

**CITY OF BAY CITY
ORDINANCE 715**

AN ORDINANCE ADOPTING AND MAKING AMENDMENTS TO THE BAY CITY COMPREHENSIVE PLAN AND CERTAIN SECTIONS OF THE UNIFIED MUNICIPAL CODE, SPECIFICALLY CHAPTER 10 (FILE #'S CPA-2025-01 AND OA-2025-01) PERTAINING TO PROVISIONS FOR DEVELOPMENT OF MIDDLE HOUSING

WHEREAS, in 2023 State Senate Bill 406 directed cities and unincorporated communities in Tillamook County to amend their development codes and comprehensive plan policies to permit all forms of middle housing by June 30, 2025; and

WHEREAS, the City of Bay City recently implemented many middle housing provisions, and recognizes the remaining requirements of OAR Division 660-046 and the Middle Housing Model Codes; and

WHEREAS, the City of Bay City has conducted work sessions before the City Planning Commission and City Council in regard to these requirements; and

WHEREAS, these amendments to be implemented into Chapter 10 of the City Municipal Code and the City Comprehensive Plan have been sent to the Oregon Department of Land Conservation and Development (DLCD) as required; and

WHEREAS, on April 16, 2025, the City of Bay City Planning Commission held a public hearing on the proposed amendments and recommended approval of amendments to the Bay City Comprehensive Plan (File #CPA-2025-01) and certain sections of the Unified Municipal Code, specifically Chapter 10 (File #OA-2025-01) pertaining to provisions for development of middle housing to the City Council; and

WHEREAS, notice of adoption of this ordinance to be implemented into City Municipal Code and Comprehensive Plan has been posted and published in Bay City in accordance with City Municipal Code 10.12.080 and 10.12.130 and Oregon law.

NOW THEREFORE, be it ordained by the City Council of the City of Bay City, in the State of Oregon, as follows:

SECTION 1: **AMENDMENT** “10.02.020 Definitions: Planning And Development” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.02.020 Definitions: Planning And Development

- A. Definitions. The definitions in Section 10.02.020 apply to all actions and interpretations under the City of Bay City Development Code Chapter. The meanings of some terms in this article may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. When a Term is Not Defined. Terms not defined in this Chapter shall have their ordinary accepted meanings within the context in which they are used. Webster’s Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.
- C. Land Use Categories. Section 2.1 defines the land use categories used in Article 3.
- D. Conflicting Definitions. Where a term listed in Section 10.02.020 is defined by another section of this Chapter or by other regulations or statutes referenced by this Chapter, the term is not redefined herein for purposes of that other code.

The following definitions are organized alphabetically:

"Access." The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

"Accessory Dwelling Unit." An interior, attached, or detached residential structure that is using in connection with or that is accessory to, a single-family dwelling.

"Accessory Structure or Accessory Use." A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

"Agriculture/Urban Farm/Hobby Farm." The tilling of the soil, the raising of crops, dairying or animal husbandry. Examples include farming, pasturing, dairying, community garden, nursery activities, horticulture, and similar activities. Processing, slaughtering, large scale poultry raising and similar high impact uses are not considered agriculture.

"Alley." A minor public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

"Alter." A change, addition, or modification in construction or occupancy of a building or structure.

"Amendment." A change in the wording, context, or substance of Chapter 10, or a change in the zone boundaries or area district boundaries upon the zoning map or plan.

"Aquaculture." The controlled culture of any marine species for the purpose of commercial harvest.

"Automobile Service Station." A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles.

"Basement." That portion of a building between floor and ceiling which is partly below and partly above grade but is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

"Bond." Cash or an instrument given to the City in which a surety agrees to pay for required improvements, as well as damage to existing City improvements, such as streets, water and sewer lines, in the event that the owner or contractor fails to complete all required improvements and repairs satisfactorily. All bonds shall be issued by a corporate surety qualified by law to issue surety insurance defined by ORS 731.186, or a letter of credit issued by an insured institution, as defined by ORS 706.008.

"Bridge Crossings." The portion of a bridge spanning a waterway not including support structures or fill located in the waterway or adjacent wetlands.

"Bridge Crossing Support Structures." Piers, piling, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.

"Buffer." A horizontal distance intended to provide attractive spaces or distance, to obstruct undesirable views, to serve as an acoustic barrier, to reduce the impact of development on adjacent property or natural features, to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions, or to maintain privacy.

"Building." A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, chattels, or personal or real property of any kind. The word "building" shall include the word "structure".

"Building Height." The vertical distance above grade, as defined, to the highest point of the structure of the building. Non-habitable projections, such as satellite receiving dishes with a diameter of twenty-four (24") inches or less, chimneys, elevator shaft housings and flagpoles,

that satisfy all setback requirements are not subject to the building height limitations of the zoning ordinance.

"Building Line." A line that coincides with the front side of the main building.

"Building Official." The superintendent of the building department or his designate.

"Cellar." That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

"Child Care Center." A child care facility that is certified by the State of Oregon as a child care center.

"Child Care Facility." Any facility that provides child care to children, as provided for under ORS 329A.250.

"Child Care Home, Family." A home that is registered or certified by the State of Oregon to provide child care in the provider's home to not more than 16 children, including children of the provider, regardless of full-time or part-time status. A family child care home is a residential use.

"City." The City of Bay City, Oregon.

"Commercial - Primary Retail or Service; Non-Water Related or Dependent." Examples include grocery store, meat market, variety store, antique shop, and similar uses which are normally found in a downtown area; uses which are compatible with the existing downtown commercial uses; motels and hotels.

"Commercial - Retail or Service with Large Land Needs; Non-Water Dependent or Related." Examples include automobile service station, car lot; drive-in restaurant; wholesale business with large land requirements, and similar activities which might be incompatible with primary retail uses.

"Common Open Space." Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

"Comprehensive Plan." The adopted Comprehensive Plan of the City of Bay City, Oregon.

"Cottage Clusters." Groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard, as identified in ORS 197.758.

"Cottage Industry." An industry of crafts, small scale services, and other activities which have little impact on the neighborhoods in terms of traffic generation, noise, appearance, operating hours, or other factors, where the creation of products and services is home-based, rather than factory-based. These products and services created by cottage industry are often unique and distinctive given the fact that they are usually not mass-produced. A cottage industry is a non-residential use carried out by a resident of a dwelling and no more than one employee, other than members of the household.

"Court." An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

"Density, Net." The amount of dwellings per net acre, based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.

"Dock." A structure built over or floating upon the water, used as a launching place for marine transport or for recreational purposes.

"Dredge Disposal." The deposition of material removed during dredging operations.

"Dwelling, Apartment, or Multiple-Family." A building designed and used for occupancy by three or more families, all living independently of each other, and having separate full kitchen facilities for each family.

"Dwelling, Single Family." A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

"Dwelling, Two Family (Duplex)." A structure containing two dwelling units located on the same lot, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.

"Dwelling, Three Family (Triplex)." A structure designed and used for residential purposes containing three attached dwelling units on one lot or parcel, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.

"Dwelling, Four Family (Quadplex)." A structure designed and used for residential purposes containing four attached dwelling units on one lot or parcel, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.

"Dwelling Unit." One or more rooms designed for occupancy by one family and not having more than one cooking facility except facilities designed for camping purposes such as tents and recreation vehicles.

"Eating or Drinking Establishment." A restaurant, bar, café, or other business serving food and/or beverages on-site or to go.

"Eating or Drinking Establishment, drive-in." A restaurant, bar, café, or other business serving food and/or beverages on-site or to go. A drive-in establishment includes service to patrons who are parked and remain in their automobiles while being served and eating or drinking. A drive-in does not include a service window or stacking lanes.

"Estuarine Enhancement." An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

"Family." One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.

"Fence." A protective or confining barrier constructed of wood or wire mesh. Fence does not include hedges or other plantings.

"Fence, Sight Obscuring." A fence consisting of wood, metal, masonry, or similar materials, arranged in such a way as to obscure vision at least 80 percent.

"Fill." The deposit of earth material placed by artificial means.

"Flag Lot." A lot with two distinct parts:

- A. The flag, which is the only building site and is located behind another lot; and
- B. The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

"Floor Area." The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

- A. attic space providing headroom of less than seven feet.

- B. basement or cellar.
- C. uncovered steps or fire escapes.
- D. private garages, carports, or porches.
- E. accessory water towers or cooling towers.
- F. accessory off-street parking or loading spaces.

"Frontage." Property abutting on a street

"Garage or Carport." An non-habitable attached or accessory structure, designed primarily for storage of automobile(s) and other items.

"Goal." A general statement establishing a direction for City policies, ordinances or actions.

"Grade, Ground Level." The average of the existing ground level prior to construction at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

"Hazards." Threats to life, property, or the environment such as landsliding, flooding, subsidence, erosion, or fire.

"Health Care Facility." See "Hospitals."

"Hobby Farm." See "Agriculture/Urban Farm/Hobby Farm."

"Home Occupation." A lawful occupation or profession carried on by a resident of a dwelling as an accessory use within the same dwelling, and no more than one employee excluding members of the household.

"Horticulture." The cultivation of plants, garden crops, trees, or nursery stock.

"Hospitals." Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more nonrelated individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours. Examples include a hospital, extended and intermediate care facility, day surgery center, birthing center, outpatient renal dialysis center and skilled nursing facility. They do not include a professional office of physicians, dentists, or other licensed professional health care practitioners which are governed under Section 6.6.01 Primary Commercial Uses.

"Hotel (Motel, Motor Hotel, Tourist Court." A building or group of buildings used for transient residential purposes containing guest rooms which are designed to be used, or which are used, rented, or hired out for sleeping purposes. Not designed or used for full-time residential occupancy.

"Household." The person or people living in a dwelling.

"Industrial." Uses involving manufacturing, fabrication, processing, transshipment, storage and distribution.

"Institution, Higher Educational." A college or university accredited by the State of Oregon.

"Junk or Wrecking Yard." Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling any scrap or waste material.

"Kennels." A lot or premises on which four or more adult dogs are kept, whether by owners of the dogs or by persons providing facilities and care for compensation. An adult dog is one that has reached the age of six months.

"Land Use." Any use of the land including, but not limited to, construction, subdivision, agriculture, recreation, public utilities placement, forest management, or natural uses.

"Light Industrial." Any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance or similar impacts. These uses include, but are not limited to light fabrication and assembly, and the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item, and a use which does not involve the generation outside the property of noise, odor, vibration, dust or hazard.

"Loading Space." An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

"Lot." For purposes of this Chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. a single lot of record.
- B. a portion of a lot of record.
- C. a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- D. a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Chapter.

"Lot Area." The total area of a lot measured in a horizontal plane within the lot boundary line exclusive of public streets.

"Lot Coverage." The portion of a lot or parcel of land which is covered with buildings, parking and maneuvering areas, patios, decks, covered or paved storage areas, or other impervious surfaces.

"Lot Depth." The property line bounding a lot.

"Lot Line, Front." For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

"Lot Line, Rear." For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line.

"Lot Line, Side." For interior lots, a line separating one lot from the abutting lot or lot fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

"Lot Types."

- A. "Corner Lot." Either a lot or development site, bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with lot lines other than street lines, forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line.
- B. "Reversed Corner Lot." Defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.
- C. "Interior Lot." A lot or development site other than a corner lot with frontage only on

one street.

- D. "Through Lot." A lot or development site other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as "double-frontage lots".

"Lot of Record." A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat recorded with Tillamook County.
- B. The plot of land was created through a deed or land sales contract recorded with Tillamook County before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations.
- C. The plot of land was created through a deed or land sales contract recorded with Tillamook County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

"Lot Width." The horizontal distance between side lot lines measured at the building line.

"Manufactured Dwelling."

- A. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- B. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- C. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulation in effect at the time of construction. "Manufactured dwelling" does not mean any building or structure subject to the Structural Specialty code adopted pursuant to ORS 455.100 - 455.450.

"Manufactured or Prefabricated Dwelling Park." Any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured or Prefabricated Dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Bay City.

"Marijuana Production, Processing, Wholesale and Distribution." The production, processing, wholesale, and distribution of recreational and medicinal marijuana requires large areas, possibly with warehouses or greenhouses, with easy access to Highway 101 transportation. This activity requires permits/licensing from state agencies.

"Marijuana Retail Sales." Commercial retail businesses of recreational and medical marijuana have significant parking and transportation needs, generating frequent, short-term, traffic, which is not suitable for residential neighborhoods. There may also be prohibitions for location siting distances from schools and other uses. This activity requires permits/licensing from state agencies.

"Marina." A facility which provides boat launching, storage, supplies and services for small pleasure craft.

"Middle Housing." Includes the following types of housing, as identified in ORS 197.758:

- A. Duplexes;
- B. Triplexes;
- C. Quadplexes;
- D. Cottage clusters; and
- E. Townhouses

"Minor Navigation Improvement." Alteration necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation, but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable barriers.

"Mitigation." The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats and species diversity unique features and water quality (ORS 196.830).

"Motel." See "Hotel."

"Nonconforming Structure or Use." A lawful existing structure or use, at the time this Chapter or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

"Open Areas." The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open areas and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

"Owner." Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney or agent thereof.

"Parking Area, Private." Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Chapter and not open for use by the general public.

"Parking Area, Public." Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Chapter for retail customers, patrons, and clients.

"Parking Space." An area permanently available for the parking of a full size automobile, having dimensions of not less than 9 feet by 18 feet.

"Parks and Open Space (Land Use)." Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

"Parcel." A unit of land which is created by a partitioning of land.

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

contiguous lots or property by a single owner.

"Partition." Either an act of partitioning land or an area or tract of land partitioned as defined in this Section.

A. "Major Partition." A partition which includes the creation of a street.

B. "Minor Partition." A partition that does not include the creation of a street.

"Person." Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Planning Commission or Commission." The Planning Commission of the City of Bay City, Oregon.

"Plat." Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provision, and information concerning a subdivision or major partition.

"Policy." A definitive statement or requirement of the Comprehensive Plan or Chapter 10, generally qualitative in nature.

"Property Line Adjustment." The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots. See figure, below:

"Replat." The process of changing the map or plat which changes the boundaries of a recorded Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof.

"Recreation Vehicle." See Travel Trailer

"Resource Capability." A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity, and their effects and continue to function in a manner consistent with the purpose of the zone.

"Restoration." For the purposes of Goal 16, estuarine restoration means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

"Riparian Area." A riparian area is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to terrestrial ecosystem.

"School, Commercial." A place where instruction is given to pupils in arts, crafts, trades, or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

"School, Primary, Elementary, Junior High, or High." Includes public, private, or parochial but not nursery school, kindergarten, or day nursery, except when operated in conjunction with a school.

"Screen." A vertical barrier consisting of a fence, wall, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, particularly for noise reduction or visual separation.

"Setback." The minimum distance required between a specified object, such as a building, and

another point. Typically, the setback refers to the minimum distance (yard dimension) from the farthest projection of a structure to a specified property line.

"Shorelands." The area between U.S. Highway 101 and the mean high or higher water line (MHHW) of Tillamook Bay.

"Shoreline Stabilization Structures." Structures built to protect shoreline areas from erosion such as bulkheads and rip-rap.

"Short Term Vacation Rentals." A legal residential structure may be rented for transient rental purposes for thirty days or less. A Short Term Vacation Rental use is considered a transient rental of a legal residential use property and the density and use of a Short Term Vacation Rental is limited by Chapter 8.10.

"Sign." An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be sign.

"Sign, Advertising." A sign which directs attention to business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

"Standards." Specific requirements of the Chapter 10 regulating land use, generally quantitative in nature.

"Story." That portion of a building included between a floor and the ceiling next above it which is six feet or more above the grade.

"Story, Half." A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, or a basement or cellar, except as provided in this Chapter, which has less than six feet of its height above grade.

"Street." An officially approved public thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the Commission and accepted by the Council for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except as excluded in this Chapter. The word "street" shall include all arterial highways, freeways, traffic collector streets, and lanes.

- A. Standard Street –a street constructed to full City standards, including paving, as set forth in the City’s Public Works Standards.
- B. Substandard Street –a street constructed to full City street standards, except paving.
- C. Pre-existing Street –any street which is developed to a standard less than a standard street.
- D. Platted Street - any street which has been platted but has not been physically developed as any street

"Structure." Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

"Subdivider." Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

"Subdivided Land." To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single

ownership at the beginning of such year. Land may be subdivided no more than one time within a twelve-month period.

"Subdivision." Either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.

"Sufficient Infrastructure." The following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

- A. Connection to a public sewer system capable of meeting established service levels;
- B. Connection to a public water system capable of meeting established service levels;
- C. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and
- D. Storm drainage facilities capable of meeting established service levels for storm drainage

"Temporary Alteration." Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) alterations to established mitigation sites, alterations for ridge construction or repair and for drilling or other exploratory operations, and (3) minor structures such as blinds necessary for research and educational observation.

"Temporary Estuarine or Riparian Alteration." A temporary estuarine or riparian alteration may not be for more than three years and the affected area must be restored to its previous condition. A temporary alteration includes: (1) an alteration necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) an alteration to established mitigation sites, an alteration for ridge construction or repair and for drilling or other exploratory operations, and (3) a minor structure such as blinds necessary for research and educational purposes.

"Townhouse." A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

"Transitional Use." A use allowed in a transitional area intended to create a gradual change in use from residential to commercial or industrial, between abutting zones.

"Travel Trailer/Recreation Vehicle." A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and having a body width not exceeding eight feet.

"Use." The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

"Vehicle." A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Water-Dependent." A use or activity which can be carried out only on, in, or adjacent to, water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production, or source of water. Examples include a commercial marine, pier, wharf, dock, or moorage.

"Water-Oriented." A use whose attraction to the public is enhanced by a view of or access to coastal waters.

"Water-Related." Uses which are not directly dependent upon access to water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered. Examples include fish or shellfish processing, warehousing, retail or wholesale outlets; marine craft or marine equipment storage or sales; water-borne commerce; sports fish cleaning, smoking or curing establishments; retail trade where the majority of the products are to be used in conjunction with a water-dependent use; restaurants which provide a view of the waterfront and which may be operated in conjunction with a water-dependent or water-related use, such as a seafood processing plant. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurant, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

"Yard." An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise allowed elsewhere in this Chapter.

"Yard, Front." An area extending the full width of a lot between the front lot line and the nearest principal structure. On a corner lot, the property owner may designate which street frontage is to be considered the front yard.

"Yard, Rear." An area extending the full width of a lot between the rear lot line and the nearest principal structure.

"Yard, Side." An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

"Yurt." A structure defined and governed by Oregon Building Code as a prefabricated recreational use structure designed for seasonal, recreation, and camping use. A yurt shall comply as far as is reasonably practicable with the standards established by the Oregon Building Code Division for prefabricated structures, with Oregon One and Two Family Dwelling Specialty Code, and shall be certified with an Oregon Insignia of Compliance.

"Zero Lot Line Wall." A common interior wall separating two dwelling units and located on the common boundary line.

"Zero Lot Line Development." A structure containing two dwelling units located on separate lots, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.

AFTER AMENDMENT

10.02.020 Definitions: Planning And Development

- A. **Definitions.** The definitions in Section 10.02.020 apply to all actions and interpretations under the City of Bay City Development Code Chapter. The meanings of some terms in this article may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.
- B. **When a Term is Not Defined.** Terms not defined in this Chapter shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.
- C. **Land Use Categories.** Section 2.1 defines the land use categories used in Article 3.
- D. **Conflicting Definitions.** Where a term listed in Section 10.02.020 is defined by another section of this Chapter or by other regulations or statutes referenced by this Chapter, the term is not redefined herein for purposes of that other code.

The following definitions are organized alphabetically:

"Access." The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress and egress to a property, use, or parking space.

"Accessory Dwelling Unit." An interior, attached, or detached residential structure that is using in connection with or that is accessory to, a single-family dwelling.

"Accessory Structure or Accessory Use." A structure or use incidental and subordinate to the main use of property and located on the same lot as the main use.

"Agriculture/Urban Farm/Hobby Farm." The tilling of the soil, the raising of crops, dairying or animal husbandry. Examples include farming, pasturing, dairying, community garden, nursery activities, horticulture, and similar activities. Processing, slaughtering, large scale poultry raising and similar high impact uses are not considered agriculture.

"Alley." A minor public right-of-way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

"Alter." A change, addition, or modification in construction or occupancy of a building or structure.

"Amendment." A change in the wording, context, or substance of Chapter 10, or a change in the zone boundaries or area district boundaries upon the zoning map or plan.

"Aquaculture." The controlled culture of any marine species for the purpose of commercial harvest.

"Automobile Service Station." A retail place of business engaged primarily in the sale of motor fuels, but also supplying goods and services required in the operation and maintenance of automotive vehicles.

"Basement." That portion of a building between floor and ceiling which is partly below and partly above grade but is so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

"Bond." Cash or an instrument given to the City in which a surety agrees to pay for required improvements, as well as damage to existing City improvements, such as streets, water and sewer lines, in the event that the owner or contractor fails to complete all required improvements and repairs satisfactorily. All bonds shall be issued by a corporate surety qualified by law to issue surety insurance defined by ORS 731.186, or a letter of credit issued by an insured institution, as defined by ORS 706.008.

"Bridge Crossings." The portion of a bridge spanning a waterway not including support structures or fill located in the waterway or adjacent wetlands.

"Bridge Crossing Support Structures." Piers, piling, and similar structures necessary to support a bridge span, but not including fill for causeways or approaches.

"Buffer." A horizontal distance intended to provide attractive spaces or distance, to obstruct undesirable views, to serve as an acoustic barrier, to reduce the impact of development on adjacent property or natural features, to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions, or to maintain privacy.

"Building." A structure built and maintained for the support, shelter, or enclosure of persons, motor vehicles, animals, chattels, or personal or real property of any kind. The word "building" shall include the word "structure".

"Building Height." The vertical distance above grade, as defined, to the highest point of the structure of the building. Non-habitable projections, such as satellite receiving dishes with a diameter of twenty-four (24") inches or less, chimneys, elevator shaft housings and flagpoles, that satisfy all setback requirements are not subject to the building height limitations of the

zoning ordinance.

"Building Line." A line that coincides with the front side of the main building.

"Building Official." The superintendent of the building department or his designate.

"Cellar." That portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

"Child Care Center." A child care facility that is certified by the State of Oregon as a child care center.

"Child Care Facility." Any facility that provides child care to children, as provided for under ORS 329A.250.

"Child Care Home, Family." A home that is registered or certified by the State of Oregon to provide child care in the provider's home to not more than 16 children, including children of the provider, regardless of full-time or part-time status. A family child care home is a residential use.

