, substations or facilities requiring above ground

locations by the serving utility.

3. Developers shall provide for the installation of conduit to building for future undergrounding in the case of an exception.

G. *Pedestrian Amenities*

1. Purpose and Applicability. This section is intended to complement the building orientation standards in Subsection C by providing comfortable and inviting pedestrian spaces within the Garibaldi Downtown Zone. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Downtown, and contribute to a walkable district. This section applies to all building types as listed in Section 18.27.020.

2. Guidelines and Standards. Every development shall provide at least one of the "pedestrian amenities" listed in subsections a-b below. Pedestrian amenities may be provided within a public right-of-way when approved by the City.

a. A plaza, courtyard, square or recessed area next to the building;

b. Sitting space (i.e., dining area, benches or ledges between the building and sidewalk (minimum of 16 inches in height and 30 inches in width).

H. *Special Standards for Certain Uses.* This section supplements the standards contained in Sections 18.27.020-.030 providing standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown Zone:

1. Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in items 1-6, below, which are intended to require mixed-use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this Section.

a. Mixed-use Development Required. Residential uses shall be permitted only when part of a mixed-use structure (residential with commercial or public/institutional use). Both "vertical" mixed-use (housing above the ground floor), and "horizontal" mixed-use (housing on the ground floor) developments are allowed, subject to the standards in items 2-6 below.

b. Limitation on street-level housing. Residential uses are not permitted at street-front. This standard is intended to reserve storefront space for commercial uses and

public/institutional uses. It does not limit residential uses above the street level on upper stories, or behind street-level storefronts. Residential uses on the ground floor may occupy no more than 50% of the total ground floor square footage. Access to ground floor residential shall be from the rear of the building or, in the case of a corner lot, from the side.

c. Density. There is no residential density standard.

d. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots, garages, and parking structures, shall be oriented to alleys, or in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Highway 101) when access cannot be provided from an alley. Parking spaces accessed by an alley or easement are allowed.

e. Creation of Alleys. A public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impracticable, though space for an alley should be identified in the case of future adjoining development. As part of the development of two or more units or a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between units (e.g., between building breaks) to provide pedestrian connections through a development site. Alley (or access) easements on adjoining property may accommodate this standard.

f. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

2. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Garibaldi Downtown Zone may include small workshops, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Garibaldi Downtown Zone. Accessory structures shall comply with the following standards:

a. Primary use required. An accessory structure shall not be allowed before or without a primary use.

b. Setback standards. Accessory structures shall comply with the setback standards in Subsection A, except that the maximum setback provisions shall not apply.

c. Design guidelines. Accessory structures shall comply with the Downtown Zone design guidelines, as provided in Subsection E.

d. Restrictions. A structure shall not be placed over an identified alley or easement that prohibits such placement. No structure shall encroach into the public right-of-way.

e. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

f. All accessory structures and uses must be located behind the main building.

3. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Garibaldi Downtown Zone. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

a. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Highway 101) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not

exceed a total of 50 parking spaces, or one-half city block, whichever is smaller. All adjacent parking lots must provide ingress and egress between the lots.

- b. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.
4. Sidewalk Displays. Sidewalk display of merchandise next to buildings is permitted, however a minimum pedestrian clearance of six (6) feet shall be maintained.
5. Light Manufacture. Light manufacture uses (i.e. manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods) shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of Downtown Garibaldi:
 - a. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.
 - b. Location. The light manufacture use shall be enclosed within a building.

I. Parking Requirements

1. Parking Requirements: Parking requirements within the Downtown Zone shall conform to Chapter 18.125 with the exception that Retail Stores shall provide one (1) space for each 500 square feet of floor area.
2. On-Street Parking: On-street parking spaces that front and are contiguous to (on the same side of the street) the lot may be counted in the required parking.
3. Parking Restrictions: No person who works or resides in the Downtown Zone shall park a vehicle on Highway 101 while in his/her place of employment, or in his/her residence between nine a.m. and five p.m. on any day.
4. General Purpose/Public Parking: Within the Downtown Zone, all parking shall be general purpose parking/public parking with the exception of Subsection I(3) above. Residential uses may have designated off-street parking spaces pursuant to Chapter 18.125."