"City." The City of Bay City, Oregon.

"Commercial - Primary Retail or Service; Non-Water Related or Dependent." Examples include grocery store, meat market, variety store, antique shop, and similar uses which are normally found in a downtown area; uses which are compatible with the existing downtown commercial uses; motels and hotels.

"Commercial - Retail or Service with Large Land Needs; Non-Water Dependent or Related." Examples include automobile service station, car lot; drive-in restaurant; wholesale business with large land requirements, and similar activities which might be incompatible with primary retail uses.

"Common Open Space." Publicly or privately owned undeveloped open space intended for aesthetic, recreation, public safety, or other conservation purposes, to be used by the owners or residents of a particular development or the public in general.

"Comprehensive Plan." The adopted Comprehensive Plan of the City of Bay City, Oregon.

"Cottage." An individual dwelling unit that is part of a cottage cluster.

"Cottage Clusters." **Groupings** A grouping of no fewer than four detached **housing dwelling** units per acre with a footprint of less than 900 square feet each, located on a single lot or parcel **and** that include a common courtyard, **as identified in ORS 197.758.**

"Cottage Industry." An industry of crafts, small scale services, and other activities which have little impact on the neighborhoods in terms of traffic generation, noise, appearance, operating hours, or other factors, where the creation of products and services is home-based, rather than factory-based. These products and services created by cottage industry are often unique and distinctive given the fact that they are usually not mass-produced. A cottage industry is a non-residential use carried out by a resident of a dwelling and no more than one employee, other than members of the household.

"Court." An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

"Density, Net." The amount of dwellings per net acre, based on the total area of the parcel, including vacated rights-of-way, and excluding separate or non-contiguous lands, previously designated common open space, and excluding rights-of-way or easements.

"Dock." A structure built over or floating upon the water, used as a launching place for marine

transport or for recreational purposes.

"Dredge Disposal." The deposition of material removed during dredging operations.

"Dwelling, ~~Apartment, or Multiple-Family~~ Multifamily." ~~A building designed and used for occupancy by three or more families, all living independently of each other, and having separate full kitchen facilities for each family. A structure or structures with five or more dwelling units in any attached or detached configuration on one lot or parcel. Middle housing is not considered a multifamily dwelling.~~

"Dwelling, Single Family." ~~A detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family. single dwelling unit on one lot or parcel.~~

"Dwelling, ~~Two Family~~ (Duplex)." A structure containing two attached dwelling units ~~located on the same one lot or parcel, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit. A single family dwelling and an accessory dwelling unit are not considered a duplex.~~

"Dwelling, ~~Three Family~~ (Triplex)." A structure ~~designed and used for residential purposes containing three attached dwelling units on one lot or parcel, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.~~

"Dwelling, ~~Four Family~~ (Quadplex)." A structure ~~designed and used for residential purposes containing four attached dwelling units on one lot or parcel, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.~~

"Dwelling Unit." One or more rooms designed for residential occupancy ~~by one family~~ and not having more than one cooking facility except facilities designed for camping purposes such as tents and recreation vehicles.

"Eating or Drinking Establishment." A restaurant, bar, café, or other business serving food and/or beverages on-site or to go.

"Eating or Drinking Establishment, drive-in." A restaurant, bar, café, or other business serving food and/or beverages on-site or to go. A drive-in establishment includes service to patrons who are parked and remain in their automobiles while being served and eating or drinking. A drive-in does not include a service window or stacking lanes.

"Estuarine Enhancement." An action which results in a long-term improvement of existing estuarine functional characteristics and processes that is not the result of a creation or restoration action.

~~"Family." One person or two or more persons related by blood, marriage, legal adoption, or guardianship; or a group of not more than five persons (excluding servants) all or part of whom are not related by blood, marriage, legal adoption, or guardianship living together as a single housekeeping unit in a dwelling unit.~~

"Fence." A protective or confining barrier constructed of wood or wire mesh. Fence does not include hedges or other plantings.

"Fence, Sight Obscuring." A fence consisting of wood, metal, masonry, or similar materials, arranged in such a way as to obscure vision at least 80 percent.

"Fill." The deposit of earth material placed by artificial means.

"Flag Lot." A lot with two distinct parts:

- A. The flag, which is the only building site and is located behind another lot; and
- B. The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

"Floor Area." The sum of the gross horizontal area of the several floors of a building, measured from the exterior faces of the exterior walls, or from the center line of walls separating two buildings, but not including:

- A. attic space providing headroom of less than seven feet.
- B. basement or cellar.
- C. uncovered steps or fire escapes.
- D. private garages, carports, or porches.
- E. accessory water towers or cooling towers.
- F. accessory off-street parking or loading spaces.

"Frontage." Property abutting on a street

"Garage or Carport." An non-habitable attached or accessory structure, designed primarily for storage of automobile(s) and other items.

"Goal." A general statement establishing a direction for City policies, ordinances or actions.

"Grade, Ground Level." The average of the existing ground level prior to construction at the center of all walls of a building. Where the walls are parallel to and within five feet of a public sidewalk, alley, or public way, the ground level shall be measured at the average elevation of the sidewalk, alley, or public way.

"Hazards." Threats to life, property, or the environment such as landsliding, flooding, subsidence, erosion, or fire.

"Health Care Facility." See "Hospitals."

"Hobby Farm." See "Agriculture/Urban Farm/Hobby Farm."

"Home Occupation." A lawful occupation or profession carried on by a resident of a dwelling as an accessory use within the same dwelling, and no more than one employee excluding members of the household.

"Horticulture." The cultivation of plants, garden crops, trees, or nursery stock.

"Hospitals." Institutions devoted primarily to the rendering of healing, curing, and/or nursing care, which maintain and operate facilities for the diagnosis, treatment, and care of two or more nonrelated individuals suffering from illness, injury, or deformity or where obstetrical or other healing, curing, and/or nursing care is rendered over a period exceeding 24 hours. Examples include a hospital, extended and intermediate care facility, day surgery center, birthing center, outpatient renal dialysis center and skilled nursing facility. They do not include a professional office of physicians, dentists, or other licensed professional health care practitioners which are governed under Section 6.6.01 Primary Commercial Uses.

"Hotel (Motel, Motor Hotel, Tourist Court)." A building or group of buildings used for transient residential purposes containing guest rooms which are designed to be used, or which are used, rented, or hired out for sleeping purposes. Not designed or used for full-time residential occupancy.

"Household." The person or people living in a dwelling.

"Industrial." Uses involving manufacturing, fabrication, processing, transshipment, storage and distribution.

"Institution, Higher Educational." A college or university accredited by the State of Oregon.

"Junk or Wrecking Yard." Any property where a person is engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling any scrap or waste material.

"Kennels." A lot or premises on which four or more adult dogs are kept, whether by owners of

the dogs or by persons providing facilities and care for compensation. An adult dog is one that has reached the age of six months.

"Land Use." Any use of the land including, but not limited to, construction, subdivision, agriculture, recreation, public utilities placement, forest management, or natural uses.

"Light Industrial." Any industrial enterprise where activities and operations in no manner affect in a detrimental way any of the surrounding properties and where any adverse impacts are restricted to the subject property. Such uses shall not be adverse due to odor, particulate matter, smoke, noise, vibration, appearance or similar impacts. These uses include, but are not limited to light fabrication and assembly, and the manufacture of electronic components, jewelry, clothing, trimming decorations and any similar item, and a use which does not involve the generation outside the property of noise, odor, vibration, dust or hazard.

"Loading Space." An off-street space or berth on the same lot, or parcel, with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle while loading or unloading persons, merchandise, or materials, and which space or berth abuts upon a street, alley, or other appropriate means of ingress and egress.

"Lot." For purposes of this Chapter, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. a single lot of record.
- B. a portion of a lot of record.
- C. a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- D. a parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Chapter.

"Lot Area." The total area of a lot measured in a horizontal plane within the lot boundary line exclusive of public streets.

"Lot Coverage." The portion of a lot or parcel of land which is covered with buildings, parking and maneuvering areas, patios, decks, covered or paved storage areas, or other impervious surfaces.

"Lot Depth." The property line bounding a lot.

"Lot Line, Front." For an interior lot, a line separating the lot from the street; and for a corner lot, a line separating either (but not both) frontage of the lot from the street.

"Lot Line, Rear." For an interior lot, a line separating one lot from another on the opposite side of the lot from the front lot line; for corner lots either (but not both) interior lot line separating one lot from another; and for an irregular or triangular shaped lot, a straight line 10 feet in length that is parallel to and at the maximum distance from the front lot line.

"Lot Line, Side." For interior lots, a line separating one lot from the abutting lot or lot fronting on the same street; for corner lots, a line other than the front lot line separating the lot from the street or a line separating the lot from the abutting lot along the same frontage.

"Lot Types."

- A. "Corner Lot." Either a lot or development site, bounded entirely by streets, or a lot which adjoins the point of intersection of two or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with lot lines other than street lines, forms an angle of 135 degrees or less. In the event that any street line is a curve at its point of intersection with a lot

line other than a street line, the tangent to the curve at that point shall be considered the direction of the street line.

- B. "Reversed Corner Lot." Defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area.
- C. "Interior Lot." A lot or development site other than a corner lot with frontage only on one street.
- D. "Through Lot." A lot or development site other than a corner lot with frontage on more than one street. Through lots with frontage on two streets may be referred to as "double-frontage lots".

"Lot of Record." A lot of record is a plot of land that meets one or more of the following criteria, pursuant to ORS 92.010 through 92.190:

- A. The plot of land was lawfully created through a subdivision or partition plat recorded with Tillamook County.
- B. The plot of land was created through a deed or land sales contract recorded with Tillamook County before the City or County, as applicable, adopted planning, zoning, subdivision or partition regulations.
- C. The plot of land was created through a deed or land sales contract recorded with Tillamook County prior to January 1, 2007 and the subject plot of land would have complied with the applicable planning, zoning, subdivision, or partition regulations in effect at the time it was created.

"Lot Width." The horizontal distance between side lot lines measured at the building line.

"Manufactured Dwelling."

- A. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962.
- B. A mobile house, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.
- C. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with federal manufactured housing construction and safety standards regulation in effect at the time of construction. "Manufactured dwelling" does not mean any building or structure subject to the Structural Specialty code adopted pursuant to ORS 455.100 - 455.450.

"Manufactured or Prefabricated Dwelling Park." Any place where four or more manufactured dwellings or prefabricated dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured or Prefabricated Dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one mobile home per lot if the subdivision was approved by the City of Bay City.

"Marijuana Production, Processing, Wholesale and Distribution." The production, processing, wholesale, and distribution of recreational and medicinal marijuana requires large areas, possibly with warehouses or greenhouses, with easy access to Highway 101 transportation. This activity requires permits/licensing from state agencies.

"Marijuana Retail Sales." Commercial retail businesses of recreational and medical marijuana

have significant parking and transportation needs, generating frequent, short-term, traffic, which is not suitable for residential neighborhoods. There may also be prohibitions for location siting distances from schools and other uses. This activity requires permits/licensing from state agencies.

"Marina." A facility which provides boat launching, storage, supplies and services for small pleasure craft.

"Middle Housing." Includes the following types of housing, ~~as identified in ORS 197.758:~~

- A. Duplexes;
- B. Triplexes;
- C. Quadplexes;
- D. Cottage clusters; and
- E. Townhouses

"Middle housing land division." A partition or subdivision of a lot or parcel on which the development of middle housing is allowed.

"Minor Navigation Improvement." Alteration necessary to provide water access to existing or permitted uses in conservation management units including dredging for access channels and for maintaining existing navigation, but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable barriers.

"Mitigation." The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats and species diversity unique features and water quality (ORS 196.830).

"Motel." See "Hotel."

"Nonconforming Structure or Use." A lawful existing structure or use, at the time this Chapter or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

"Open Areas." The area devoted to lawns, setbacks, buffers, landscaped areas, natural areas, outdoor recreation areas, and similar types of uncovered open areas and maintained in plant cover, and excluding storage areas for materials, boats, or vehicles.

"Owner." Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity having sufficient proprietary interest in the land, including the attorney or agent thereof.

"Parking Area, Private." Privately or publicly owned property, other than streets and alleys, on which parking spaces are defined, designated, or otherwise identified for use by the tenants, employees, or owners of the property for which the parking area is required by this Chapter and not open for use by the general public.

"Parking Area, Public." Privately or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated, or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Chapter for retail customers, patrons, and clients.

"Parking Space." An area permanently available for the parking of a full size automobile, having dimensions of not less than 9 feet by 18 feet.

"Parks and Open Space (Land Use)." Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

"Parcel." A unit of land which is created by a partitioning of land.

"Partition of Land." To divide an area or tract of land into two or three parcels within a

calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures, divisions of land resulting from foreclosure of recorded contracts for the sale of real property and divisions of land resulting from the creation of cemetery lots; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by the Chapter 10. "Partition land" does not include the sale of a lot in a recorded subdivision, even though the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner.

"Partition." Either an act of partitioning land or an area or tract of land partitioned as defined in this Section.

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

"Person." Any natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

"Planning Commission or Commission." The Planning Commission of the City of Bay City, Oregon.

"Plat." Includes a final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provision, and information concerning a subdivision or major partition.

"Policy." A definitive statement or requirement of the Comprehensive Plan or Chapter 10, generally qualitative in nature.

"Property Line Adjustment." The relocation of a single common property line between two abutting properties not resulting in an increase in the number of lots. See figure, below:

"Replat." The process of changing the map or plat which changes the boundaries of a recorded Subdivision Plat, Minor Land Division, Certified Survey Map, or other land division or part thereof.

"Recreation Vehicle." See Travel Trailer

"Resource Capability." A use or activity is consistent with the resource capabilities of the area when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or that the resources of the area are able to assimilate the use and activity, and their effects and continue to function in a manner consistent with the purpose of the zone.

"Restoration." For the purposes of Goal 16, estuarine restoration means to revitalize or re-establish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work begins.

"Riparian Area." A riparian area is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to terrestrial ecosystem.

"School, Commercial." A place where instruction is given to pupils in arts, crafts, trades, or other occupational skills and operated as a commercial enterprise as distinguished from schools endowed or supported by taxation.

"School, Primary, Elementary, Junior High, or High." Includes public, private, or parochial but not nursery school, kindergarten, or day nursery, except when operated in conjunction with a school.

"Screen." A vertical barrier consisting of a fence, wall, hedge, tree row, or other dense structure intended to perform a buffering effect in a limited space, particularly for noise reduction or visual separation.

"Setback." The minimum distance required between a specified object, such as a building, and another point. Typically, the setback refers to the minimum distance (yard dimension) from the farthest projection of a structure to a specified property line.

"Shorelands." The area between U.S. Highway 101 and the mean high or higher water line (MHHW) of Tillamook Bay.

"Shoreline Stabilization Structures." Structures built to protect shoreline areas from erosion such as bulkheads and rip-rap.

"Short Term Vacation Rentals." A legal residential structure may be rented for transient rental purposes for thirty days or less. A Short Term Vacation Rental use is considered a transient rental of a legal residential use property and the density and use of a Short Term Vacation Rental is limited by Chapter 8.10.

"Sign." An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign shall be considered to be sign.

"Sign, Advertising." A sign which directs attention to business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.

"Standards." Specific requirements of the Chapter 10 regulating land use, generally quantitative in nature.

"Story." That portion of a building included between a floor and the ceiling next above it which is six feet or more above the grade.

"Story, Half." A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story, or a basement or cellar, except as provided in this Chapter, which has less than six feet of its height above grade.

"Street." An officially approved public thoroughfare or right-of-way dedicated, deeded, or condemned, which has been officially approved by the Commission and accepted by the Council for use as such, other than an alley, which affords the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare, except as excluded in this Chapter. The word "street" shall include all arterial highways, freeways, traffic collector streets, and lanes.

- A. Standard Street –a street constructed to full City standards, including paving, as set forth in the City’s Public Works Standards.
- B. Substandard Street –a street constructed to full City street standards, except paving.
- C. Pre-existing Street –any street which is developed to a standard less than a standard street.
- D. Platted Street - any street which has been platted but has not been physically developed as any street

"Structure." Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

"Subdivider." Any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Chapter to effect a subdivision of land hereunder for himself or for another.

"Subdivided Land." To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. Land may be subdivided no more than one time within a twelve-month period.

"Subdivision." Either an act of subdividing land or an area or a tract of land subdivided as defined in this Section.

"Sufficient Infrastructure." The following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

- A. Connection to a public sewer system capable of meeting established service levels;
- B. Connection to a public water system capable of meeting established service levels;
- C. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and
- D. Storm drainage facilities capable of meeting established service levels for storm drainage

"Temporary Alteration." Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by an acknowledged plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) alterations to established mitigation sites, alterations for ridge construction or repair and for drilling or other exploratory operations, and (3) minor structures such as blinds necessary for research and educational observation.

"Temporary Estuarine or Riparian Alteration." A temporary estuarine or riparian alteration may not be for more than three years and the affected area must be restored to its previous condition. A temporary alteration includes: (1) an alteration necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetty maintenance), (2) an alteration to established mitigation sites, an alteration for ridge construction or repair and for drilling or other exploratory operations, and (3) a minor structure such as blinds necessary for research and educational purposes.

"Townhouse." A dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

"Townhouse project." One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property.

"Transitional Use." A use allowed in a transitional area intended to create a gradual change in use from residential to commercial or industrial, between abutting zones.

"Travel Trailer/Recreation Vehicle." A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel and recreational purposes, and having a body width not exceeding eight feet.

"Use." The purpose for which land or a structure is designed, arranged, or intended, or for

which it is occupied or maintained.

"Vehicle." A device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by human power or used exclusively upon stationary rails or tracks.

"Water-Dependent." A use or activity which can be carried out only on, in, or adjacent to, water areas because the use requires access to the water body for water-borne transportation, recreation, energy, production, or source of water. Examples include a commercial marine, pier, wharf, dock, or moorage.

"Water-Oriented." A use whose attraction to the public is enhanced by a view of or access to coastal waters.

"Water-Related." Uses which are not directly dependent upon access to water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of the quality of goods or services offered. Examples include fish or shellfish processing, warehousing, retail or wholesale outlets; marine craft or marine equipment storage or sales; water-borne commerce; sports fish cleaning, smoking or curing establishments; retail trade where the majority of the products are to be used in conjunction with a water-dependent use; restaurants which provide a view of the waterfront and which may be operated in conjunction with a water-dependent or water-related use, such as a seafood processing plant. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurant, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

"Yard." An area on a lot between the lot line and the nearest principal structure, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise allowed elsewhere in this Chapter.

"Yard, Front." An area extending the full width of a lot between the front lot line and the nearest principal structure. On a corner lot, the property owner may designate which street frontage is to be considered the front yard.

"Yard, Rear." An area extending the full width of a lot between the rear lot line and the nearest principal structure.

"Yard, Side." An area extending the depth of a lot from the front yard to the rear yard between the side lot line and the nearest principal structure.

"Yurt." A structure defined and governed by Oregon Building Code as a prefabricated recreational use structure designed for seasonal, recreation, and camping use. A yurt shall comply as far as is reasonably practicable with the standards established by the Oregon Building Code Division for prefabricated structures, with Oregon One and Two Family Dwelling Specialty Code, and shall be certified with an Oregon Insignia of Compliance.

"Zero Lot Line Wall." A common interior wall separating two dwelling units and located on the common boundary line.

~~"Zero Lot Line Development." A structure containing two dwelling units located on separate lots, sharing a common interior wall, and having independent heating, electrical, water and wastewater systems with separate meters for each unit.~~

SECTION 2: **AMENDMENT** "10.06.025 Allowable Use Matrix" of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.025 Allowable Use Matrix

Title of Use	Use Zones							
	SL1	SL2	SL3	NHI	SHI	EHI	MI	LI
USE ZONES:								
Agriculture/Urban Farming/Hobby Farm	NP	NP	C	NP	NP	C	O ²	O ²
Aquaculture, including Oyster Farming	C	C	C	NP	NP	NP	NP	NP
Bed and Breakfast Establishment	NP	NP	O ²	O ²	NP	NP	O ²	O ²
Boat Storage - Boat Repair or Construction	NP	C	NP	NP	C	C	NP	C
Child Care Center	NP	NP	C	O	NP	NP	O	O
Child Care Home, Family	NP	NP	O	O	NP	NP	O	O
Commercial - Water Dependent	NP	C	NP	NP	NP	NP	NP	NP
Commercial - Water Related	NP	C	NP	NP	O ²	NP	NP	NP
Commercial - Primary Retail or Service Non-Water Dependent or Related	NP	NP	NP	C	C	C	NP	NP
Commercial Recreation	NP	C	NP	NP	C	C	C	C
Cottage Industry	NP	NP	O ²	O ²	O ²	O ²	O ²	O ²
Dredge Material Disposal	NP	C	NP	NP	NP	NP	NP	NP
Eating or Drinking Establishment	NP	O ²	NP	O ²	O ²	O ²	NP	NP
Extensive Excavation or Grading	NP	C	C	C	C	C	C	C
Forest Management	C	NP	C	NP	NP	NP	C	C
Home Occupation	NP	NP	O	O	O	O	O	O
Hospitals and Health Care Facility	NP	NP	NP	NP	NP	C	NP	C
Industrial - Water Dependent	NP	C	NP	NP	NP	NP	NP	NP
Industrial - Water Related	NP	C	NP	NP	C	NP	NP	NP
Industrial - Non-Water Dependent or Non-Water Related**	NP	NP	NP	NP	O ²	O ²	NP	NP
Kennel	NP	NP	NP	NP	NP	NP	NP	C
Marinas, Piers, Launching Ramps, Docks, and Other Boating Facilities	NP	C	NP	NP	NP	NP	NP	NP
Marijuana Production, Processing, Wholesale and Distribution	NP	NP	NP	NP	NP	NP	NP	O ²
Marijuana Retail	NP	NP	NP	NP	O	NP	NP	NP
Meeting Hall, Church, School and Museum	NP	NP	NP	C	C	C	C	C
Mining, Removal of Sand or Gravel	NP	NP	C	NP	NP	NP	NP	NP
Mini-storage Establishment	NP	NP	NP	NP	O ²	O ²	NP	NP
Minor Navigation Improvement	O ²	O ²	C	NA	NP	NP	NP	NP
Mixed Use Non-Residential - Residential Use	NP	NP	NP	C	NP	NP	C	C
Motel, Hotels, and Inns	NP	NP	NP	C	C	C	NP	NP

Natural Resource, Cultural, and Historical Interpretative Center	NP	C	C	C	C	C	C	C
Parking Area, Public or Private	NP	C	C	C	C	C	C	C
Public Recreation Area	C	C	C	C	C	C	C	C
Residential Development - Single Family ¹ or- Duplex	NP	NP	O	NP	NP	NP	O	O
Residential Development - Triplex, townhouse, Cottage Cluster	NP	NP	O ²	O ²	O ²	NP	O ²	O ²
Residential Development - Multiple Family	NP	NP	NP	O ²	NP	NP	C	C
Restoration and Mitigation Activity	C	C	C	C	C	C	C	C
Recreation Vehicle Park and Campground	NP	NP	C	NP	C	NP	C	NP
Senior and Disability Service Facility	NP	NP	NP	O ²	O ²	O ²	C	C
Shoreline Stabilization Structure	C	C	C	C	C	C	C	C
Short Term Vacation Rentals	NP	NP	O	O	O	O	O	O
Temporary Estuarine or Riparian Alteration	T	T	T	T	T	T	T	T
Temporary Recreation Vehicle / Travel Trailer	NP	NP	T	T	T	T	T	T
Utilities - Public or Private; Power Station, Sewer Pond, Pump Station	C	C	C	C	C	C	C	C
Wrecking Yard; Junk Yard	NP	NP	NP	NP	NP	NP	NP	NP
Yurt, Recreational	NP	NP	C	NP	NP	NP	NP	NP
<p>C = Conditional Use; O = Outright Use; O2 = Outright Use with Notice; T = Temporary; NP = Not Permitted; NA = Not Applicable SL1 = Shoreland 1 Zone SL2 = Shoreland 2 Zone SL3 = Shoreland 3 Zone MI = Moderate Intensity Zone LI = Low Intensity Zone NHI= North High Intensity Zone SHI = South High Intensity Zone EHI = East High Intensity Zone Note: Estuary and Shorelands Zones and Dredge Material Disposal Site Zone uses are listed in Chapter ... and ... respectively. Note 1: Off-Street Parking for SFD requires one (1) parking space in a garage or carport as described in Chapter ...</p>								

AFTER AMENDMENT

10.06.025 Allowable Use Matrix

Title of Use	Use Zones							
	SL1	SL2	SL3	NHI	SHI	EHI	MI	LI
Agriculture/Urban Farming/Hobby Farm	NP	NP	C	NP	NP	C	O ²	O ²
Aquaculture, including Oyster Farming	C	C	C	NP	NP	NP	NP	NP
Bed and Breakfast Establishment	NP	NP	O ²	O ²	NP	NP	O ²	O ²
Boat Storage - Boat Repair or Construction	NP	C	NP	NP	C	C	NP	C

Child Care Center	NP	NP	C	O	NP	ON P	O	O
Child Care Home, Family	NP	NP	O	O	NP	ON P	O	O
Commercial - Water Dependent	NP	C	NP	NP	NP	NP	NP	NP
Commercial - Water Related	NP	C	NP	NP	O ²	NP	NP	NP
Commercial - Primary Retail or Service Non-Water Dependent or Related	NP	NP	NP	C	C	C	NP	NP
Commercial Recreation	NP	C	NP	NP	C	C	C	C
Cottage Industry	NP	NP	O ²	O ²	O ²	O ²	O ²	O ²
Dredge Material Disposal	NP	C	NP	NP	NP	NP	NP	NP
Eating or Drinking Establishment	NP	O ²	NP	O ²	O ²	O ²	NP	NP
Extensive Excavation or Grading	NP	C	C	C	C	C	C	C
Forest Management	C	NP	C	NP	NP	NP	C	C
Home Occupation	NP	NP	O	O	O	O	O	O
Hospitals and Health Care Facility	NP	NP	NP	NP	NP	C	NP	C
Industrial - Water Dependent	NP	C	NP	NP	NP	NP	NP	NP
Industrial - Water Related	NP	C	NP	NP	C	NP	NP	NP
Industrial - Non-Water Dependent or Non-Water Related**	NP	NP	NP	NP	O ²	O ²	NP	NP
Kennel	NP	NP	NP	NP	NP	NP	NP	C
Marinas, Piers, Launching Ramps, Docks, and Other Boating Facilities	NP	C	NP	NP	NP	NP	NP	NP
Marijuana Production, Processing, Wholesale and Distribution	NP	NP	NP	NP	NP	NP	NP	O ²
Marijuana Retail	NP	NP	NP	NP	O	NP	NP	NP
Meeting Hall, Church, School and Museum	NP	NP	NP	C	C	C	C	C
Mining, Removal of Sand or Gravel	NP	NP	C	NP	NP	NP	NP	NP
Mini-storage Establishment	NP	NP	NP	NP	O ²	O ²	NP	NP
Minor Navigation Improvement	O ²	O ²	C	NA	NP	NP	NP	NP
Mixed Use Non-Residential - Residential Use	NP	NP	NP	C	NP	NP	C	C
Motel, Hotels, and Inns	NP	NP	NP	C	C	C	NP	NP
Natural Resource, Cultural, and Historical Interpretative Center	NP	C	C	C	C	C	C	C
Parking Area, Public or Private	NP	C	C	C	C	C	C	C
Public Recreation Area	C	C	C	C	C	C	C	C
Residential Development - Single Family ¹ or- Duplex	NP	NP	O	NP	NP	NP	O	O
Residential Development - Triplex, Quadplexes, Townhouse, Cottage Cluster	NP	NP	O^N z	O²	O²	ON P	O^N z	O^N z
Residential Development - Multiple Family								

<u>Multifamily</u>	NP	NP	NP	O ²	NP	NP	C	C
Restoration and Mitigation Activity	C	C	C	C	C	C	C	C
Recreation Vehicle Park and Campground	NP	NP	C	NP	C	NP	C	NP
Senior and Disability Service Facility	NP	NP	NP	O ²	O ²	O ²	C	C
Shoreline Stabilization Structure	C	C	C	C	C	C	C	C
Short Term Vacation Rentals	NP	NP	O	O	O	O	O	O
Temporary Estuarine or Riparian Alteration	T	T	T	T	T	T	T	T
Temporary Recreation Vehicle / Travel Trailer	NP	NP	T	T	T	T	T	T
Utilities - Public or Private; Power Station, Sewer Pond, Pump Station	C	C	C	C	C	C	C	C
Wrecking Yard; Junk Yard	NP	NP	NP	NP	NP	NP	NP	NP
Yurt, Recreational	NP	NP	C	NP	NP	NP	NP	NP
<p>C = Conditional Use; O = Outright Use; O² = Outright Use with Notice; T = Temporary; NP = Not Permitted; NA = Not Applicable SL1 = Shoreland 1 Zone SL2 = Shoreland 2 Zone SL3 = Shoreland 3 Zone MI = Moderate Intensity Zone LI = Low Intensity Zone NHI= North High Intensity Zone SHI = South High Intensity Zone EHI = East High Intensity Zone Note: Estuary and Shorelands Zones and Dredge Material Disposal Site Zone uses are listed in Chapter ... and ... respectively. Note 1: Off-Street Parking for SFD requires one (1) parking space in a garage or carport as described in Chapter ...</p>								

SECTION 3: AMENDMENT “10.10.010 Zone Development Standards Matrix” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.010 Zone Development Standards Matrix

Zone Development Standards Matrix

ZONE	SL1	SL2	SL3	NHI	SHI	EHI	MI	LI
Maximum Lot Coverage								
Residential	-	-	40%	-	-	-	40%	25% ^G
Mixed Commercial-Residential/Residential Uses	-	None	40%	90%	90%	90%	40%	25% ^G
Commercial, Industrial, and Other Non-Residential Uses	-	None	40%	90%	90%	90%	40%	25% ^G
Minimum Lot Coverage	None	-	-	-	-	-	-	-
Minimum Open Area								
Mixed Commercial-Residential/Residential Uses	None	None	60%	10%	10%	10%	60%	75%
Commercial, Industrial, and		Non						

other Non-Residential Uses	None	e	60%	10%	10%	10%	60%	75%
Minimum Landscaped Open Area	5%	5%	10% ^A	5% ^A	5% ^A	5% ^A	10% ^A	-
Lot Size								
Minimum Lot Area	None	None	5,000 sf ^F	None	None	None	5,000 sf ^{D,E}	15,000 sf
Minimum Lot Width or Depth	None	None	40 feet	None	None	None	40 feet	100 feet
Minimum Lot Depth	None	None	40 feet	None	None	None	40 feet	100 feet
Minimum Common Open Space	-	-	15% ^B	15% ^B	15% ^B	15% ^B	15% ^B	15% ^B
Maximum Height	24 ft	24 ft	24 ft	24 ft >24 ft -36 ft CUP C	24 ft	24 ft	24 ft	24 ft
Setback Requirements^{I, J}								
Front yard	-	-	20 ft	0 ft	20 ft	20 ft	20 ft	20 ft
Side Yard	-	-	5 ft	0 ft	5 ft	5 ft	5 ft	5 ft
Rear Yard	-	-	10 ft	0 ft	10 ft	10 ft	10 ft	10 ft

Notes:

- A. Minimum of the total lot area of a commercial, industrial, or other non-residential use shall be maintained in landscaped open area, located on the street side or in front of the use.
- B. Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12-month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement.
- C. The maximum height is 24 feet. However, the City Planner may approve a height up to 36 feet when the proposal includes documentation that the development will have sufficient protection from fire through municipal services or has a planned on-site suppression system, as documented through written statements verifying fire suppression capabilities, whether private, public, or a combination thereof, approved in writing by the Bay City Fire Chief.
- D. Minimum lot size in new subdivisions, partitions and planned developments
- E. Minimum Lot Size for Platted Lots Existing Prior to the Enactment of this Chapter.
- F. Minimum Lot area for lots in new subdivisions, partitions, and planned developments
- G. The City Planner may adjust this standard, for existing lots of record less than 10,000 sf, for up to 40%.
- H. Density Considerations: Land within designated wetlands shall not be used as part of density calculations in development applications.
- I. Setbacks shall be reduced for Cottage Cluster Development as described in Section 10.11.110.
- J. Additional Setback Requirements described in Section 10.10.020.

AFTER AMENDMENT

10.10.010 Zone Development Standards Matrix

Zone Development Standards Matrix

ZONE	SL1	SL2	SL3	NHI	SHI	EHI	MI	LI
Maximum Lot Coverage								
Residential <u>D</u>	-	-	40%	-	-	-	40%	25% ^G
Mixed Commercial-Residential/Residential Uses	-	None	40%	90%	90%	90%	40%	25% ^G
Commercial, Industrial, and Other Non-Residential Uses	-	None	40%	90%	90%	90%	40%	25% ^G
Minimum Lot Coverage	None	-	-	-	-	-	-	-
Minimum Open Area								
Mixed Commercial-Residential/Residential Uses	None	None	60%	10%	10%	10%	60%	75%
Commercial, Industrial, and other Non-Residential Uses	None	None	60%	10%	10%	10%	60%	75%
Minimum Landscaped Open Area	5%	5%	10% ^A	5% ^A	5% ^A	5% ^A	10% ^A	-
Lot Size								
Minimum Lot Area, <u>all uses except:</u>	None	None	5,000 sf ^F	None	None	None	5,000 sf ^{D,E}	15,000 sf
<u>Minimum Lot Area, Quadplex and Cottage Cluster</u>	=	=	<u>7,000 sf</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>7,000 sf</u>	<u>15,000 sf</u>
<u>Minimum Lot Area, Townhouses</u>	=	=	<u>1,500 sf</u>	<u>None</u>	<u>None</u>	<u>None</u>	<u>1,500 sf^E</u>	<u>1,500 sf^E</u>
Minimum Lot Width or Depth ^E	None	None	40 feet	None	None	None	40 feet	100 feet
Minimum Lot Depth	None	None	40 feet	None	None	None	40 feet	100 feet
Minimum Common Open Space	-	-	15% ^B	15% ^B	15% ^B	15% ^B	15% ^B	15% ^B
Maximum Height	24 ft	24 ft	24 ft	24 ft > 24 ft - 36 ft CUP C	24 ft	24 ft	24 ft	24 ft
Setback Requirements^{I, J}								
Front yard	-	-	20 ft	0 ft	20 ft	20 ft	20 ft	20 ft
Side Yard	-	-	5 ft	0 ft	5 ft	5 ft	5 ft	5 ft
Rear Yard	-	-	10 ft	0 ft	10 ft	10 ft	10 ft	10 ft

Notes:

A. Minimum of the total lot area of a commercial, industrial, or other non-residential use shall be maintained in landscaped open area, located on the street side or in front of the

- use.
- B. Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12-month period shall devote at least 15% of the net buildable site to common open space. An additional 10% lot coverage of structures or other impervious surfaces is allowed for developments providing the minimum open space requirement.
 - C. The maximum height is 24 feet. However, the City Planner may approve a height up to 36 feet when the proposal includes documentation that the development will have sufficient protection from fire through municipal services or has a planned on-site suppression system, as documented through written statements verifying fire suppression capabilities, whether private, public, or a combination thereof, approved in writing by the Bay City Fire Chief.
 - D. ~~Minimum lot size in new subdivisions, partitions and planned developments~~ Maximum Lot Coverage shall not apply to Cottage Cluster Development as described in Section 10.11.040.B.
 - E. ~~Minimum Lot Size for Platted Lots Existing Prior to the Enactment of this Chapter~~ E. Additional Maximum Density standards described in Section 10.11.045.B that may affect lot sizes.
 - F. ~~Minimum Lot area for lots in new subdivisions, partitions, and planned developments~~ F. Lot widths shall be reduced for Townhouses as described in Section 10.11.045.B
 - G. The City Planner may adjust this standard, for existing lots of record less than 10,000 sf, for up to 40%.
 - H. ~~Density Considerations: Land within designated wetlands shall not be used as part of density calculations in development applications.~~
 - I. Setbacks shall be reduced for Cottage Cluster Development as described in Section ~~10.11.110~~ 10.11.040.B and for Townhouses as described in Section 10.11.045.B.
 - J. Additional Setback Requirements described in Section 10.10.020.

SECTION 4: AMENDMENT “10.10.020 Setback Requirements” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.020 Setback Requirements

- A. Purpose: Setbacks are required in certain circumstances to insure sufficient open area, sunlight, privacy and visual relief between structures. The following standards are intended to avoid the inflexible standard setbacks typical in some areas, and to promote diversity of design.
- B. Setbacks from lot lines shall be:
 - 1. as described in Section 10.10.005.
 - 2. In the case of a yard abutting a street, with the exception of the front yard, the street yard setback shall be 15 feet and the rear yard setback, with the exception of a rear yard abutting a street, may be reduced to 5 feet.
 - 3. Side yard requirements do not apply to the common property line separating zero lot line development developed in accordance with the zero lot line setback provisions in paragraph C.
- C. Zero Lot Line Setback: Side yard requirements do not apply to a common property line established to divide an existing two family dwelling unit (duplex) into separate lots or to create a new zero lot line development, subject to the following standards:
 - 1. A partition plat has been approved and recorded or an adjusted lot line is surveyed, monumented and the survey is recorded with the County Surveyor.
 - 2. Deeds with approved partition plat and/or adjusted lot line legal descriptions

shall be filed with the Tillamook County Clerk. Copies of each recorded deed shall be provided to the City of Bay City.

3. The property has existing on it a two family (duplex) dwelling unit:
 - a. sharing a common interior wall, or
 - b. a new zero lot line development is proposed.
 4. The common interior wall is or will be located on the common boundary line.
 5. The structure meets the applicable building and related code requirements.
 6. Each unit has its own independent utility hook ups and meters.
- D. Distance from Adjacent Building: No development of any sort shall be less than 10 feet from an adjacent dwelling unit, except where development is proposed between two existing structures, and there would be practical difficulty in adhering to this requirement as determined by the Planning Commission except in a zero lot line development.
- E. Streambank Setback: Structures or other improvements shall be set back from all creeks and streams, including intermittent or seasonal streams (Larson, Patterson, and Jacoby Creek) in accordance with the requirements of Section 10.06.090(C)2, 10.06.100(B)12, 10.10.010(C) and any other applicable standards.
- F. Tillamook Bay Setback: Structures or other improvements shall be set back from the mean high waterline of Tillamook Bay a minimum of fifty feet (50'). Riparian vegetation shall be maintained within the fifty-foot setback.
- G. Meadowcreek Subdivision Setbacks:
1. To ensure protection of significant wetlands, the setbacks for Lots 23 - 39 only of the October 21, 1995 Meadowcreek Partition Plat, shall be: Front yards 10 feet and rear yards 5 feet. The setbacks for Lots 18 - 21 only, of the October 21, 1995 Meadowcreek Partition Plat, shall be: Front yards 15 feet and rear yards 5 feet.
 2. In the event that the final plat varies from the October 21, 1995 Partition Plat, then all normal setbacks for the zone shall apply.
- H. Stream Side Setback: All structures and uses shall be set back a minimum of 25 feet from Patterson and Jacoby Creek. A stream side setback shall be measured from the bank or mean high water line of the stream and shall be mapped to measurable scale on a site plan.

AFTER AMENDMENT

10.10.020 Setback Requirements

- A. Purpose: Setbacks are required in certain circumstances to insure sufficient open area, sunlight, privacy and visual relief between structures. The following standards are intended to avoid the inflexible standard setbacks typical in some areas, and to promote diversity of design.
- B. Setbacks from lot lines shall be:
1. as described in Section 10.10.~~005~~ 010.
 2. In the case of a yard abutting a street, with the exception of the front yard, the street yard setback shall be 15 feet and the rear yard setback, with the exception of a rear yard abutting a street, may be reduced to 5 feet.
 3. Side yard requirements do not apply to the common property line separating ~~zero lot line development developed in accordance with the zero lot line setback provisions in paragraph C~~ townhouses on separate lots.
- C. ~~Zero Lot Line Setback: Side yard requirements do not apply to a common property line established to divide an existing two family dwelling unit (duplex) into separate lots or to create a new zero lot line development, subject to the following standards:~~
1. ~~A partition plat has been approved and recorded or an adjusted lot line is surveyed, monumented and the survey is recorded with the County Surveyor.~~
 2. ~~Deeds with approved partition plat and/or adjusted lot line legal descriptions~~

~~shall be filed with the Tillamook County Clerk. Copies of each recorded deed shall be provided to the City of Bay City.~~

- ~~3. The property has existing on it a two family (duplex) dwelling unit sharing a common interior wall, or a new zero lot line development is proposed.~~
- ~~4. The common interior wall is or will be located on the common boundary line.~~
- ~~5. The structure meets the applicable building and related code requirements.~~
- ~~6. Each unit has its own independent utility hook ups and meters.~~

D. Distance from Adjacent Building: No development of any sort shall be less than 10 feet from an adjacent dwelling unit, except where development is proposed between two existing structures, and there would be practical difficulty in adhering to this requirement as determined by the Planning Commission ~~except in a zero lot line development. This standard does not apply to cottage clusters, which are subject to building separation standards in Section 10.11.040.B, or townhouses where attached to townhouses within the same townhouse project.~~

E. Streambank Setback: Structures or other improvements shall be set back from all creeks and streams, including intermittent or seasonal streams (Larson, Patterson, and Jacoby Creek) in accordance with the requirements of Section 10.06.090(C)2, 10.06.100(B)12, 10.10.010(C) and any other applicable standards.

F. Tillamook Bay Setback: Structures or other improvements shall be set back from the mean high waterline of Tillamook Bay a minimum of fifty feet (50'). Riparian vegetation shall be maintained within the fifty-foot setback.

G. Meadowcreek Subdivision Setbacks:

1. To ensure protection of significant wetlands, the setbacks for Lots 23 - 39 only of the October 21, 1995 Meadowcreek Partition Plat, shall be: Front yards 10 feet and rear yards 5 feet. The setbacks for Lots 18 - 21 only, of the October 21, 1995 Meadowcreek Partition Plat, shall be: Front yards 15 feet and rear yards 5 feet.
2. In the event that the final plat varies from the October 21, 1995 Partition Plat, then all normal setbacks for the zone shall apply.

H. Stream Side Setback: All structures and uses shall be set back a minimum of 25 feet from Patterson and Jacoby Creek. A stream side setback shall be measured from the bank or mean high water line of the stream and shall be mapped to measurable scale on a site plan.

SECTION 5: AMENDMENT “10.10.060 Architectural Design Standards”
of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.060 Architectural Design Standards

- A. Height. Building heights are in compliance with zone standards in Section 10.10.010.
- B. Orientation. All buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk
- C. Site Services. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.

- D. Parking. Off-street parking shall be oriented internally to the site to the extent practicable and shall meet the Access and Circulation (Section 10.10.070) requirements of this code.
- E. Primary Entrances and Windows. The following standards apply to new buildings:
1. All Elevations of Building. Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building's overall composition and design integrity.
 2. Pedestrian Entrances. Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
 3. Corner Entrances. Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.
 4. Street Level Entrances. All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
 5. Windows – General. Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
 6. Storefront Windows. Storefront windows shall consist of framed picture or bay windows, which may be recessed. The ground floor, street-facing elevation(s) of all buildings shall comprise at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 72 inches above the sidewalk grade.

AFTER AMENDMENT

10.10.060 Architectural Design Standards

- A. ~~Height. Building heights are in compliance with zone standards in Section 10.10.010~~
Applicability. Architectural design standards apply to multifamily residential, mixed commercial-residential and commercial development.
- B. Orientation. All buildings shall have at least one primary entrance (i.e., tenant entrance, lobby entrance, breezeway entrance, or courtyard entrance) facing an abutting street (i.e., within 45 degrees of the street property line); or if the building entrance must be turned more than 45 degrees from the street (i.e., front door is on a side or rear elevation) due to the configuration of the site or similar constraints, a pedestrian walkway must connect the primary entrance to the sidewalk
- C. Site Services. Off-street parking, trash storage facilities, and ground-level utilities (e.g., utility vaults), and similar obstructions shall not be placed between building entrances and the street(s) to which they are oriented. To the extent practicable, such facilities shall be oriented internally to the block and accessed by alleys or driveways.
- D. Parking. Off-street parking shall be oriented internally to the site to the extent practicable and shall meet the Access and Circulation (Section 10.10.070) requirements of this code.
- E. Primary Entrances and Windows. The following standards apply to new buildings:

1. All Elevations of Building. Architectural designs shall address all elevations of a building. Building forms, detailing, materials, textures, and color shall contribute to a unified design with architectural integrity. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations, consistent with the building’s overall composition and design integrity.
2. Pedestrian Entrances. Ground level entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
3. Corner Entrances. Buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building plan shall provide an architectural element or detailing (e.g., tower, beveled corner, art, special trim, etc.) that accentuates the corner location.
4. Street Level Entrances. All primary building entrances shall open to the sidewalk and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
5. Windows – General. Except as approved for parking structures or accessory structures, the front/street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
6. Storefront Windows. Storefront windows shall consist of framed picture or bay windows, which may be recessed. The ground floor, street-facing elevation(s) of all buildings shall comprise at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between the building base (or 30 inches above the sidewalk grade, whichever is less) and a plane 72 inches above the sidewalk grade.