ARTICLE II. MAP AMENDMENTS

Section 1. The City of Garibaldi Comprehensive Plan Map, adopted through Ord. No. 289 and amended by Ord. No. 303, shall be amended so that the property located within the current C-1 zone from 1st St. to the westernmost boundary between 11th and 12th Sts. and one tax lot deep between 1st St. to Driftwood Ave. with a new boundary crossing Garibaldi Ave. (US101) perpendicular from the southernmost corner of the Driftwood Ave. and Garibaldi Ave. intersection (see Attachment "A") formerly designated as "Commercial" will be designated as "Downtown".

Section 2. The City of Garibaldi Zoning Map, adopted through Ord. No. 290 and amended by Ord. No. 303, shall be amended so that the property located within the current C-1 zone from 1st St. to the westernmost boundary between 11th and 12th Sts. and one tax lot deep between 1st St. to Driftwood Ave. with a new boundary crossing Garibaldi Ave. (US101) perpendicular from the southernmost corner of the Driftwood Ave. and Garibaldi Ave. intersection (see Attachment "A") formerly zoned "Commercial C-1" will be zoned as "Downtown D-1".

ARTICLE III. VACATION RENTAL USES

Section 1. Vacation Rental Outright Use: Subsection L is added to Section 18.15.020 “Uses permitted outright,” to read as follows:

“Vacation rental dwellings established prior to February 11, 2008 and located south of Garibaldi Ave. (US101) or accessed privately from Garibaldi Ave. (US101).”

Section 2. Vacation Rental Conditional Use: Subsection L is added to Section 18.15.030 “Conditional uses permitted,” to read as follows:

“Vacation rental dwellings located south of Garibaldi Ave. (US101) or accessed privately from Garibaldi Ave. (US101).”

ARTICLE IV. CORRECT SCRIVENERS’ ERRORS

Section 1. WD-2 Uses Permitted Outright: Section 18.40.020(F)(1) is amended to read as follows:

“No more than 50 percent of the ground floor space on each lot or parcel may be used for housing. A greater percentage may be approved for housing as part of a master planned development when the master plan provides for development of more than one lot/parcel, and the overall percentage of ground floor space does not exceed 50 percent residential use for the entire site.”

Section 2. Automobile Parking Standards: The last bracketed sentence of 18.125.030, Vehicle parking – Minimum standards by use, is repealed:

~~“[There is no minimum number of off street parking spaces required in the commercial zone along U.S. 101 (or in designated historic districts); however, the “maximum parking” standards of this chapter apply.]”~~

Section 3. On-street parking: Section 18.125.050(A)(2) is amended to read as follows:

“Forty-five or sixty degree diagonal, each with 10-12 feet of curb;”

Section 4. Off-site parking: Section 18.125.070 is amended to read as follows:

“Except for single-family dwellings, the vehicle parking spaces required by this section may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the city has approved the off-site parking through land use review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.”

Section 5. Class A variances: Section 18.190.040(B) is amended to read as follows:

“Approval Criteria. Class A variance requests shall be granted if the applicant demonstrates compliance with all of the following criteria:”

Section 6. Transportation Planning Rule compliance: Section 18.200.060(A) is amended to read as follows:

- “1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the city's transportation system plan (“TSP”); or
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the city’s comprehensive plan allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the city's comprehensive plan; or
5. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the city's comprehensive plan.”

Section 7. Transportation Planning Rule compliance: Section 18.200.060(C) is amended to read as follows:

- “C. Exceptions. Amendments to the comprehensive plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the city's comprehensive plan, may be approved when all of the following criteria are met:
1. The amendment does not include property located in an interchange area, as defined under applicable law;
 2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
 3. Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
 4. The city provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.”