SECTION 6:**AMENDMENT** “10.10.072 Parking Standards” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.072 Parking Standards

A. Off-street parking spaces shall be provided in the following proportions:

1. USE	Number of Spaces Required
Single Family Dwelling	2 per dwelling unit (every 16' of driveway length may be counted as a parking space), 1 of which must be in a garage or carport
Duplex	1 per unit
Multifamily Dwelling	1 per unit
Adult Foster Home or Assisted Living Facility	0.5 per four bedrooms
Hotel/Motel	1 per unit
Retail	1 per 500 square feet gross floor area

Retail with large floor area requirements	1 per 1000 square feet gross floor area
Office	1 per 600 square feet gross floor area
Eating/Drinking Establishment	1 per 200 square feet gross floor area
Churches/Meeting Halls and Lodges	1 per 400 square feet gross floor area
Auditoriums with fixed seating	1 per six (6) seats
Service Stations	2
Child Care Centers	1 per employee on largest shift
Schools	1 per classroom
Barber, Beauty Shops, or other personal service	1 per 600 square feet gross floor area
Manufacturing	1 per employee on largest shift

2.
 - a. The NHI zone is exempt from off-street parking requirements.
 - b. On-street credits: The City Planner through a Type I procedure may reduce the off-street parking standards of subsection 5.7.01.A by one parking space for every one on-street parking space located adjacent to the subject site if the applicant can meet the following criteria:
 - (1) Parallel parking, each 24 feet of uninterrupted curb;
 - (2) Curb space shall be adjacent and connected to the lot which contains the use;
 - (3) Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
 - (4) On-street parking spaces that may be credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted;
 - (5) On-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way; and
 - (6) On-street parking credit shall not be considered on or adjacent to areas of town zoned Moderate Intensity or Low Intensity (L-1).
 - c. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type I procedure. Exemptions, on-street credits, and shared parking.

B. Bicycle Parking:

1. Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall not interfere with pedestrian circulation or emergency response personnel.
2. Bicycle parking shall be provided in the following ratios:
 - a. Multi-Family Residences. Every residential use of four or more multi-family dwelling units shall provide at least one sheltered bicycle

- parking space for each unit. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.
- b. Non-Residential Parking. There shall be a minimum of one bicycle space for every seven (7) motor vehicle spaces. At least ten percent (10%) of all bicycle parking spaces shall be sheltered.
 - c. Bicycle parking provided in outdoor areas shall be located near the building entrance.
3. Bicycle Parking Facilities Design Standards
- a. Bicycle parking facilities shall be stationary racks which accommodate bicycle locks securing the frame and both wheels.
 - b. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide and seven (7) feet high. Upright bicycle storage structures are exempt from the parking space length standard.
 - c. A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
 - d. Bicycle racks or lockers shall be anchored to the surface or to a structure.
 - e. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The cover shall leave a minimum 7-foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicating that it is for bicycle parking only.
 - f. Bicycle parking shall not encroach onto a sidewalk, pathway, plaza, or other area for pedestrian use but may be included in the sidewalk frontage or furnishing zones.

AFTER AMENDMENT

10.10.072 Parking Standards

A. Off-street parking spaces shall be provided in the following proportions:

1. USE	Number of Spaces Required
Single Family Dwelling	2 per dwelling unit (every 16' of driveway length may be counted as a parking space), 1 of which must be in a garage or carport
Duplex, Triplex, Quadplex, <u>Townhouse or Cottage Cluster</u>	1 per unit
Multifamily Dwelling	1 per unit
Adult Foster Home or Assisted Living Facility	0.5 per four bedrooms
Hotel/Motel	1 per unit
Retail	1 per 500 square feet gross floor area
Retail with large floor area requirements	1 per 1000 square feet gross floor area
Office	1 per 600 square feet gross floor area
Eating/Drinking Establishment	1 per 200 square feet gross floor area
Churches/Meeting Halls and Lodges	1 per 400 square feet gross floor area
Auditoriums with fixed seating	1 per six (6) seats

Service Stations	2
Child Care Centers	1 per employee on largest shift
Schools	1 per classroom
Barber, Beauty Shops, or other personal service	1 per 600 square feet gross floor area
Manufacturing	1 per employee on largest shift

2.
 - a. The NHI zone is exempt from off-street parking requirements.
 - b. On-street credits: The City Planner through a Type I procedure may reduce the off-street parking standards of subsection ~~5.7.04~~ 10.10.072.A.1-A by one parking space for every one on-street parking space located adjacent to the subject site if the applicant can meet the following criteria:
 - (1) Parallel parking, each 24 feet of uninterrupted curb;
 - (2) Curb space shall be adjacent and connected to the lot which contains the use;
 - (3) Parking spaces shall not obstruct a required clear vision area, nor any other parking that violates any law or street standard;
 - (4) On-street parking spaces that may be credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted;
 - (5) On-street parking is on a street that is designed and physically improved to accommodate parking within the right-of-way; and
 - (6) On-street parking credit shall not be considered on or adjacent to areas of town zoned Moderate Intensity or Low Intensity (L-I).
 - c. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature; weekday uses versus weekend uses), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use. Shared parking requests shall be subject to review and approval through a Type I procedure. Exemptions, on-street credits, and shared parking.

B. Bicycle Parking:

1. Bicycle parking requirements shall apply to all developments that require a site plan or amended site plan for new development, change of use, and building expansions and remodels. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall not interfere with pedestrian circulation or emergency response personnel.
2. Bicycle parking shall be provided in the following ratios:
 - a. Multi-Family ~~Residences~~ Dwellings. Every residential use of ~~four~~ five or more multi-family dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking areas may be in a conveniently located garage or storage unit, or under an eave, independent structure, or similar cover.
 - b. Non-Residential Parking. There shall be a minimum of one bicycle space for every seven (7) motor vehicle spaces. At least ten percent (10%) of all bicycle parking spaces shall be sheltered.
 - c. Bicycle parking provided in outdoor areas shall be located near the building entrance.

3. Bicycle Parking Facilities Design Standards
 - a. Bicycle parking facilities shall be stationary racks which accommodate bicycle locks securing the frame and both wheels.
 - b. Bicycle parking spaces shall provide a convenient place to lock a bicycle and shall be at least six (6) feet long, two (2) feet wide and seven (7) feet high. Upright bicycle storage structures are exempt from the parking space length standard.
 - c. A 5-foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
 - d. Bicycle racks or lockers shall be anchored to the surface or to a structure.
 - e. Covered bicycle parking facilities may be located within a building or structure, under a building eave, stairway, entrance, or similar area, or under a special structure to cover the parking. The cover shall leave a minimum 7-foot overhead clearance and shall extend over the entire parking space. If a bicycle storage area is provided within a building, a sign shall be placed at the area indicating that it is for bicycle parking only.
 - f. Bicycle parking shall not encroach onto a sidewalk, pathway, plaza, or other area for pedestrian use but may be included in the sidewalk frontage or furnishing zones.

SECTION 7: **AMENDMENT** “10.10.074 Design Requirements” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.10.074 Design Requirements

- A. Off-Street Parking Whenever off-street parking is required, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards:
 1. Except for parallel parking, all parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
 2. All parking spaces shall have access from an aisle in the parking area, and each parking area shall be designed so as to eliminate egress by backing out onto any highway, street, or road.
 3. In order to ensure pedestrian safety, sidewalks of not less than five feet in width may be required to separate any driveway or parking area from a building or highway, street, or road.
 4. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any property adjacent to the parking area.
 5. The surface of the parking area shall be either asphalt or other suitable all-weather material.
 6. In parking lots with four or more spaces, a maximum of 50% of the spaces may be allotted to compact spaces. Full sized spaces shall be nine by eighteen feet (9' x 18'); compact spaces shall be eight by sixteen feet (8' x 16').
 7. Parallel parking spaces shall be nine feet by eighteen feet, plus a six-foot maneuvering space for each two parking spaces.
 8. All parking areas shall have access from a clearly limited and defined driveway not less than fifteen feet wide if for one-way traffic and twenty-two feet wide if for two-way traffic, and not more than twenty-five feet wide.
 9. Where parking areas are located adjacent to property boundaries and five or more spaces are required or provided for the use, a sight-obscuring buffer consisting of a fence and/or evergreen shrubbery at least to a height of three

feet shall be provided.

10. Landscaping shall be provided at the entrances to any parking area with more than four spaces in order to visually separate the area from the street, and shall be provided at intervals of five spaces, and at the ends of the bays. A landscaped buffer shall be installed adjacent to all buildings and property lines, and shall be continuously maintained.

B. Loading: At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed, off-street loading spaces shall be provided.

1. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use, the loading space shall not be eliminated, if elimination would result in less space than is required, to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
2. Passengers: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other meeting place which is designed to accommodate more than 25 persons at one time.

AFTER AMENDMENT

10.10.074 Design Requirements

A. Off-Street Parking Whenever off-street parking is required, except for single family dwellings and middle housing, the parking area and space shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards:

1. Except for parallel parking, all parking spaces shall be clearly striped to facilitate movement and to help maintain an orderly parking arrangement.
2. All parking spaces shall have access from an aisle in the parking area, and each parking area shall be designed so as to eliminate egress by backing out onto any highway, street, or road.
3. In order to ensure pedestrian safety, sidewalks of not less than five feet in width may be required to separate any driveway or parking area from a building or highway, street, or road.
4. Bumper stops, curbing, or wheel chocks shall be provided to prevent any vehicle from damaging or encroaching upon any required sidewalk or upon any property adjacent to the parking area.
5. The surface of the parking area shall be either asphalt or other suitable all-weather material.
6. In parking lots with ~~four~~ five or more spaces, a maximum of 50% of the spaces may be allotted to compact spaces. Full sized spaces shall be nine by eighteen feet (9' x 18'); compact spaces shall be eight by sixteen feet (8' x 16').
7. Parallel parking spaces shall be nine feet by eighteen feet, plus a six-foot maneuvering space for each two parking spaces.
8. All parking areas shall have access from a clearly limited and defined driveway not less than fifteen feet wide if for one-way traffic and twenty-two feet wide if for two-way traffic, and not more than twenty-five feet wide.
9. Where parking areas are located adjacent to property boundaries and five or more spaces are required or provided for the use, a sight-obscuring buffer consisting of a fence and/or evergreen shrubbery at least to a height of three feet shall be provided.

10. Landscaping shall be provided at the entrances to any parking area with more than four spaces in order to visually separate the area from the street, and shall be provided at intervals of five spaces, and at the ends of the bays. A landscaped buffer shall be installed adjacent to all buildings and property lines, and shall be continuously maintained.

B. B. Off-Street Parking for Single Family Dwellings and Middle Housing. Parking areas and driveways shall be designed, constructed, and maintained in accordance with the following minimum provisions and standards: 1. Each parking space shall be a minimum of nine by sixteen feet (9' x 16'); 2. Driveways shall be a minimum of twelve feet wide and a maximum of twenty-five feet wide. 3. Driveway openings shall be at least five feet from the side property line. 4. No two residential driveway openings on the same lot shall be less than twenty feet apart. 5. Driveway openings on corner lots shall be located a minimum of five feet from the ends of curb radius returns. 6. All driveway aprons adjoining a paved street shall be paved a minimum of twenty feet from surface back into the driveway with either asphalt or other suitable all-weather material. 7. Cottage cluster developments are not subject to these standards; see section 10.11.040.B.

C. Loading: At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed, off-street loading spaces shall be provided.

1. Merchandise, materials or supplies: Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use, the loading space shall not be eliminated, if elimination would result in less space than is required, to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.
2. Passengers: A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other meeting place which is designed to accommodate more than 25 persons at one time.

SECTION 8: AMENDMENT “10.11 Supplementary/Special Development Standards” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.11 Supplementary/Special Development Standards

AFTER AMENDMENT

10.11 Supplementary/Special Development Standards

SECTION 9: AMENDMENT “10.11.040 Multifamily, Cluster, Or Apartment Dwellings” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.11.040 Multifamily, Cluster, Or Apartment Dwellings

A. Multifamily, Cluster, or Apartment Dwellings

1. Residential Use – Multiple Family. At least 50% of the required open space shall be designed to be usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.
2. Structures shall meet the lot coverage, open area, and where applicable, common open space requirements of the zone in which they are located.
3. Structures shall be placed to retain existing trees. Buffers and screens, as described in Section 10.10.030, shall be required by the Planning Commission.
4. At least 50% of the required open area is usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.
5. Parking areas are landscaped and separated into no more than 8 spaces per bay, are not located between the front building façade and the street, and are buffered from surrounding residential uses or other low intensity uses.
6. Traffic is routed onto an existing or planned arterial or collector street, and safety of ingress and egress is considered.

B. Cottage Cluster Development Standards

1. Permitted Uses and Approval Process

- a. Permitted Use. Cottage cluster projects are permitted as a Type II land use application.
- b. Approval Process. Cottage cluster projects are subject to the Type II notification process and are subject only to clear and objective standards, approval criteria conditions and procedures. Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to the standards and criteria listed in this section.
- c. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.

2. Development Standards

- a. Applicability.
 - (1) Cottage clusters shall meet the standards in subsections (b) through (g) of this section 2.
 - (A) Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.
 - b. Minimum Lot Size and Dimensions. Lots with cottage clusters shall meet the minimum lot size, width, and depth standards for lots in the applicable zone.
 - c. Maximum Density. The jurisdiction's pre-existing density maximums do not apply to cottage clusters.
 - d. Setbacks and Building Separation.
 - (1) Setbacks. The following setbacks shall be applicable to cottage clusters
 - (A) Front setbacks: 10 feet
 - (B) Side setbacks: 5 feet
 - (C) Rear setbacks: 10 feet
 - (2) Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
 - e. Unit Size. The maximum floor area for a dwelling unit in a cottage cluster is 900 square feet.
 - f. Building Height. The maximum building height for all structures is 24

- feet.
- g. Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is one space per unit. Spaces may be provided at individual cottages or in shared parking clusters.
3. Design Standards. Cottage clusters shall meet the design standards in subsections a through h of this Section 3. No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section 3.
- a. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:
 - (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - (2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - (A) Have a main entrance facing the common courtyard;
 - (B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (C) Be connected to the common courtyard by a pedestrian path.
 - (3) Cottages within 20 feet of a street property line may have their entrances facing the street.
 - (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
 - b. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards:
 - (1) The common courtyard must be a single, contiguous piece.
 - (2) Cottages must abut the common courtyard on at least two sides of the courtyard.
 - (3) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection a of this Section 3).
 - (4) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - (5) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities.
 - (6) Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - (7) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
 - c. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings may be no larger than 900 sq ft.
 - d. Pedestrian Access.

- (1) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - (A) The common courtyard;
 - (B) Shared parking areas;
 - (C) Community buildings; and
 - (D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
 - (2) The pedestrian path must be hard-surfaced and a minimum of 4 feet wide.
- e. Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single-family dwellings in the same zone.
- f. Parking Design
- (1) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
 - (A) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
 - (B) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
 - (C) Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
 - (D) Clustered parking areas may be covered.
 - (2) Parking location and access.
 - (A) Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - (a) Within of 10 feet from any street property line, except alley property lines;
 - (b) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - (B) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
 - (3) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
 - (4) Garages and carports.
 - (A) Garages and carports (whether shared or individual) must not abut common courtyards.
 - (B) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.
 - (C) Individual detached garages must not exceed 400 square feet in floor area.
 - (D) Garage doors for attached and detached individual garages must not exceed 20 feet in width.
- g. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area other than a garage or carport as stated in f.(4) above are not allowed.
- h. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing building on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
- (1) The existing building may be nonconforming with respect to

- the requirements of this code.
- (2) The existing building may be expanded up to the maximum 900 sq ft.

AFTER AMENDMENT

10.11.040 Multifamily, Cluster, Or Apartment Dwellings

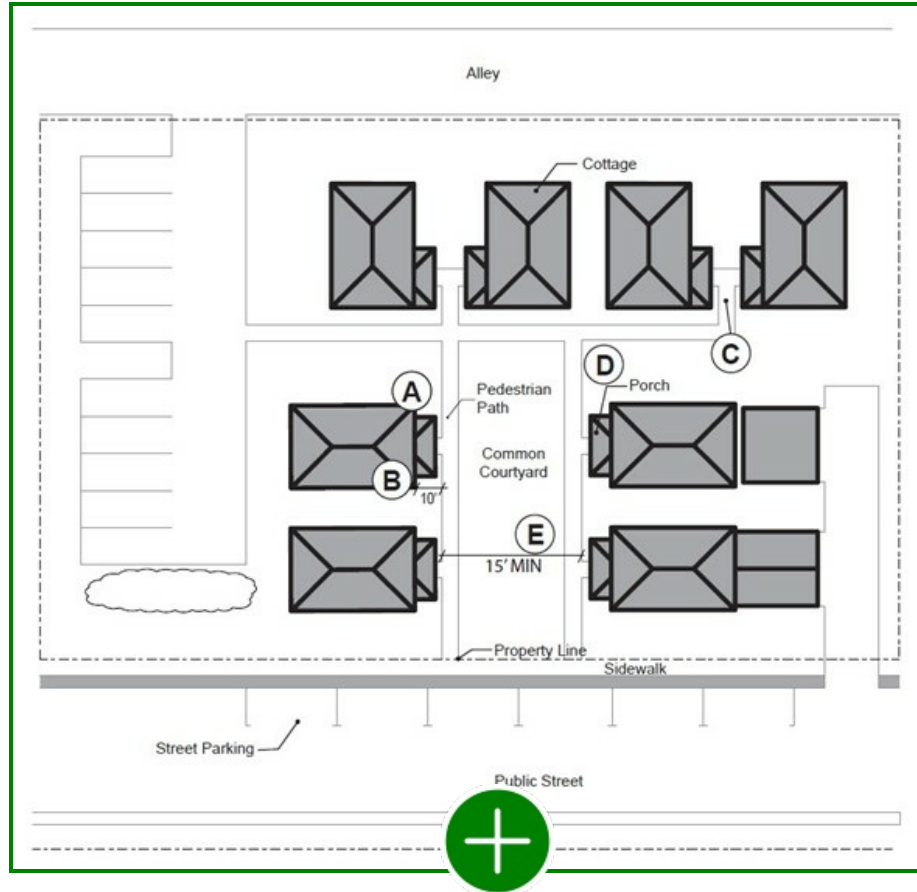
A. Multifamily, ~~Cluster, or Apartment~~ Dwellings

1. ~~Residential Use—Multiple Family.~~ At least 50% of the required open space shall be designed to be usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.
2. Structures shall meet the lot coverage, open area, and where applicable, common open space requirements of the zone in which they are located.
3. Structures shall be placed to retain existing trees. Buffers and screens, as described in Section 10.10.030, shall be required by the Planning Commission.
4. ~~At least 50% of the required open area is usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.~~
5. Parking areas are landscaped and separated into no more than 8 spaces per bay, are not located between the front building façade and the street, and are buffered from surrounding residential uses or other low intensity uses.
6. Traffic is routed onto an existing or planned arterial or collector street, and safety of ingress and egress is considered.

B. Cottage Cluster Development Standards

1. Permitted Uses ~~and Approval Process~~
 - a. ~~Permitted Use.~~ Cottage cluster projects are permitted as a Type II land use application.
 - b. ~~Approval Process.~~ Cottage cluster projects are subject to the Type II notification process and are subject only to clear and objective standards, approval criteria conditions and procedures. Alternatively, an applicant may choose to submit an application for a cottage cluster project subject to the standards and criteria listed in this section.
 - c. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a cottage cluster development application.
2. Development Standards
 - a. ~~Applicability.~~ a. Cottage clusters shall meet the development standards of the applicable base zone in the Zone Development Standards Matrix, Section 10.10.010, with the following exceptions:
 - (1) Cottage clusters shall meet the standards in subsections (b) through (g) of this section 2. No maximum lot coverage shall apply to cottage clusters.
 - (2) Minimum open area, minimum landscaped open area, and minimum common open space shall not apply to cottage clusters.
 - (3) The minimum front yard setback shall be 10 feet in all zones.
 - (A) ~~Development standards of the applicable base zone related to lot dimensions, lot coverage, floor area ratio, landscape or open space area, or the siting or design of dwellings.~~
 - b. ~~Minimum Lot Size and Dimensions.~~ Lots with cottage clusters shall meet the minimum lot size, width, and depth standards for lots in the applicable zone Minimum Density. A minimum density of four units per net acre shall apply to cottage clusters in all zones.
 - c. ~~Maximum Density.~~ The jurisdiction's pre-existing density maximums do not apply to cottage clusters. ~~Setbacks and Building Separation.~~
 - (1) ~~Setbacks.~~ The following setbacks shall be applicable to cottage clusters Front setbacks: 10 feet Side setbacks: 5 feet Rear setbacks: 10 feet Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.

- d. Unit Size. The maximum floor area for a dwelling unit in a cottage cluster is 900 square feet.
 - e. ~~Building Height. The maximum building height for all structures is 24 feet.~~
 - f. Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is one space per unit. Spaces may be provided at individual cottages or in shared parking clusters.
3. Design Standards. Cottage clusters shall meet the design standards in subsections a through h of this Section 3. No other design standards shall apply to cottage clusters unless noted in this section. Mandates for construction of a garage or carport and any other design standards are invalid, except as specified in this Section 3.
- a. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards:
 - (1) Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
 - (2) A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
 - (A) Have a main entrance facing the common courtyard;
 - (B) Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - (C) Be connected to the common courtyard by a pedestrian path.
 - (3) Cottages within 20 feet of a street property line may have their entrances facing the street.
 - (4) Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
 - b. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Cottage clusters are exempt from common open space standards in section 10.10.030.E. Common courtyards must meet the following standards:
 - (1) The common courtyard must be a single, contiguous piece.
 - (2) Cottages must abut the common courtyard on at least two sides of the courtyard.
 - (3) The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster (as defined in subsection a of this Section 3).
 - (4) The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 - (5) The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities.
 - (6) Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
 - (7) Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
 - (8) Figure 10.11.040.B-1



- (A)** A minimum of 50% of cottages must be oriented to the common courtyard.
- (B)** Cottages oriented to the common courtyard must be within 10 feet of the courtyard.
- (C)** Cottages must be connected to the common courtyard by a pedestrian path.
- (D)** Cottages must abut the courtyard on at least two sides of the courtyard.
- (E)** The common courtyard must be at least **+** wide at its narrowest width.