ARTICLE V. UPDATED LANGUAGE

Section 1. Quasi-judicial orders: Section 18.200.045 is added to Section 18.200 “Land Use District Map and Text Amendments,” to read as follows:

“A final quasi-judicial order shall be issued after approval of the action by either the Planning Commission or City Council. The order should include name of the applicant, mailing address of the applicant, map and tax lots of the affected property, type of request, property’s zoning, brief description of the applicant’s reason for the request, review of the public meetings, hearings and notices dealing with the request, review of the adopted findings of fact, review of any conditions associated with the request and whether those conditions shall be met before the approval is effective, date the approval is effective, appeal options by affected parties, and signatures of the Planning Commission Chair and Secretary (or Mayor and City Recorder).”

Section 2. Height Certificate in Hillside Overlay Zone: Section 18.80.050(I)(3) is added to Section 18.80 “Hillside Overlay Zone,” to read as follows:

“Upon completion of construction of structures 16 feet or higher, the applicant shall submit to the City’s planner an elevation certificate affirming the height standard.”

Section 3. Flammable Liquids: Section 15.15.060(C) and (D) is amended to read as follows:

“C. Section 3406.2.4.4. Storage of Class I, II and III flammable liquids in above-ground tanks exceeding 300 gallons shall be allowed only in water-dependent development (WD-1), waterfront development support (WD-2), downtown (D-1) and commercial (C-1) zones within the city limits. The size of the tank for storage of Class I flammable liquids shall be no greater than 1,000 gallons. The size of the tank for storage of the Class III flammable liquids shall be no greater than 2,000 gallons.

D. Section 3804.2. Bulk storage of liquefied petroleum gas will be allowed with a maximum water capacity of 2,000 gallons. Bulk storage above 300 gallons to 2,000 gallons shall only be allowed in water-dependent development (WD-1), waterfront development support (WD-2), downtown (D-1) and commercial (C-1) zones within the city limits. Any storage of 300 gallons or less for residential heating of liquefied petroleum gas is allowed, but must comply with Chapter 38 of the International Fire Code.”

Section 4. Classification of Zones: Section 18.10.020 is amended to include under Zone and Abbreviated Designation:

“Downtown.....D-1”

Section 5. Base zone sign regulations: Section 18.120.050 (A) is amended to read as follows:

“A. Commercial (C-1), Downtown (D-1), General Industrial (I-1), Water-Dependent Development (WD-1), Waterfront Development Support Zone (WD-2) Sign Requirements. For all lots in the C-1, D-1, I-1, WD-1, or WD-2 zone, the following sizes and types of signs are allowed. All allowed signs must also be in conformance with the regulations in GMC [18.120.040](#).”

Section 6. Accessory structures: Section 18.135.010 (D) is amended to read as follows:

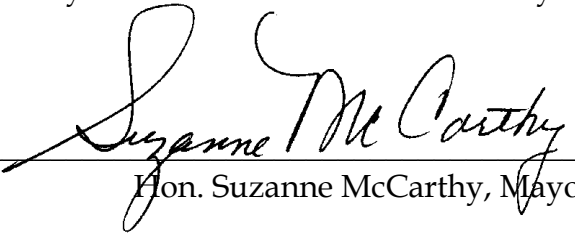
“D. In the commercial (C-1) and downtown (D-1) zones, accessory structures shall not be used for human habitation.”

ARTICLE VI. ADMINISTRATIVE PROVISIONS

Section 1. The Planning Official shall make such changes to the City of Garibaldi Comprehensive Plan Map and the City of Garibaldi Zoning Map as are required to implement this amending ordinance.

Section 2. The Planning Official shall keep a record of this amendment in a place convenient to the public to memorialize this amending ordinance.

ADOPTED BY A READING OF TITLE TWICE ONLY by the Council and **APPROVED** by the Mayor this 19th day of February, 2008.