- c. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings may be no larger than 900 sq ft.
- d. Pedestrian Access.
- (1) An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - (A) The common courtyard;
 - (B) Shared parking areas;
 - (C) Community buildings; and
 - (D) Sidewalks in public rights-of-way abutting the site or rights-of-way if there are

no sidewalks.

(2) The pedestrian path must be hard-surfaced and a minimum of 4 feet wide.

e. ~~Windows. Cottages within 20 feet of a street property line must meet any window coverage requirement that applies to detached single-family dwellings in the same zone.~~

f. Parking Design

(1) Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

(A) Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

(B) Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

(C) Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

(D) Clustered parking areas may be covered.

(2) Parking location and access.

(A) Off-street parking spaces and vehicle maneuvering areas shall not be located:

(a) Within of 10 feet from any street property line, except alley property lines;

(b) Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

(B) Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

(3) Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

(4) Garages and carports.

(A) Garages and carports (whether shared or individual) must not abut common courtyards.

(B) Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

(C) Individual detached garages must not exceed 400 square feet in floor area.

(D) Garage doors for attached and detached individual garages must not exceed 20 feet in width.

(E)



g. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area other than a garage or carport as stated in f.(4) above are not allowed.

h. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing building on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

(1) The existing building may be nonconforming with respect to the requirements of this code.

(2) The existing building may be expanded up to the maximum 900 sq ft.

SECTION 10: **ADOPTION** “10.11.045 Triplex and Quadplex Dwellings and Townhouses” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

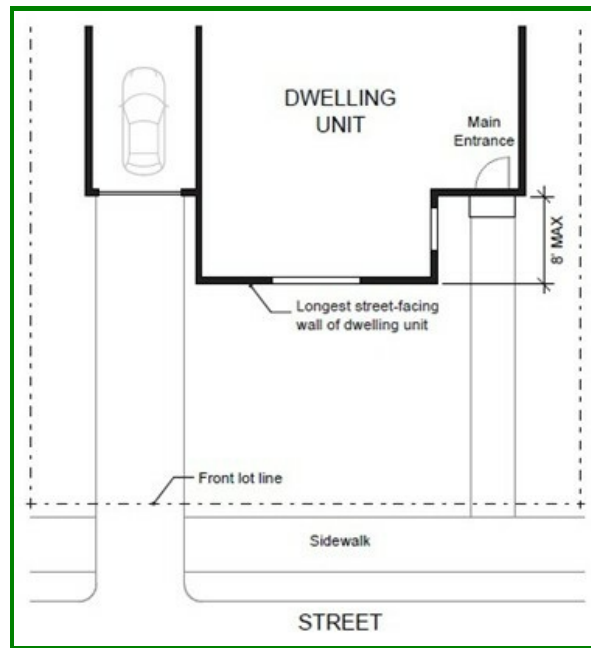
10.11.045 Triplex and Quadplex Dwellings and Townhouses (Non-existent)

AFTER ADOPTION

10.11.045 Triplex and Quadplex Dwellings and Townhouses(Added)

A. Triplex and Quadplex Dwellings
1. Permitted Uses
a. Where Permitted. See Allowable Use Matrix, Section 10.06.025.
b. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a triplex or quadplex development application.
2. Development Standards. Triplexes and quadplexes shall meet the development standards of the applicable base zone in the Zone Development Standards Matrix, Section 10.10.010.
3. Design Standards. New triplexes and quadplexes shall meet the design standards of this section.
a. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards below. Any detached structure for which more than 50 percent of its street-facing facade is separated from the street property line by a dwelling is exempt from meeting these standards.
(1) The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and
(2) The entrance must either: (A) Face the street (see Figure 10.11.045.A-1); (B) Be at an angle of up to 45 degrees from the street (see Figure 10.11.045.A-2); (C) Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 10.11.045.A-3); or (D) Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 10.11.045.A-4).

Figure 10.11.045.A-1



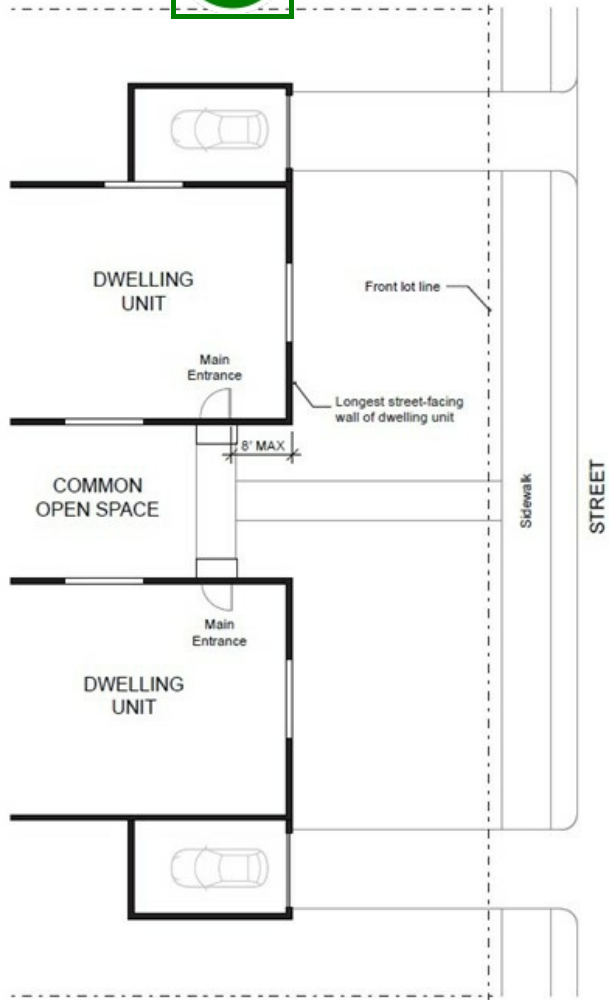
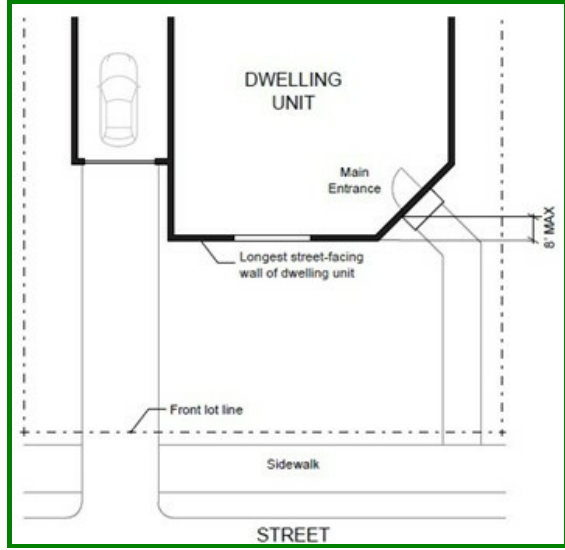
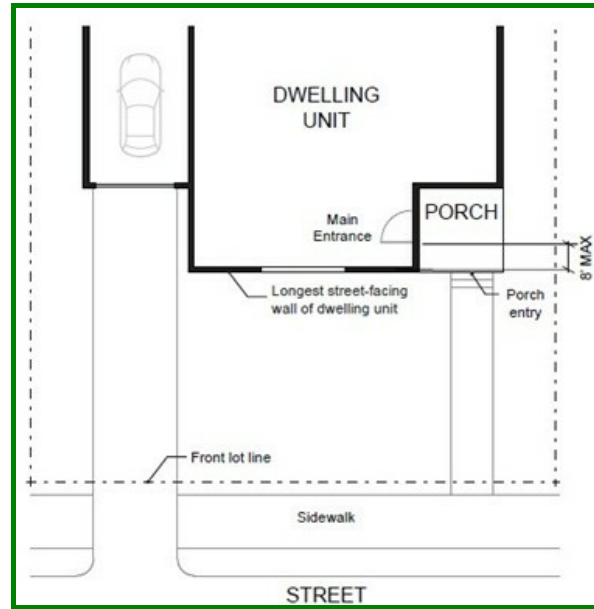


Figure 10.11.045.A-3

Figure 10.11.045.A-4



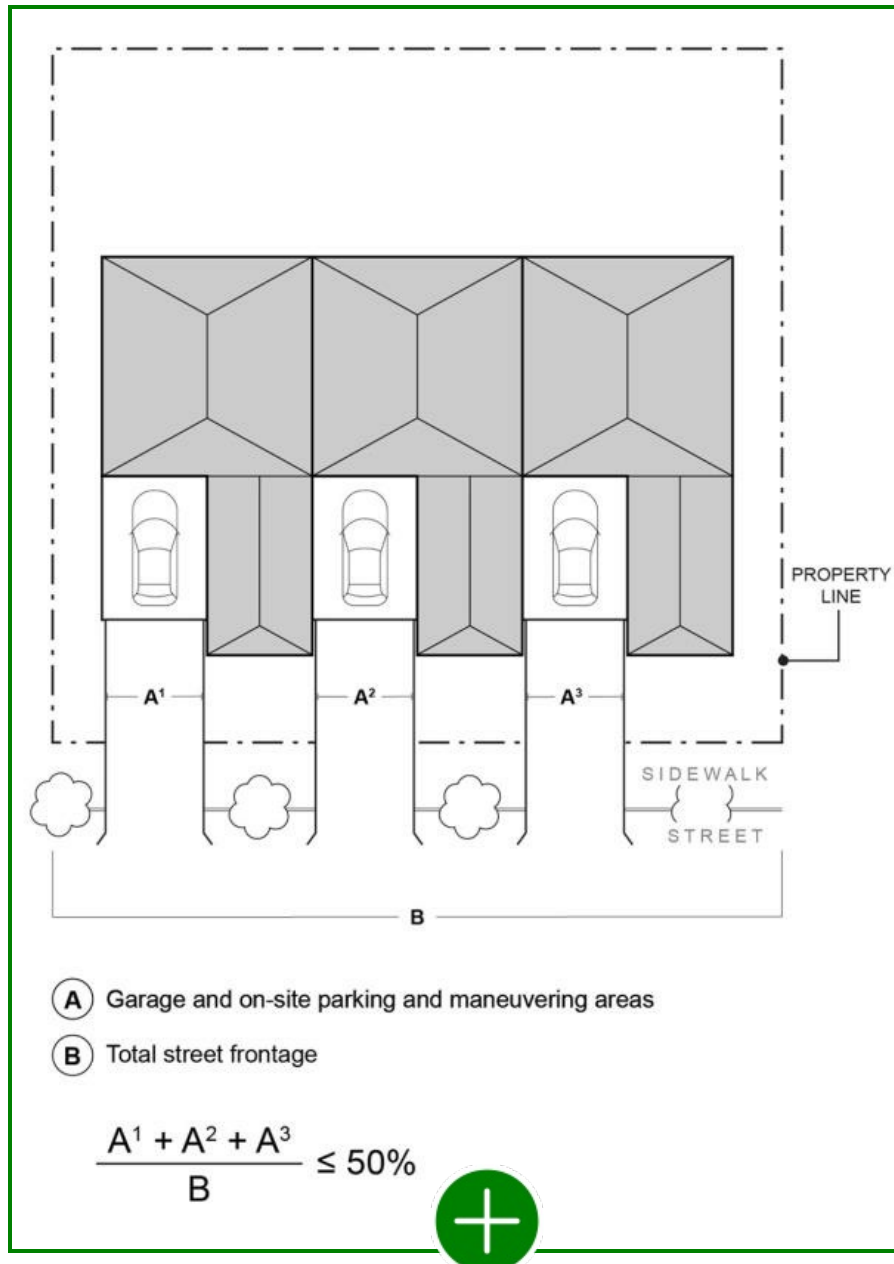
b. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 10.11.045.A-5.

Figure 10.11.045.A-5



c. Garages, Carports and Off-Street Parking Areas. Garages, carports and off-street parking areas shall not be located between a building and a public street (other than an alley), except where they comply with the following standards: (1) The garage, carport or off-street parking area is separated from the street property line by a dwelling; or (2) The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage (see Figure 10.11.045.A-6, and note that driveways must meet the minimum separation required by Section 10.10.074.B).

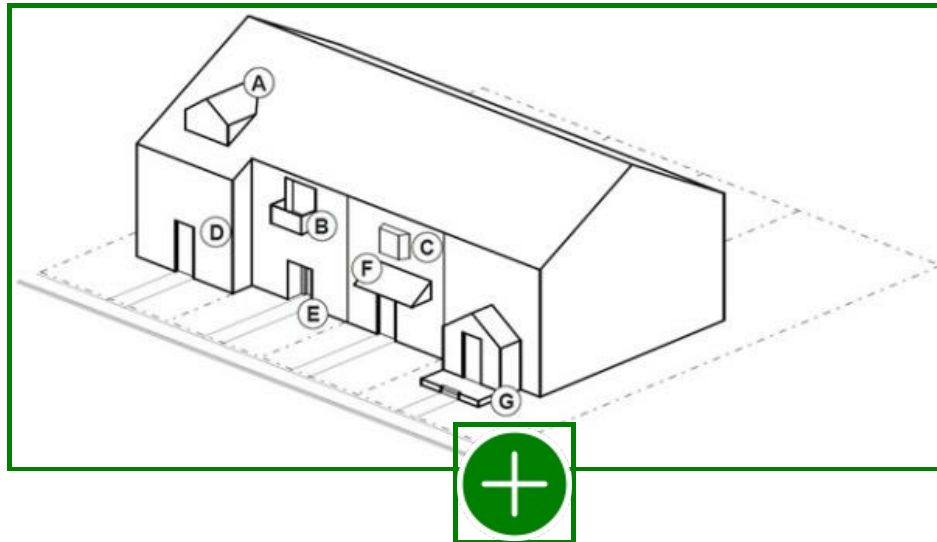
Figure 10.11.045.A-6



4. Conversions. Internal conversion of an existing detached single family dwelling or duplex to a triplex or quadplex, where permitted in the Allowable Use Matrix, Section 10.06.025, is subject to the following standards: a. Conversions are exempt from the Triplex and Quadplex standards of Section 10.11.045.A.1 through 3, and b. Conversions are exempt from the minimum parking requirements in Section 10.10.072. B. Townhouses 1. Permitted Uses a. Where Permitted. See Allowable Use Matrix, Section 10.06.025. b. Sufficient Infrastructure. Applicants must demonstrate that Sufficient Infrastructure is provided, or will be provided, upon submittal of a townhouse development application. 2. Development Standards. a. Townhouses shall meet the development standards of the applicable base zone in the Zone Development Standards Matrix, Section 10.10.010, with the following exceptions: (1) The minimum lot width shall be 20 feet in all zones, with a minimum lot frontage along a public street of 20 feet. (2) The minimum side yard setback for a common wall lot line where units are attached is zero feet. b. The maximum density for a townhouse project shall not exceed: (1) In the Low Intensity Zone, four dwelling units per 15,000 square feet. (2) In the Medium

Intensity and Shoreland 3 Zones, four dwelling units per 7,000 square feet. c. A maximum of four attached townhouses is allowed in a townhouse project. d. Areas Owned in Common. Common areas must be maintained by a homeowners association or other legal entity. A homeowners association may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the jurisdiction prior to issuance of a building permit. 3. Design Standards. New townhouses shall meet the design standards of this section. a. Entry Orientation. The main entrance of each townhouse must: (1) The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit; and (2) The entrance must either: (A) Face the street (see Figure 10.11.045.A-1); (B) Be at an angle of up to 45 degrees from the street (see Figure 10.11.045.A-2); (C) Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 10.11.045.A-3); or (D) Open onto a porch that is at least 25 square feet in area, and that must have at least one entrance facing the street or have a roof (see Figure 10.11.045.A-4). b. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 10.11.045.B-1): (1) A roof dormer a minimum of four feet in width, or (2) A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room, or (3) A bay window that extends from the façade a minimum of two feet, or (4) An offset of the façade of a minimum of two feet in depth, either from the neighboring townhouse or within the façade of a single townhouse, or (5) An entryway that is recessed a minimum of three feet, or (6) A covered entryway with a minimum depth of four feet, or (7) A porch meeting the standards of subsection 10.11.045.A.3.a(2)(D). Balconies and bay windows may encroach into a required setback area.

Figure 10.11.045.B-1

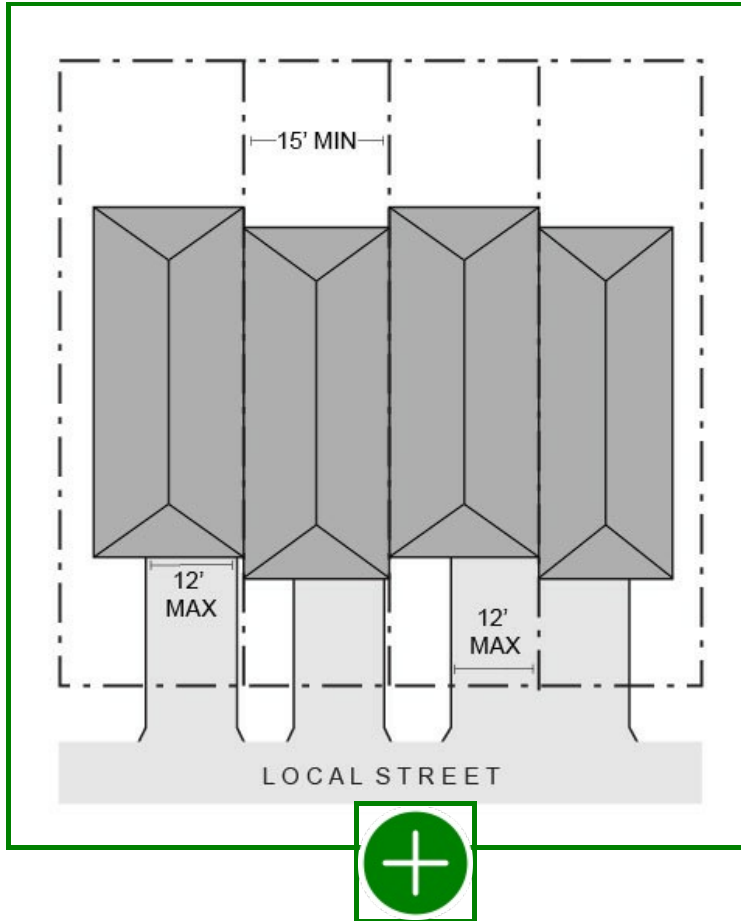


- (A) Roof dormer, minimum of 4 feet wide
- (B) Balcony, minimum 2 feet deep and 4 feet wide. Accessible from interior room.
- (C) Bay window extending minimum of 2 feet from facade
- (D) Facade offset, minimum of 2 feet deep
- (E) Recessed entryway, minimum 3 feet deep
- (F) Covered entryway, minimum of 4 feet deep
- (G) Porch, meets standards of subsection (1)(b)(iv) of section (C)



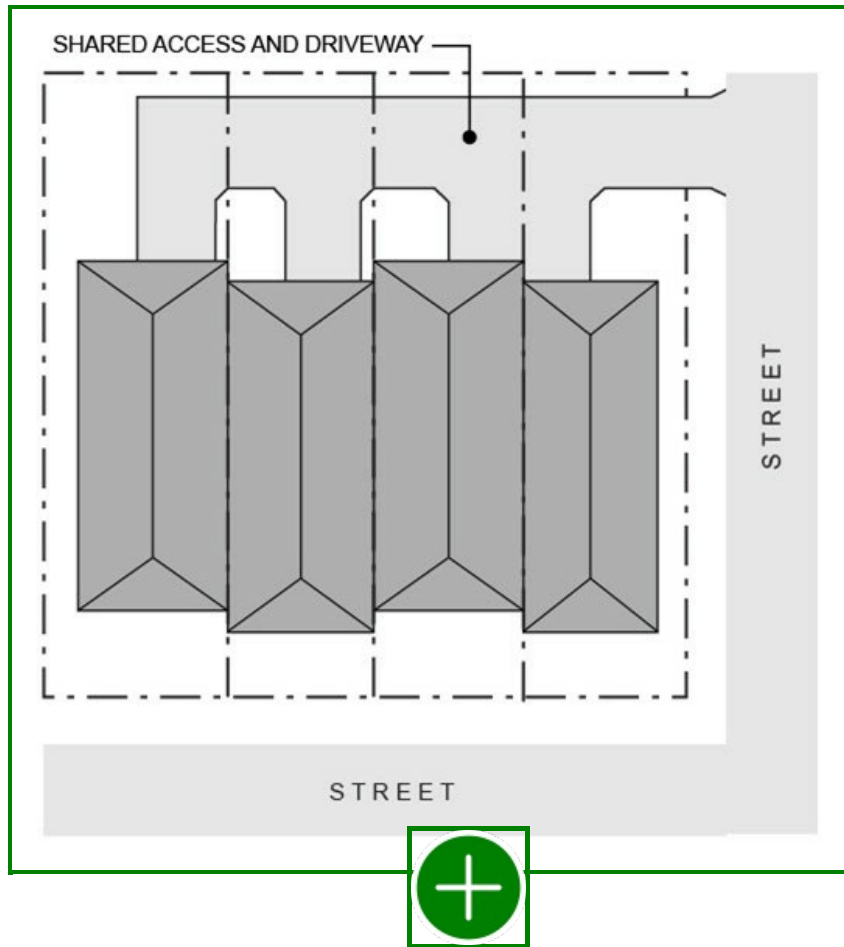
c. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. See Figure 10.11.045.A-5. d. Driveway Access and Parking. Townhouses with frontage on a public street shall meet the following standards: (1) Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 10.11.045.B-2): (A) Each townhouse lot has a street frontage of at least 20 feet on a local street. (B) A maximum of one driveway per lot is allowed that does not exceed 12 feet wide, or 50 percent of the lot street frontage, whichever is greater. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach. (C) The garage width does not exceed 12 feet wide, as measured from the inside of the garage door frame.