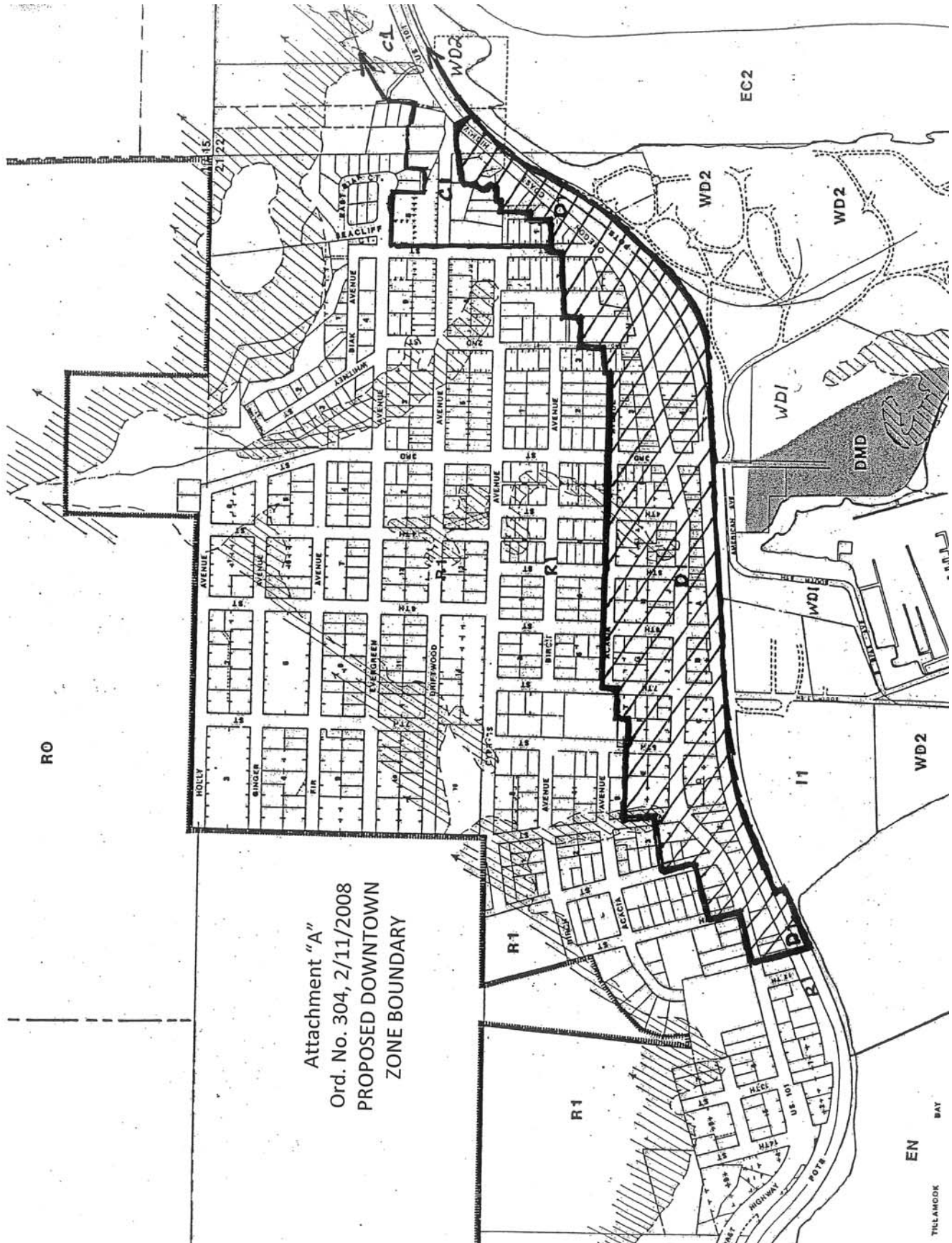


Hon. Suzanne McCarthy, Mayor

ATTEST:



Kevin M. Greenwood, Administrator



Attachment "A"
 Ord. No. 304, 2/11/2008
 PROPOSED DOWNTOWN
 ZONE BOUNDARY