Figure 10.11.045.B-2



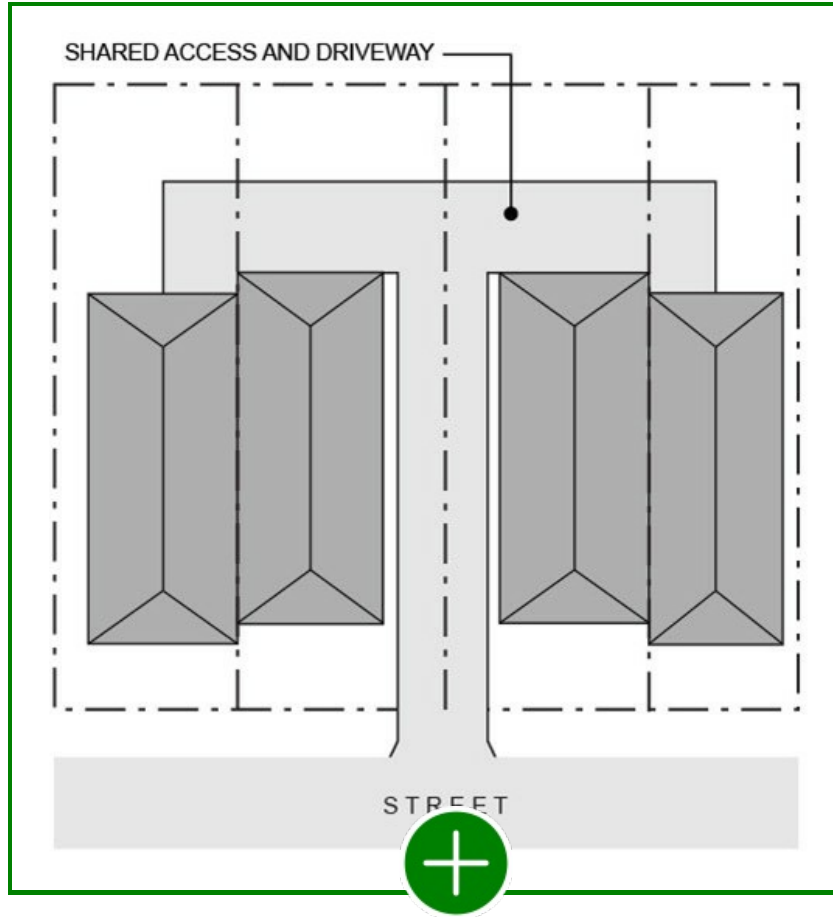
(2) The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (1). (A) Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse. (B) A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 10.11.045.B-3.

Figure 10.11.045.B-3



(C) Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the areas directly between the front façade and the front lot line of any of the townhouses. See Figure 10.11.045.B-4.

Figure 10.11.045.B-4



(D) A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access. (3) Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (2).

SECTION 11: **AMENDMENT** “10.12.040 Types Of Land Use Applications And Review Procedures” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.12.040 Types Of Land Use Applications And Review Procedures

All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this section. The procedure “type” assigned to each application governs the decision-making process for that permit or approval.

- A. Type I Procedure (Staff Review or ministerial permits – Zoning Checklist). Type I decisions are made by the City Planning Official, or their designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards). A Type I Procedure is identified with an “O” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.050.
- B. Type II Procedure (Administrative Review with Notice). Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission, but do not require a public hearing. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting. A Type II Procedure is identified with an “O²” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.060.
- C. Type III Procedure (Quasi-Judicial Review). Type III decisions apply to quasi-judicial applications review made by either the Planning Commission or City Council after a public hearing, with an opportunity for appeal; Type III decisions involve discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings. A Type III Procedure is identified with a “C” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.070. A Type III Procedure also includes a variance, a planned unit development, a subdivision, or a zone change.
- D. Type IV Procedure (Legislative Review). The Type IV procedure applies to legislative matters. Type IV procedure and legislative decisions are made by the City Council, taking into consideration a recommendation from the Planning Commission, and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Type IV procedures require public notice and more than one public hearing.

AFTER AMENDMENT

10.12.040 Types Of Land Use Applications And Review Procedures

All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this section. The procedure “type” assigned to each application governs the decision-making process for that permit or approval.

- A. Type I Procedure (Staff Review or ministerial permits – Zoning Checklist). Type I decisions are made by the City Planning Official, or their designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., there are clear and objective standards). A Type I Procedure is identified with an “O” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.050.
 1. Modified Type I Procedure. Some Type I decisions include provisions for an informational notice to be issued after approval, with no other changes to the Type I procedure. This modified Type I Procedure is identified with an “ON”

in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.050 including notice requirements in Section 10.12.050.A.7.

- B. Type II Procedure (Administrative Review with Notice). Type II decisions are made by the City Planning Official, with public notice and an opportunity for appeal to the Planning Commission, but do not require a public hearing. Alternatively, the City Planning Official may refer a Type II application to the Planning Commission for its review and decision in a public meeting. A Type II Procedure is identified with an “O²” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.060.
- C. Type III Procedure (Quasi-Judicial Review). Type III decisions apply to quasi-judicial applications review made by either the Planning Commission or City Council after a public hearing, with an opportunity for appeal; Type III decisions involve discretion and judgment in applying approval criteria. Type III procedures require public notice and one or more public hearings. A Type III Procedure is identified with a “C” in the Allowable Use Matrix Section 10.06.025 and described in Section 10.12.070. A Type III Procedure also includes a variance, a planned unit development, a subdivision, or a zone change.
- D. Type IV Procedure (Legislative Review). The Type IV procedure applies to legislative matters. Type IV procedure and legislative decisions are made by the City Council, taking into consideration a recommendation from the Planning Commission, and involve the adoption or amendment of policy by ordinance. Legislative decisions may also apply to applications involving a large geographic area containing many properties (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Type IV reviews are considered by the Planning Commission, which makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance. Type IV procedures require public notice and more than one public hearing.

SECTION 12: AMENDMENT “10.12.050 Type I Procedures” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.12.050 Type I Procedures

Approvals requiring Type I review, shall be made on forms provided by the City.

- A. Type I: Staff Review/Zoning Check List
 - 1. The City Planner, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).
 - 2. Zoning Checklist. The City Planner reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Section 10.06 before more detailed plans are prepared and before the City authorizes the Planner to issue a building permit.
 - 3. Application Requirements.
 - a. Application Forms. Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
 - b. Application Requirements. When a Zoning Checklist is required, it shall:
 - (1) Include the information requested on the appropriate application form;

(2) Address the criteria in sufficient detail for review and action;
and

(3) Be filed with the required fee.

4. Requirements. The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Planner has approved a Zoning Checklist for the proposed project.
5. Criteria and Decision. The City Planner's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
6. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Planner. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals.

B. Building Permits and Zoning Permits

1. No permit shall be issued by the City Planner or Building Official for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this Chapter.
2. Building and Zoning permits are required for any change, alteration or addition that affects the foundation, roofline, area of structure, or enclosure of existing porches, decks, patios, or carports.
3. No Building or Zoning permit shall be issued for any new construction, or any alteration or addition to an existing structure that increases the structural area toward any lot line, unless an official survey accompanies the application for a building permit. The survey shall also show the elevation of the building site.
4. Construction on property for which a permit has been issued must be started within 180 days from the date of issue. Construction must not be abandoned for over 180 days, or a new permit must be obtained at one-half the original fee. Building permits may be renewed only once.
5. If manufactured dwellings, travel trailers or recreational vehicles are used during the construction, water and sewer facilities must be installed within 90 days of the placement of the vehicle dwelling on the property.
6. Premises may not be occupied unless furnished with water and sewer facilities.
7. Areas not addressed by this Chapter shall be governed by the then applicable State Building Code.

C. Grading and Erosion Control Permit

1. Purpose. The purpose of the Grading and Erosion Control Permit is to protect property values and promote the public health, safety, and general welfare. This permit will:
 - a. Provide accurate institutional tracking of grading, erosion control and fill activities;
 - b. Minimize public and private losses due to earth movement hazards in specified areas;
 - c. Minimize erosion and environmental damage caused by the transport of sediment into the streams and Tillamook Bay within the corporate limits of Bay City and its urban growth boundary area;
 - d. Prevent the transport of sediment onto adjacent properties; and
 - e. Require all grading and erosion control measures to be in place and performing to the satisfaction of the City prior to approval of an associated building permit.
2. Permits are Required
 - a. Where the volume of soil or earth material is disturbed, stored, disposed of or used as fill exceeds 12 cubic yards;
 - b. For excavations below existing grade for foundations of building, basements, retaining walls or other structure authorized by a valid building permit;
 - c. Where the slope exceeds 12%; 4) For any fill or excavation having an

sheet flow on and immediately surrounding the property. Finished grades shall be designed to direct water to the engineered on-site retention/infiltration storage system. Identify the location of all culverts and infrastructure designed to direct the drainage within the property lines. Provide a stormwater drainage system maintenance plan; and

- j. Erosion and Sedimentation Control: Identify the types and location of proposed erosion and sedimentation control measures designed to manage sedimentation in runoff on site. Identify which measures will remain in place permanently and which are temporary measures that will remain until the disturbed area is stabilized.

5. Grading and Erosion Control Permit Standards Approval of the Site Development Plan shall be based on findings that the proposal adequately addresses the following standards. Conditions of approval may be required to assure the design meets these standards.

- a. Setback Requirements: Fills shall be setback from side and rear property lines in accordance with lot requirements of the property so as not to endanger or disturb the adjoining property;
- b. Existing Structures and Surrounding Property: Grading shall not endanger surrounding existing structures or property. Whenever damage, erosion, or sedimentation is caused by stripping vegetation, grading or other development, it shall be the responsibility of the person, corporation or other entity causing such damage, erosion, or sedimentation to remove it from all adjoining surfaces and drainage systems and repair damage to property;
- c. Proposed Structures: Temporary graveled entrance roads shall be constructed of sufficient length, depth, and width and maintained to prevent gravel and sedimentation from being tracked onto streets. An approved Road Approach Permit is required prior to driveway construction;
- d. Structural Fills: All structural fills intended to support structures and streets shall be designed by an appropriately qualified Professional Engineer (PE) in accordance with standard engineering practices;
- e. Wetlands and Watercourses: Fills shall not encroach on wetlands or watercourses unless approved by a joint permit from the Department of State Lands (DSL) and the US Army Corps of Engineers (USACE). All applications with wetlands on the property will require the City to file with DSL, a DSL Notification Form. All applications with excavation and fill proposed in wetland areas will require an approved DSL and USACE Joint Permit. For local wetland reference documentation, see the Bay City Wetland Delineation Map available at City Hall. Prior to vegetation removal please reference Bay City Code Chapter 10 Section 10.10.030 and Bay City Comprehensive Plan Goal 5: Policies, Goals, and Objectives;
- f. Grading: Cut and fill slopes shall not be steeper than 2 Horizontal: 1 Vertical. Minimize cut or fill operations by conforming to topography. Prepare the ground surface to receive non-structural fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. Scarify and bench the surface to provide a firm bond between the exposed ground surface and the new fill;
- g. Tree and Vegetation Removal: Stripping of vegetation, grading, excavation, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as possible, and expose the smallest practical area at any one time during construction. Tree removal requires approval of a Bay City Tree Removal Permit;
- h. Proposed Vegetation: Permanent plantings shall be installed by September 30 of the year in which the development is started unless

- an alternative date is designated on the Building Permit Application and approved by the City;
- i. Topographical Contour: The location of roads, driveways, structures and infrastructure shall complement the natural topography of the site;
 - j. Stormwater Drainage Systems: The applicant shall improve storm drains as necessary to provide effective retention for on-site runoff caused by altered soil and surface conditions during and after development. Stormwater Drainage systems shall carry runoff to suitable drainage ways utilizing but not limited to storm drains, drainage swales, culverts or an approved drywell system. For local reference documentation, see the Bay City Stormwater Management Plan available for review at City Hall. In addition:
 - (1) Stormwater Drainage System Capacity: Stormwater Drainage systems shall manage all stormwater runoff on site to avoid sedimentation and flooding to adjacent and downstream properties. The stormwater drainage system shall manage the capacity of a storm of 50-year design frequency;
 - (2) Erosion Management: Stormwater Drainage systems shall accommodate the volume and velocity of surface runoff to create the least erosion potential, prevent surface water from damaging the cut face of excavations or the sloping surface of fills, and reduce runoff water velocity and control dispersal of water runoff from developed areas over large undeveloped areas; and
 - (3) System Maintenance: Stormwater Drainage systems shall be consistently maintained in a manner that ensures adequate performance; and
 - k. Erosion and Sedimentation Control Systems: The applicant shall provide erosion and sedimentation control systems such as sediment or debris basins, silt traps, filter barriers, vegetation and/or mulching, permanent plantings or other measures to protect adjacent and surrounding property. In addition:
 - (1) Cut Banks: All cut banks shall provide temporary or permanent drainage measures such as mulching, seeding or other suitable stabilization measures to prevent surface water from damaging the cut face of excavations or the sloping surface of fills;
 - (2) Soil Stockpiles: Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainage ways by applying mulch or other protective covering; or by location at a distance of more than 100 feet in horizontal distance from streams or drainage ways; or by other sediment reduction measures;
 - (3) Pollution Control: Permanent and temporary erosion and sedimentation control devices shall prevent polluting discharges from occurring. Non- erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through the use of temporary erosion control measures and through proper handling, disposal, continuous site monitoring, and clean-up activities; and
 - (4) System Maintenance: Erosion and sedimentation control systems shall be consistently maintained in a manner that ensures adequate performance. Measures shall remain in place until the disturbed area is stabilized. Materials shall be removed from Sediment or Debris Basins, Silt Traps, Filter

Barriers, or Other Measures on a schedule submitted with Building Permit Application and approved by the City. The applicant shall ensure that drainage swales are vegetated or protected as required to minimize potential erosion.

6. Implementation Bond Requirement for Off-Site Infrastructure: A performance bond agreement or similar equivalent, shall be required by the City of Bay City for developments, subdivisions, and planned unit developments. The agreement shall ensure that existing streets and other public facilities damaged in the development of the property are repaired within the time limits set. The bond amount and completion date shall be estimated by the developer and agreed upon by the City Attorney. The bond agreement shall specify that upon City declaration of dissatisfactory project completion, the City may complete the work and recover the full costs, including legal fees and inspection, necessary for the completion of the project. The bond shall be in the form of a personal bond, surety bond, or cash, as may be required by the City Attorney. The bond shall be released upon written determination by the City Public Works Superintendent that work has been completed satisfactorily.
7. Inspection and Enforcement. The requirements of this Chapter shall be enforced by the City. The City may make periodic inspections to ascertain that grading and erosion control measures as proposed and approved are implemented, are being maintained effectively and are working effectively. If inspection by staff reveals erosive conditions which exceed those prescribed by this Chapter or permit, the City may require that work be stopped until appropriate corrective measures are completed. If inspection by staff reveals that the approved grading and erosion control measures are not working effectively, the City shall have the right to require the developer to pay for additional measures to assure compliance with the purpose of this Chapter.
8. Applicant Responsibility. The applicant shall be responsible for repairing existing streets, public facilities, and surrounding properties damaged in the development of the property. Whenever damage, erosion, or sedimentation is caused by stripping vegetation, grading or other development, it shall be the responsibility of the person, corporation or other entity causing such damage, erosion, or sedimentation to remove it from all adjoining surfaces and drainage systems and repair damage to property prior to issuance of final approvals for the project.

D. Temporary Use Permit

1. Temporary Uses Permitted. The following temporary uses and structures may be permitted by the Planning Commission within any district in the City:
 - a. A real estate office used for the sale of lots of housing within a subdivision or planned development.
 - b. Temporary housing where there is a valid health reason.
 - c. Uses involving a minimal amount of capital investment.
2. General Standards. The Planning Commission shall use the following standards in determining whether to grant temporary use permit:
 - a. The proposed use will be compatible with abutting properties and the surrounding neighborhood.
 - b. The height, bulk, and lot coverage of the structure is consistent with that of adjacent structures.
 - c. Appropriate public services are available.
 - d. The use will not generate more traffic than other land uses in the area.
 - e. The use will not create excessive noise, vibration, or odor.
3. Performance. Security for performance of permittee obligations, including the removal of any structures, shall be posted in all cases. The security may be a performance bond or other vehicle acceptable to the City Attorney.
4. Time. Temporary use permits shall be reviewed by Planning Commission annually.
5. Public Notices. Public notice shall be give as provided for in Article 10.12.130.

6. Procedure. The Type I procedures of this section shall be followed.
7. Right of Hearing. The Planning Commission may hold a public hearing to revoke a temporary use permit for failure to comply with any of the conditions of approval. Either the Planning Commission or an affected property owner may request such a public hearing.

AFTER AMENDMENT

10.12.050 Type I Procedures

Approvals requiring Type I review, shall be made on forms provided by the City.

A. Type I: Staff Review/Zoning Check List

1. The City Planner, or his or her designee, without public notice and without a public hearing, makes ministerial decisions through the Type I procedure. Ministerial decisions are those where City standards and criteria do not require the exercise of discretion (i.e., there are clear and objective standards).
2. Zoning Checklist. The City Planner reviews proposals requiring a Type I review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Section 10.06 before more detailed plans are prepared and before the City authorizes the Planner to issue a building permit.
3. Application Requirements.
 - a. Application Forms. Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
 - b. Application Requirements. When a Zoning Checklist is required, it shall:
 - (1) Include the information requested on the appropriate application form;
 - (2) Address the criteria in sufficient detail for review and action; and
 - (3) Be filed with the required fee.
4. Requirements. The City shall not act upon an application for land use approval, and a building permit shall not be issued, until the City Planner has approved a Zoning Checklist for the proposed project.
5. Criteria and Decision. The City Planner's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
6. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Planner. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals.
7. Informational Notice. Approvals requiring informational notice, identified with an "ON" in the Allowable Use Matrix Section 10.06.025, shall provide notice after the decision is final. (1) Mailed notice shall be sent to property owners within one hundred feet from the exterior boundary of the subject property. (2) Addresses for the mailed notice shall be obtained from the county assessor's Real Property Tax records. (3) Mailed notice shall contain the following information: (A) The name of the property owner and applicant, if different from the property owner, and the city's case file number; (B) A description of the location of the property for which the decision applies, including the street address and a subdivision lot and block designation, or the tax map designation of the county assessor; (C) A concise description of the approved action; (D) The name of a city representative to contact and the telephone number where additional information may be obtained; and (E) A statement that the decision is final and that the notice is being provided for

informational purposes.

B. Building Permits and Zoning Permits

1. No permit shall be issued by the City Planner or Building Official for the construction, reconstruction, alteration or change of use of a structure or lot that does not conform to the requirements of this Chapter.
2. Building and Zoning permits are required for any change, alteration or addition that affects the foundation, roofline, area of structure, or enclosure of existing porches, decks, patios, or carports.
3. No Building or Zoning permit shall be issued for any new construction, or any alteration or addition to an existing structure that increases the structural area toward any lot line, unless an official survey accompanies the application for a building permit. The survey shall also show the elevation of the building site.
4. Construction on property for which a permit has been issued must be started within 180 days from the date of issue. Construction must not be abandoned for over 180 days, or a new permit must be obtained at one-half the original fee. Building permits may be renewed only once.
5. If manufactured dwellings, travel trailers or recreational vehicles are used during the construction, water and sewer facilities must be installed within 90 days of the placement of the vehicle dwelling on the property.
6. Premises may not be occupied unless furnished with water and sewer facilities.
7. Areas not addressed by this Chapter shall be governed by the then applicable State Building Code.

C. Grading and Erosion Control Permit

1. Purpose. The purpose of the Grading and Erosion Control Permit is to protect property values and promote the public health, safety, and general welfare.

This permit will:

- a. Provide accurate institutional tracking of grading, erosion control and fill activities;
 - b. Minimize public and private losses due to earth movement hazards in specified areas;
 - c. Minimize erosion and environmental damage caused by the transport of sediment into the streams and Tillamook Bay within the corporate limits of Bay City and its urban growth boundary area;
 - d. Prevent the transport of sediment onto adjacent properties; and
 - e. Require all grading and erosion control measures to be in place and performing to the satisfaction of the City prior to approval of an associated building permit.
2. Permits are Required
 - a. Where the volume of soil or earth material is disturbed, stored, disposed of or used as fill exceeds 12 cubic yards;
 - b. For excavations below existing grade for foundations of building, basements, retaining walls or other structure authorized by a valid building permit;
 - c. Where the slope exceeds 12%; 4) For any fill or excavation having an unsupported finished height greater than five feet;
 - d. For grading which obstructs or alters a drainage course;
 - e. For grading which takes place within 100 feet by horizontal measurement from the top of the bank of Patterson Creek, Jacoby Creek, or Perkins Creek;
 - f. For grading which takes place within 100 feet by horizontal measurement of the mean high watermark (line of vegetation) of Tillamook Bay, including its estuaries; and
 - g. For grading that takes place within 100 feet by horizontal measurement from an identified wetlands area.
 3. Exemptions
 - a. Driveway and Road Improvement plans approved in writing by the City;

- b. Exploratory excavations under the direction of a qualified professional engineer, registered geologist, certified engineering geologist, or geotechnical engineers;
 - c. Routine agricultural crop management, horticulture or gardening practices unless subject to the requirements of Bay City Development Code Subsection 2 of this section;
 - d. Emergency response activities intended to reduce or eliminate an immediate danger to life or property or to mitigate flood or fire hazards;
 - e. Forest practices in commercial forest management areas under the supervision of the Oregon Department of Forestry; and
 - f. Brush removal, mowing or routine property maintenance which does not disturb the soil.
4. Application Information Required. Site Development Plan. Submit a Site Development Plan, drawn to a measurable scale, with sufficient dimensions to show all of the following. The City may require that specific items be submitted on separate plats for clarity and site inspection purposes.
- a. Survey: Clearly identify property line locations. For Site Review, stake the fill site proposed and the property corner locations. All property lines shall be verifiable or the City may require that a professional land survey be submitted or a "find and flag" performed;
 - b. Existing Structures: Identify the location of existing structures, easements, utilities, roads and driveways. Identify which are to be removed;
 - c. Proposed Structures: Identify the location of proposed structures, utilities, easements, roads and driveways;
 - d. Structural Fills: Identify all fill areas intended to support roadways or structures. Provide an analysis of fill material composition, compaction methods and density specifications;
 - e. Wetlands and Watercourses: Identify all streams, intermittent streams, creeks, watercourses, and wetland areas on or immediately adjacent to the property;
 - f. Grading: Identify all areas where clearing, grading, excavation or filling is to occur, and the proposed location of soil stockpiles. Provide a pre-grading report identifying the specific types and amounts of fill and excavation proposed and the topography of existing slopes. Provide a post excavation report identifying the specific types and amounts of fill and excavation completed and the topography of finished slopes;
 - g. Trees: Identify the location of all trees. Identify trees proposed for removal. A Bay City Tree Removal Permit is required prior to tree removal;
 - h. Vegetation: Outline vegetated and wooded areas. Identify vegetation proposed for removal;
 - i. Stormwater Drainage: Identify the direction of all drainage flow and sheet flow on and immediately surrounding the property. Finished grades shall be designed to direct water to the engineered on-site retention/infiltration storage system. Identify the location of all culverts and infrastructure designed to direct the drainage within the property lines. Provide a stormwater drainage system maintenance plan; and
 - j. Erosion and Sedimentation Control: Identify the types and location of proposed erosion and sedimentation control measures designed to manage sedimentation in runoff on site. Identify which measures will remain in place permanently and which are temporary measures that will remain until the disturbed area is stabilized.
5. Grading and Erosion Control Permit Standards Approval of the Site Development Plan shall be based on findings that the proposal adequately

addresses the following standards. Conditions of approval may be required to assure the design meets these standards.

- a. Setback Requirements: Fills shall be setback from side and rear property lines in accordance with lot requirements of the property so as not to endanger or disturb the adjoining property;
- b. Existing Structures and Surrounding Property: Grading shall not endanger surrounding existing structures or property. Whenever damage, erosion, or sedimentation is caused by stripping vegetation, grading or other development, it shall be the responsibility of the person, corporation or other entity causing such damage, erosion, or sedimentation to remove it from all adjoining surfaces and drainage systems and repair damage to property;
- c. Proposed Structures: Temporary graveled entrance roads shall be constructed of sufficient length, depth, and width and maintained to prevent gravel and sedimentation from being tracked onto streets. An approved Road Approach Permit is required prior to driveway construction;
- d. Structural Fills: All structural fills intended to support structures and streets shall be designed by an appropriately qualified Professional Engineer (PE) in accordance with standard engineering practices;
- e. Wetlands and Watercourses: Fills shall not encroach on wetlands or watercourses unless approved by a joint permit from the Department of State Lands (DSL) and the US Army Corps of Engineers (USACE). All applications with wetlands on the property will require the City to file with DSL, a DSL Notification Form. All applications with excavation and fill proposed in wetland areas will require an approved DSL and USACE Joint Permit. For local wetland reference documentation, see the Bay City Wetland Delineation Map available at City Hall. Prior to vegetation removal please reference Bay City Code Chapter 10 Section 10.10.030 and Bay City Comprehensive Plan Goal 5: Policies, Goals, and Objectives;
- f. Grading: Cut and fill slopes shall not be steeper than 2 Horizontal: 1 Vertical. Minimize cut or fill operations by conforming to topography. Prepare the ground surface to receive non-structural fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials. Scarify and bench the surface to provide a firm bond between the exposed ground surface and the new fill;
- g. Tree and Vegetation Removal: Stripping of vegetation, grading, excavation, or other soil disturbance shall be done in a manner which will minimize soil erosion, stabilize the soil as quickly as possible, and expose the smallest practical area at any one time during construction. Tree removal requires approval of a Bay City Tree Removal Permit;
- h. Proposed Vegetation: Permanent plantings shall be installed by September 30 of the year in which the development is started unless an alternative date is designated on the Building Permit Application and approved by the City;
- i. Topographical Contour: The location of roads, driveways, structures and infrastructure shall complement the natural topography of the site;
- j. Stormwater Drainage Systems: The applicant shall improve storm drains as necessary to provide effective retention for on-site runoff caused by altered soil and surface conditions during and after development. Stormwater Drainage systems shall carry runoff to suitable drainage ways utilizing but not limited to storm drains, drainage swales, culverts or an approved drywell system. For local reference documentation, see the Bay City Stormwater Management Plan available for review at City Hall. In addition:
 - (1) Stormwater Drainage System Capacity: Stormwater Drainage systems shall manage all stormwater runoff on site to avoid

- sedimentation and flooding to adjacent and downstream properties. The stormwater drainage system shall manage the capacity of a storm of 50-year design frequency;
- (2) Erosion Management: Stormwater Drainage systems shall accommodate the volume and velocity of surface runoff to create the least erosion potential, prevent surface water from damaging the cut face of excavations or the sloping surface of fills, and reduce runoff water velocity and control dispersal of water runoff from developed areas over large undeveloped areas; and
 - (3) System Maintenance: Stormwater Drainage systems shall be consistently maintained in a manner that ensures adequate performance; and
- k. Erosion and Sedimentation Control Systems: The applicant shall provide erosion and sedimentation control systems such as sediment or debris basins, silt traps, filter barriers, vegetation and/or mulching, permanent plantings or other measures to protect adjacent and surrounding property. In addition:
- (1) Cut Banks: All cut banks shall provide temporary or permanent drainage measures such as mulching, seeding or other suitable stabilization measures to prevent surface water from damaging the cut face of excavations or the sloping surface of fills;
 - (2) Soil Stockpiles: Disposed spoil material or stockpiled topsoil shall be prevented from eroding into streams or drainage ways by applying mulch or other protective covering; or by location at a distance of more than 100 feet in horizontal distance from streams or drainage ways; or by other sediment reduction measures;
 - (3) Pollution Control: Permanent and temporary erosion and sedimentation control devices shall prevent polluting discharges from occurring. Non- erosion pollution associated with construction such as pesticides, fertilizers, petrochemicals, solid wastes, construction chemicals, or wastewaters shall be prevented from leaving the construction site through the use of temporary erosion control measures and through proper handling, disposal, continuous site monitoring, and clean-up activities; and
 - (4) System Maintenance: Erosion and sedimentation control systems shall be consistently maintained in a manner that ensures adequate performance. Measures shall remain in place until the disturbed area is stabilized. Materials shall be removed from Sediment or Debris Basins, Silt Traps, Filter Barriers, or Other Measures on a schedule submitted with Building Permit Application and approved by the City. The applicant shall ensure that drainage swales are vegetated or protected as required to minimize potential erosion.
6. Implementation Bond Requirement for Off-Site Infrastructure: A performance bond agreement or similar equivalent, shall be required by the City of Bay City for developments, subdivisions, and planned unit developments. The agreement shall ensure that existing streets and other public facilities damaged in the development of the property are repaired within the time limits set. The bond amount and completion date shall be estimated by the developer and agreed upon by the City Attorney. The bond agreement shall specify that upon City declaration of dissatisfactory project completion, the City may complete the work and recover the full costs, including legal fees and inspection, necessary for the completion of the project. The bond shall be in the form of a personal bond, surety bond, or cash, as may be required by the City Attorney.

The bond shall be released upon written determination by the City Public Works Superintendent that work has been completed satisfactorily.

7. Inspection and Enforcement. The requirements of this Chapter shall be enforced by the City. The City may make periodic inspections to ascertain that grading and erosion control measures as proposed and approved are implemented, are being maintained effectively and are working effectively. If inspection by staff reveals erosive conditions which exceed those prescribed by this Chapter or permit, the City may require that work be stopped until appropriate corrective measures are completed. If inspection by staff reveals that the approved grading and erosion control measures are not working effectively, the City shall have the right to require the developer to pay for additional measures to assure compliance with the purpose of this Chapter.
8. Applicant Responsibility. The applicant shall be responsible for repairing existing streets, public facilities, and surrounding properties damaged in the development of the property. Whenever damage, erosion, or sedimentation is caused by stripping vegetation, grading or other development, it shall be the responsibility of the person, corporation or other entity causing such damage, erosion, or sedimentation to remove it from all adjoining surfaces and drainage systems and repair damage to property prior to issuance of final approvals for the project.

D. Temporary Use Permit

1. Temporary Uses Permitted. The following temporary uses and structures may be permitted by the Planning Commission within any district in the City:
 - a. A real estate office used for the sale of lots of housing within a subdivision or planned development.
 - b. Temporary housing where there is a valid health reason.
 - c. Uses involving a minimal amount of capital investment.
2. General Standards. The Planning Commission shall use the following standards in determining whether to grant temporary use permit:
 - a. The proposed use will be compatible with abutting properties and the surrounding neighborhood.
 - b. The height, bulk, and lot coverage of the structure is consistent with that of adjacent structures.
 - c. Appropriate public services are available.
 - d. The use will not generate more traffic than other land uses in the area.
 - e. The use will not create excessive noise, vibration, or odor.
3. Performance. Security for performance of permittee obligations, including the removal of any structures, shall be posted in all cases. The security may be a performance bond or other vehicle acceptable to the City Attorney.
4. Time. Temporary use permits shall be reviewed by Planning Commission annually.
5. Public Notices. Public notice shall be give as provided for in Article 10.12.130.
6. Procedure. The Type I procedures of this section shall be followed.
7. Right of Hearing. The Planning Commission may hold a public hearing to revoke a temporary use permit for failure to comply with any of the conditions of approval. Either the Planning Commission or an affected property owner may request such a public hearing.

SECTION 13: **AMENDMENT** “10.14.190 Planned Development” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.14.190 Planned Development

- A. Purpose: A "planned development" is a single development incorporating a variety of housing types and non-residential uses, consisting of individual lots, common building sites or open areas, or other configuration in order to promote innovative, flexible, and diversified land use under a comprehensive site development plan.
- B. Permitted Uses: Uses permitted in the specific intensity zone, including single-family, duplex and multifamily dwellings in any architectural configuration subject to the standards of the zone, certain non-residential uses, common open space, and recreation facilities.
- C. Standards: The standards of the intensity zone and other Sections of this Chapter shall apply. The size of the planned development shall be large enough to accommodate the various uses and to preserve the intent of this Section.
- D. Density and Lot Size: Density shall not exceed the density range of the zone. Lot size shall be consistent with the minimum lot size of the zone and shall provide adequate area to meet the lot coverage requirement of the zone.
- E. Lot Coverage: Lot coverage requirements of the zone shall be applicable to structures and other impervious surfaces built on individually owned lots. In the case of multifamily dwellings, zero lot line construction, or other situations involving common ownership of land and/or buildings, the lot coverage shall be calculated on the basis of the total site.
- F. Procedure: Planned developments shall be done in accordance with Section 10.14.015 through 10.14.018. Application for planned development, subdivision, or partition shall be made concurrently.
- G. Information Required: Information necessary for tentative and final approval shall be included as specified under Section 10.12.100 of this Chapter.
- H. Final Approval: Planned development final approval shall be in conformance with Section 10.12.100 of this Chapter.

AFTER AMENDMENT

10.14.190 Planned Development

- A. Purpose: A "planned development" is a single development incorporating a variety of housing types and non-residential uses, consisting of individual lots, common building sites or open areas, or other configuration in order to promote innovative, flexible, and diversified land use under a comprehensive site development plan.
- B. Permitted Uses: Uses permitted in the specific intensity zone, including single-family, ~~duplex~~ middle housing and multifamily dwellings in any architectural configuration subject to the standards of the zone, certain non-residential uses, common open space, and recreation facilities.
- C. Standards: The standards of the intensity zone and other Sections of this Chapter shall apply. The size of the planned development shall be large enough to accommodate the various uses and to preserve the intent of this Section.
- D. ~~Density and~~ Lot Size: ~~Density shall not exceed the density range of the zone.~~ Lot size shall be consistent with the minimum lot size of the zone and shall provide adequate area to meet the lot coverage requirement of the zone.
- E. Lot Coverage: Lot coverage requirements of the zone shall be applicable to structures and other impervious surfaces built on individually owned lots. In the case of multifamily dwellings, middle housing, zero lot line construction, or other situations involving common ownership of land and/or buildings, the lot coverage shall be calculated on the basis of the total site.
- F. Procedure: Planned developments shall be done in accordance with Section 10.14.015 through 10.14.018. Application for planned development, subdivision, or partition shall be made concurrently.
- G. Information Required: Information necessary for tentative and final approval shall be included as specified under Section 10.12.100 of this Chapter.

H. Final Approval: Planned development final approval shall be in conformance with Section 10.12.100 of this Chapter.

SECTION 14: ADOPTION “10.14.300 Middle Housing and Expedited Land Divisions” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.14.300 Middle Housing and Expedited Land Divisions (Non-existent)

AFTER ADOPTION

10.14.300 Middle Housing and Expedited Land Divisions(*Added*)

10.14.310 Purpose The purpose of the expedited and middle housing land division process is to implement requirements in ORS 197.360 to 197.380 for expedited land divisions in residential districts, and ORS 92.031 regarding middle housing land divisions, in order to create homeownership opportunities.

10.14.320 Applicability A. Expedited Land Division Applicability. The procedures of this chapter are applicable to partitions and subdivisions within a residential zone as provided in ORS 197.365. B. Middle Housing Land Division Applicability. The procedures of this chapter are applicable to the following middle housing projects, or proposed middle housing projects, on an existing lot within a residential zone: 1. A duplex. 2. A triplex. 3. A quadplex. 4. A cottage cluster. C. Townhouses, by definition, are already on their own lots, so a middle housing land division is not applicable to townhouse developments. Lots for townhouses shall be created through subdivision or partition, subject to Chapter 10.14.100.

10.14.330 Procedures An Expedited Land Division or Middle Housing Land Division is not a land use procedure subject to Chapter 10.12. The following procedure for an Expedited Land Division or Middle Housing Land Division shall be followed: A. Pre-Application Meeting. A pre-application meeting is encouraged but not required. B. Application Requirements. Applicants shall submit materials required by Section 10.12.100, Information Required for Land Use Planning Applications. C. Completeness Review. The City Planner, or his or her designee, shall review the application submittal and advise the applicant in writing whether the application is complete or incomplete within 21 calendar days after the City receives the application submittal. 1. If the application for a land division is incomplete, the local government shall notify the applicant of exactly what information is missing within 21 days of receipt of the application and allow the applicant to submit the missing information. For purposes of computation of time under this section, the application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it. 2. If the application was complete when first submitted or the applicant submits the additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted. 3. If an application is incomplete, the completeness notice shall list what information is missing and allow the applicant to submit the missing information. The completeness notice shall include a form, designed to be returned to the City Planner, or his or her designee, by the applicant, indicating whether or not the applicant intends to amend or supplement the application. D. Notification. 1. The City Planner, or his or her designee, shall provide written notice of the receipt of the completed application for a Middle Housing Land Division or Expedited Land Division to all of the following: a. The applicant and/or authorized representative; b. The owner(s) of record of the subject property; c. Any City-recognized neighborhood association whose boundaries include or are within 100 feet of the subject property; d. Owners of record within 100 feet of the perimeter of the subject property; and e. Any state agency, local government or special district responsible for providing public

facilities or services to the development. 2. The notice shall state: a. The street address or other easily understood geographical reference to the subject property; b. The place, date and time that comments are due; c. A time and place where copies of all evidence submitted by the applicant will be available for review; d. The applicable criteria for the decision; e. The name and telephone number of a local government contact person; f. A brief summary of the local decision-making process for the Middle Housing Land Division or Expedited Land Division; g. The deadline for submitting written comments; h. That issues that may provide the basis for an appeal to the hearings officer must be raised in writing prior to the expiration of the comment period; and i. That issues must be raised with sufficient specificity to enable the local government to respond to the issue. 3. After notification according to the procedure set out above, the City Planner, or his or her designee, shall provide a 14-day period for submission of written comments prior to the decision. E. Decision. The City Planner, or his or her designee, shall make a decision to approve or deny the application within 63 days of receiving a completed application, based on whether it satisfies the applicable requirements of Chapter 10.14.300. 1. Approval may include conditions to ensure that the application meets the applicable regulations. 2. For Middle Housing Land Division and Expedited Land Division applications, the City Planner, or his or her designee: a. Shall not hold a hearing on the application; and b. Shall issue a written determination of compliance or noncompliance with applicable land use regulations that includes a summary statement explaining the determination. 3. The decision shall include a statement of the facts upon which the decision authority relied to determine whether the application satisfied or failed to satisfy each applicable approval. 4. Notice of the decision shall be provided to the applicant and to those who received notice under subsection 10.14.330.D within 63 days of the date of a completed application. The notice of decision shall include: a. The summary statement included with the written decision; and b. An explanation of appeal rights under ORS 197.375 (Appeal of decision on application for expedited land division). F. Appeals. An appeal of a decision made under this section shall not be subject to Section 10.12.140, Appeals. Any appeal of an Expedited Land Division or Middle Housing Land Division must be as provided in ORS 197.375. G. Expiration. The tentative approval of a Middle Housing Land Division or Expedited Land Division is void if a final plat is not recorded within three years of the tentative approval.

10.14.340 Criteria of Approval – Expedited Land Division. A. The City Planner, or his or her designee, will approve or deny an application for Expedited Land Division based on whether it satisfies the applicable criteria of approval. The City Planner, or his or her designee, may approve the land division with conditions to ensure the application meets the applicable land use regulations. B. The land subject to the application is zoned for residential uses. C. The land will be used solely for residential uses, including recreational or open space uses that are accessory to residential use. D. The land division does not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect: 1. Open spaces, scenic and historic areas and natural resources; 2. Estuarine resources; 3. Coastal shorelands; and 4. Beaches and dunes. E. The land division satisfies the minimum street and right-of-way connectivity standards of Chapter 10.10.120, Transportation Standards. F. The land division satisfies the following development standards: 1. Applicable use standards for the proposed use(s) in the zone where proposed in Chapter 10.06; 2. Applicable development standards for the proposed use(s) in the zone where proposed in Chapter 10.10; and 3. Improvement requirements in Section 10.14.170. G. The land division will result in development that either: 1. Creates enough lots to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or 2. Will be sold or rented to households with incomes below 120 percent of the median family income for the county in which the project is built.

10.14.350 Criteria of Approval – Middle Housing Land Division. The City Planner, or his or her designee, will approve a tentative plan for Middle Housing Land Division based on whether it satisfies the following criteria of approval: A. The application provides for the development of middle housing in compliance with the Oregon residential specialty code and the applicable middle housing regulations in this code. B. Separate utilities will be provided for

each dwelling unit. C. Easements will be provided as necessary for each dwelling unit on the site for: 1. Locating, accessing, replacing and servicing all utilities; 2. Pedestrian access from each dwelling unit to a private or public road; 3. Any common use areas or shared building elements; 4. Any dedicated driveways or parking; and 5. Any dedicated common area. D. Exactly one dwelling unit on each resulting lot, except for lots, parcels or tracts used as common areas. E. The applicant demonstrates that buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots, that structures or buildings located on the newly created lots will comply with the Oregon residential specialty code. F. The original lot dedicated and improved the abutting street right-of-way sufficient to comply with minimum right-of-way and improvement standards of Chapter 10.10.120, Transportation Standards, or dedication and/or improvements of the abutting street right-of-way are proposed that meet the standards of Chapter 10.10.120, Transportation Standards. G. The type of middle housing developed on the original lot shall not be altered by a Middle Housing Land Division. For example, cottages within a cottage cluster do not become single family dwellings after a Middle Housing Land Division.

10.14.360 Conditions of Approval – Expedited Land Division and Middle Housing Land Division. The City Planner, or his or her designee, may add conditions of approval of a tentative plan for a Middle Housing Land Division or Expedited Land Division as necessary to comply with the applicable criteria of approval. Conditions may include but are not limited to the following: A. A condition to prohibit the further division of the resulting lots or parcels. B. A condition to require that a notation appear on the final plat indicating that the approval was given under ORS 92.031 as a Middle Housing Land Division. C. A condition to require recording of easements required by the tentative plan on a form acceptable to the City, as determined by the City Attorney.

10.14.370 Final Plat for Expedited Land Division and Middle Housing Land Division. A. The final plat shall comply with the Middle Housing Land Division or Expedited Land Division conditions of approval. B. The following data requirements, if applicable, shall also be shown on the final plat. 1. All tracts of land intended to be deeded or dedicated for public use; 2. Street names as approved by the City Planner, or his or her designee; 3. Any non-access strips. C. Approval Criteria. The City Planner, or his or her designee, shall approve or deny the final plat for the Middle Housing Land Division or Expedited Land Division, based on whether it conforms with the tentative plan, with all changes permitted and all requirements imposed as a condition of acceptance. Final plat approval shall only take place after installation of improvements, or filing of an agreement and bond to that effect. After approval of the final plat, filing of an agreement and bond or installation of improvements, the applicant shall obtain the signatures of the Chairman of the Planning Commission and Mayor, and record the plat within 90 days after the last signature has been obtained. D. A notice of middle housing land division for each middle housing lot shall be recorded with the County recorder that states: 1. The middle housing lot may not be further divided. 2. No more than one unit of middle housing may be developed on each middle housing lot. 3. The dwelling developed on the middle housing lot is a unit of middle housing and is not a single family detached residential unit, or any other housing type. E. No plat shall have any force or effect and no title to any property shall pass until the final plat has been recorded; however, a final plat is not required prior to issuance of building permits for middle housing proposed with a Middle Housing Land Division.

SECTION 15: **AMENDMENT** “10.15.070 Conditional Use Standards” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.15.070 Conditional Use Standards

A. Multifamily, Cluster, or Apartment Dwellings:

1. Structures shall meet the lot coverage, open area, and where applicable, common open space requirements of the zone in which they are located.
2. Structures shall be placed to retain existing trees, wherever possible. Buffers and screens, as described in Section 10.10.020, may be required by the Planning Commission.
3. At least 50% of the required open area is usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.
4. Parking areas are located in an unobtrusive location, are landscaped and separated into no more than 8 spaces per bay, and are buffered from surrounding residential uses or other low intensity uses.
5. Traffic is routed onto an existing or planned arterial or collector street, and safety of ingress and egress is considered.

B. Schools:

1. Day care centers or nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring screen or buffer shall separate the play area from abutting lots or streets.
2. Elementary schools shall provide a basic site area of 5 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
3. Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.

C. Public Utility or Communication Facility:

1. The proposed site is best located to serve the intended area with a minimal effect on surrounding property.
2. Structures such as towers, tanks, poles, overhead wires, pumping stations, and similar equipment shall be located so as not to degrade scenic views from a street or private property, particularly along the bayshore.
3. All equipment storage or materials shall be buffered, screened, or fenced, or kept within a structure.

D. Recreation Vehicle Park and Campground:

1. Recreation Vehicle (RV) parks or camping areas shall be in conformance with the standards of the Oregon Health Department, and in conformance with the standards and policies of the zone in which they are located.
2. RV parks shall be at least 3 acres in size.
3. RV parks shall be connected to city services, including sewer, water, and storm drainage. Parks shall also be connected to power and communications service. The ratio of lavatories and toilet facilities to RV spaces shall be prescribed by state law.
4. The average square footage of RV spaces shall be at least 1500 square feet, and the individual RV spaces shall not be less than 1000 square feet. Square footage shall be calculated by excluding streets, driveways, restrooms, or common open space areas.
5. Streets or private drives shall be surfaced with asphaltic concrete or oil mat surfacing material.
6. Buffers and screening in accordance with Section 10.10.020 shall be required in order to separate RV parks from surrounding uses or public streets or roads. A sight obscuring fence or plantings shall be required except in clear vision areas.
7. Where existing tree cover is present, it shall be retained on the site. Camping spaces shall be constructed so as not to harm root systems by fill.
8. Camping spaces, restrooms, parking areas and other structures or alterations shall be at least 50 feet from streams or bodies of water to maintain riparian vegetation and the scenic values of the area. Public access shall be maintained

to the water.

9. At least 25% of the overall site shall be maintained in landscaped open area or natural vegetation. Buffers, screening, forested areas, or common open areas may be considered part of this requirement.
10. All RV Parks in the Moderate and Shoreland 3 Intensity Zones shall abut U.S. Highway 101 and shall be appropriately buffered from surrounding residences. Landscaping and access control shall be required. Access to RV Parks shall be off of side streets, rather than directly off of U.S. 101.
11. No RV shall be located in a RV Park for more than 120 days in any calendar year. "Located" means living, repairing, or storing the RV within the RV Park.
12. A Yurt may be allowed within a properly permitted Recreational Vehicle Park and Campground consistent with the standards of Bay City Development Chapter 10 paragraph O Yurt of this Section. A Yurt within a Recreational Vehicle Park and Campground may not be occupied as a residential dwelling.

E. Primary Commercial Uses:

1. Primary commercial (non-water dependent or related) uses are defined as small establishments intended to serve daily or frequent trade or service needs of the city or a localized area, as opposed to highway oriented or high traffic impact uses. Such uses include small grocery stores, laundries, repair shops, beauty shops, and similar uses. Excluded are large retail outlets, automobile service stations, and drive-in eating or drinking establishments.
2. As a guideline, no such establishment shall be permitted closer than 500 feet from a zone in which it is permitted outright, in order to prevent the sprawl of primary commercial centers.

F. Commercial Uses - High Traffic Generation:

1. Commercial uses requiring large land area or capable of generating high traffic volumes include auto service stations, car lots, lumber yards, manufactured dwelling sales, or large retail outlets.
2. Uses shall be located on an arterial street, or at the intersection of two collector streets in order to lessen traffic impacts on residential areas. Access shall be designed to provide ingress or egress on non-residential streets.

G. Commercial Recreation:

1. Commercial recreation with high traffic volumes shall have access onto an arterial street and provide access on non-residential streets.
2. Structures associated with low intensive recreation uses, such as club houses or indoor tennis courts, shall be designed to be compatible with the surrounding landscape and adjacent uses.
3. Uses which could potentially generate high traffic volumes, such as spectator events, shall not be allowed.

H. Eating or Drinking Establishments: Eating or drinking establishments shall be small scale and shall be intended for local or neighborhood use. Restaurants in conjunction with motels may be of a size necessary to accommodate the traveling public. Restaurants with drive-in service shall be permitted only in the South High Intensity Zone. Restaurants with facilities that accommodate late night entertainment shall be reviewed as provided in Section 10.10.150, Architectural Review.

I. Forest Management Practices:

1. Purpose: The purpose of this section is to ensure that forest practices are carried out in a manner that will protect soil integrity, water quality, fish and wildlife habitat, riparian vegetation, significant natural resources, scenic values and adjacent urban uses.
2. Applicability: The following activities are considered forest management practices and are subject to the provisions of this section:
 - a. Harvesting of trees for commercial purposes including but not limited to falling, bucking, yarding, decking, loading or hauling of such trees.
 - b. Construction, reconstruction and improvements of roads as part of a forest harvesting operation.
 - c. Site preparation for reforestation involving clearing or the use of heavy machinery.

- d. Clearing of forest land for conversion to a non-forest use.
 - e. Disposal and treatment of slash.
 - f. Precommercial thinning.
3. Exceptions: The removal of trees in accordance with Section 7.04 (Tree Cutting) is not considered a forest management practice.
4. Forest Management Plan Approval Required:
- a. As part of a conditional use application, a forest management plan prepared by a forester shall be submitted.
 - b. The written forest management plan shall contain specific information applicable to the proposed operation. Elements of the plan shall include, but not be limited to, the location of roads and landings, road and landing design and construction, drainage systems, disposal of waste material, falling and bucking, buffer strips, yarding system and layout, sensitive resource site protection measures and post operation stabilization measures.
 - c. The applicant shall select a qualified forester to prepare the plan. The applicant shall bear the cost of the plan preparation as well as the cost of monitoring the forest management operation. The City may select a qualified forester to review the plan and pass the cost onto the applicant.
 - d. The forest management plan shall conform to the standards of paragraph I.3 of this section.
 - e. In the preparation of the forest management plan, the forester shall consult with state and federal agencies concerned with the forest environment, such as the Department of Fish and Wildlife, to obtain relevant information.
 - f. The landowner and/or operator shall comply with the approved forest management plan.
 - g. Modifications to the approved plan shall be reviewed by the planning commission. Modification of an approved plan shall be required when, based on information that was not available or known at the time of the approval, the forester determines the approved plan will no longer provide adequate protection to the natural resources of the site.
 - h. The forester shall monitor the forest operation to ensure that it is carried out in accordance with the approved plan. Upon completion of the operation the forester shall prepare a report certifying that the operation was carried out in compliance with the approved plan.
5. Standards: Forest management plans shall be prepared in conformance with the following standards:
- a. Only selective harvesting of trees is permitted.
 - b. A riparian zone shall be maintained adjacent to Type D, Type F, and Type N waters. Section 10.06.100(B)12 and Section 10.10.010(C) of the Development Code define the required setbacks in the riparian zone. There shall be no harvesting of trees in the riparian zone. Other activities in conjunction with forest practices, such as road construction, in the riparian zone shall be permitted only where there are no other feasible alternatives. The definitions of Type D, Type F, and Type N waters shall be those established in the Forest Practices Rules.
 - c. Existing stream courses shall not be altered.
 - d. No forest management operations shall occur in identified wetland areas.
 - e. Where a forest operation is to be located within six hundred feet of a specific site involving a threatened or endangered species (as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife) or a sensitive bird nesting, roosting or watering site, a specific habitat protection plan shall be prepared in consultation with the Oregon Department of Fish and Wildlife.

- f. There shall be no mining or mineral extraction as part of a forest operation.
- g. Forest practices shall not involve the application of herbicides, insecticides or rodenticides.
- h. Slash shall be controlled in a manner that does not require burning.
- i. Road construction shall be in accordance with the criteria of the Oregon Forest Practices Rules.
- j. Harvesting of trees shall be in accordance with the criteria of the Oregon Forest Practices Rules.
- k. Reforestation of lands intended to continue in forest use shall be stocked according to the levels specified in the Oregon Forest Practice Rules. The forest management plan shall include specified actions necessary for the maintenance of planted trees. Within one year following the harvest on lands not planned for reforestation, adequate vegetative cover shall be established to provide soil stabilization and to minimize aesthetic impacts within one year following the harvest.

J. Industry - Non Water Dependent or Related:

- 1. Industrial uses shall have limited or phased social and fiscal impacts on the community. Adequate public facilities (sewer, water, fire protection, schools, streets) shall be available to serve the industry prior to construction, or assurance shall be given the City in the form of performance bond that public facilities will be installed concurrently at the developer's expense.
- 2. Industrial uses shall be labor rather than capital intensive.
- 3. Preference shall be given to industries which are related to the resources of the area, such as fishing, forest products, the dairy industry, or shipping.
- 4. Industrial uses shall meet all applicable standards pertaining to buffers, screens, lot coverage, and open area. The Planning Commission may require additional buffer areas where it appears that existing adjacent uses warrant protection.
- 5. Special attention shall be given to the emission standards pertaining to noise, smoke, odor, or glare.

K. Meeting Halls, Churches, and Schools:

- 1. The hours of operation of meeting halls and churches shall be controlled so as not to disrupt surrounding residential uses.
- 2. Eating or drinking establishments or entertainment associated with meeting halls or churches shall meet the requirements of (H) above.
- 3. Meeting halls, churches, and schools shall be designed in a manner which is compatible with the surrounding neighborhoods in terms of height, bulk, and maintenance of existing vegetation.

L. Mining or Removal of Sand or Gravel:

- 1. Mining or removal of sand or gravel in wetlands, lowlands, or water areas shall be done only after a permit from the Division of State Lands or U.S. Army Corps of Engineers is issued, if those agencies determine that they have jurisdiction in those areas.
- 2. Sedimentation and erosion shall be controlled through the use of berms, catch basins, mulching, and revegetation as may be required by the Planning Commission.

M. Extensive Excavation and Grading:

- 1. All requirements of Chapter 70 of the Uniform Building Code are adhered to.
- 2. The extent and nature of the proposed grading and/or filling are appropriate to the use proposed and will not create site disturbances to an extent greater than that required for use.
- 3. The proposed grading and/or filling, and any related construction, will have a minimum impact on views from adjacent property.
- 4. The proposed grading and/or filling will be designed in a manner that minimizes any adverse visual impacts on adjacent property.
- 5. The proposed grading and/or filling will not have an adverse impact on the drainage on adjacent property.

N. Cottage Industries: In the Moderate and Low Intensity Zones, or cottage industries may be allowed in order to promote a local economic base consistent with the character of the City. Allowable uses include crafts, small scale services, and other activities which have little impact on the neighborhoods in terms of traffic generation, noise, appearance, operating hours, or other factors. Activities are to be allowed on a limited conditional use basis, with the primary condition that the permit can be revoked for violation of the standards. It is intended that full scale or intensive uses be located in the high intensity zones.

1. Standards: Standards of the intensity zone and conditional use standards shall apply to cottage industries. In addition, the following specific standards shall apply:
 - a. Signs shall be no larger than 1 square foot and shall be no more than 4 feet from ground level.
 - b. The use shall be carried out in the dwelling or in a structure attached thereto.
 - c. Uses involving non-resident employees and the delivery of materials shall limit their hours of operation to between 8:00 a.m. and 6:00 p.m.
 - d. The use shall be architecturally and aesthetically compatible with the surrounding residential area and the existing structures on the site.
 - e. There shall be no storage of materials or equipment excess of the lot coverage requirements of the zone, except for plant materials such as nursery stock.
 - f. Recreation vehicle or trailer parks, amusement, or gaming operations are not to be allowed as a home occupation.
2. Complaint Procedure: The Planning Commission shall review cottage industries upon receipt of three written complaints from three separate households within two hundred fifty (250) feet of the boundary of the affected property, or a complaint from the Building Official. The City Recorder shall schedule a public hearing to review the complaints.
3. Action by the Planning Commission: The Planning Commission shall hear the evidence presented and may, with adequate findings of fact:
 - a. Approve the use as it exists.
 - b. Require that it be terminated.
 - c. Impose restrictions, such as limiting hours of operation or requiring construction of a fence.

Decisions of the Planning Commission may be appealed to the City Council.

O. Yurt:

1. Standards: Standards of the Chapter 10 including but not limited to the Moderate Intensity Zone, the Flood Damage Prevention Ordinance, the Hazard Overlay Zone, and the Conditional Use standards shall apply to the placement and operation of a yurt. In addition, the following specific standards shall apply:
 - a. A full-time primary residential use shall be continuously occupied by the property owner or agent of the property owner who shall ensure on-site management and maintenance of the yurt;
 - b. Signage shall not exceed 2 square feet. The bottom of the sign shall be no more than 4 feet from the ground;
 - c. The use shall be designed and continuously maintained to be aesthetically compatible with the surrounding residential area. Fencing shall consist of attractive natural materials as far as is practicable. Storage shall be screened from view. Landscaped areas shall be maintained in native vegetation. Fencing and mature native plants shall adequately screen the use. Existing native trees shall be retained wherever practicable. Buffers may be required;

- d. The maximum square footage of a yurt shall be 768 square feet;
 - e. Building height of a yurt shall be no more than 16 feet above the elevation required by the Flood Damage Prevention Ordinance and shall not exceed 24 feet in height above existing grade;
 - f. One parking space shall be provided and maintained for a yurt up to 400 feet in area; two parking spaces shall be provided and maintained for a yurt over 400 square feet in area;
 - g. A yurt shall have bathroom facilities including a shower, sink and a toilet. A yurt may have kitchen appliances, but shall not be wired for 220 electrical current;
 - h. A yurt shall not be used for full-time residential use. All requirements for transient lodging use of the structure shall be continuously met;
 - i. A yurt shall be connected to water and sewer service through the primary residential use;
 - j. Coastal Shoreland Goals and Policies shall be addressed in the application for a yurt. Adjacent Estuarine areas shall be protected from potential adverse impacts;
 - k. A building permit shall be obtained. Prior to approval of the building permit, all conditions of site development established by this Chapter or required as a condition in granting a conditional use shall be met. The City shall obtain certification and evidence that the following criteria are met, as far as is reasonably practicable:
 - (1) The yurt shall meet all fire-resistive occupancy requirements (separations, required fire separation walls, parapet walls, and other fire-resistive requirements);
 - (2) The yurt has been approved by the Building Code Division and will be installed and used according to its intended design and purpose as identified by an Oregon Insignia of Compliance;
 - (3) With application, a site plan, occupancy classification, construction type, structure size, floor live load, roof live load, wind exposure, seismic area, energy zone, electrical service loads, plumbing fixture loads, number of modules and certification whether it is a permanent or re-locatable structure shall be submitted;
 - (4) The design and construction of the yurt foundation and structure shall be consistent with the standards established by the Oregon Building Code Division for prefabricated structures,
 - (5) The yurt shall comply with Oregon One and Two Family Dwelling Specialty Code, and shall be certified with an Oregon Insignia of Compliance.
2. Conditions: All conditions of site development established by this Chapter or required as a condition in granting a conditional use shall be met prior to receiving a building permit to construct a yurt.
 3. Maintenance: The use and all site development requirements shall be continuously maintained consistent with this Chapter.
 4. Complaint Procedure: Upon receipt of evidence from staff of non-compliance with yurt conditional use requirements, upon receipt of a complaint signed by three or more persons filed with the City Recorder or a complaint from the Building Official. Upon receipt of any of the above complaints, the City Recorder shall schedule a public hearing before the Bay City Planning Commission for the Commission to review the complaints.
 5. Action by the Planning Commission: The Planning Commission shall hear the evidence presented and may, with adequate findings of fact:
 - a. Approve the use as it exists;
 - b. Require that the use be terminated;
 - c. Impose additional conditions or restrictions, such as the limiting of

hours of operation or requiring the construction of a fence.

AFTER AMENDMENT

10.15.070 Conditional Use Standards

A. Multifamily, ~~Cluster, or Apartment~~ Dwellings:

1. Structures shall meet the lot coverage, open area, and where applicable, common open space requirements of the zone in which they are located.
2. ~~Structures shall be placed to retain existing trees, wherever possible. Buffers and screens, as described in Section 10.10.020, may be required by the Planning Commission. Developments shall meet the special development standards for multifamily dwellings in Section 10.11.040.A.~~
3. ~~At least 50% of the required open area is usable by the residents of the development. This can be in the form of lawns, outdoor play areas, swimming pools, patios or decks, or natural area.~~
4. ~~Parking areas are located in an unobtrusive location, are landscaped and separated into no more than 8 spaces per bay, and are buffered from surrounding residential uses or other low intensity uses.~~
5. ~~Traffic is routed onto an existing or planned arterial or collector street, and safety of ingress and egress is considered.~~

B. Schools:

1. Day care centers or nursery schools shall provide and maintain at least 100 square feet of outdoor play area per child. A sight-obscuring screen or buffer shall separate the play area from abutting lots or streets.
2. Elementary schools shall provide a basic site area of 5 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.
3. Secondary schools shall provide a basic site area of 10 acres plus one additional acre for each 100 pupils of predicted ultimate enrollment.

C. Public Utility or Communication Facility:

1. The proposed site is best located to serve the intended area with a minimal effect on surrounding property.
2. Structures such as towers, tanks, poles, overhead wires, pumping stations, and similar equipment shall be located so as not to degrade scenic views from a street or private property, particularly along the bayshore.
3. All equipment storage or materials shall be buffered, screened, or fenced, or kept within a structure.

D. Recreation Vehicle Park and Campground:

1. Recreation Vehicle (RV) parks or camping areas shall be in conformance with the standards of the Oregon Health Department, and in conformance with the standards and policies of the zone in which they are located.
2. RV parks shall be at least 3 acres in size.
3. RV parks shall be connected to city services, including sewer, water, and storm drainage. Parks shall also be connected to power and communications service. The ratio of lavatories and toilet facilities to RV spaces shall be prescribed by state law.
4. The average square footage of RV spaces shall be at least 1500 square feet, and the individual RV spaces shall not be less than 1000 square feet. Square footage shall be calculated by excluding streets, driveways, restrooms, or common open space areas.
5. Streets or private drives shall be surfaced with asphaltic concrete or oil mat surfacing material.
6. Buffers and screening in accordance with Section 10.10.020 shall be required in order to separate RV parks from surrounding uses or public streets or roads. A sight obscuring fence or plantings shall be required except in clear vision areas.
7. Where existing tree cover is present, it shall be retained on the site. Camping spaces shall be constructed so as not to harm root systems by fill.
8. Camping spaces, restrooms, parking areas and other structures or alterations

shall be at least 50 feet from streams or bodies of water to maintain riparian vegetation and the scenic values of the area. Public access shall be maintained to the water.

9. At least 25% of the overall site shall be maintained in landscaped open area or natural vegetation. Buffers, screening, forested areas, or common open areas may be considered part of this requirement.
10. All RV Parks in the Moderate and Shoreland 3 Intensity Zones shall abut U.S. Highway 101 and shall be appropriately buffered from surrounding residences. Landscaping and access control shall be required. Access to RV Parks shall be off of side streets, rather than directly off of U.S. 101.
11. No RV shall be located in a RV Park for more than 120 days in any calendar year. "Located" means living, repairing, or storing the RV within the RV Park.
12. A Yurt may be allowed within a properly permitted Recreational Vehicle Park and Campground consistent with the standards of Bay City Development Chapter 10 paragraph O Yurt of this Section. A Yurt within a Recreational Vehicle Park and Campground may not be occupied as a residential dwelling.

E. Primary Commercial Uses:

1. Primary commercial (non-water dependent or related) uses are defined as small establishments intended to serve daily or frequent trade or service needs of the city or a localized area, as opposed to highway oriented or high traffic impact uses. Such uses include small grocery stores, laundries, repair shops, beauty shops, and similar uses. Excluded are large retail outlets, automobile service stations, and drive-in eating or drinking establishments.
2. As a guideline, no such establishment shall be permitted closer than 500 feet from a zone in which it is permitted outright, in order to prevent the sprawl of primary commercial centers.

F. Commercial Uses - High Traffic Generation:

1. Commercial uses requiring large land area or capable of generating high traffic volumes include auto service stations, car lots, lumber yards, manufactured dwelling sales, or large retail outlets.
2. Uses shall be located on an arterial street, or at the intersection of two collector streets in order to lessen traffic impacts on residential areas. Access shall be designed to provide ingress or egress on non-residential streets.

G. Commercial Recreation:

1. Commercial recreation with high traffic volumes shall have access onto an arterial street and provide access on non-residential streets.
2. Structures associated with low intensive recreation uses, such as club houses or indoor tennis courts, shall be designed to be compatible with the surrounding landscape and adjacent uses.
3. Uses which could potentially generate high traffic volumes, such as spectator events, shall not be allowed.

H. Eating or Drinking Establishments: Eating or drinking establishments shall be small scale and shall be intended for local or neighborhood use. Restaurants in conjunction with motels may be of a size necessary to accommodate the traveling public. Restaurants with drive-in service shall be permitted only in the South High Intensity Zone. Restaurants with facilities that accommodate late night entertainment shall be reviewed as provided in Section 10.10.150, Architectural Review.

I. Forest Management Practices:

1. Purpose: The purpose of this section is to ensure that forest practices are carried out in a manner that will protect soil integrity, water quality, fish and wildlife habitat, riparian vegetation, significant natural resources, scenic values and adjacent urban uses.
2. Applicability: The following activities are considered forest management practices and are subject to the provisions of this section:
 - a. Harvesting of trees for commercial purposes including but not limited to falling, bucking, yarding, decking, loading or hauling of such trees.
 - b. Construction, reconstruction and improvements of roads as part of a forest harvesting operation.

- c. Site preparation for reforestation involving clearing or the use of heavy machinery.
 - d. Clearing of forest land for conversion to a non-forest use.
 - e. Disposal and treatment of slash.
 - f. Precommercial thinning.
3. Exceptions: The removal of trees in accordance with Section 7.04 (Tree Cutting) is not considered a forest management practice.
4. Forest Management Plan Approval Required:
- a. As part of a conditional use application, a forest management plan prepared by a forester shall be submitted.
 - b. The written forest management plan shall contain specific information applicable to the proposed operation. Elements of the plan shall include, but not be limited to, the location of roads and landings, road and landing design and construction, drainage systems, disposal of waste material, falling and bucking, buffer strips, yarding system and layout, sensitive resource site protection measures and post operation stabilization measures.
 - c. The applicant shall select a qualified forester to prepare the plan. The applicant shall bear the cost of the plan preparation as well as the cost of monitoring the forest management operation. The City may select a qualified forester to review the plan and pass the cost onto the applicant.
 - d. The forest management plan shall conform to the standards of paragraph I.3 of this section.
 - e. In the preparation of the forest management plan, the forester shall consult with state and federal agencies concerned with the forest environment, such as the Department of Fish and Wildlife, to obtain relevant information.
 - f. The landowner and/or operator shall comply with the approved forest management plan.
 - g. Modifications to the approved plan shall be reviewed by the planning commission. Modification of an approved plan shall be required when, based on information that was not available or known at the time of the approval, the forester determines the approved plan will no longer provide adequate protection to the natural resources of the site.
 - h. The forester shall monitor the forest operation to ensure that it is carried out in accordance with the approved plan. Upon completion of the operation the forester shall prepare a report certifying that the operation was carried out in compliance with the approved plan.
5. Standards: Forest management plans shall be prepared in conformance with the following standards:
- a. Only selective harvesting of trees is permitted.
 - b. A riparian zone shall be maintained adjacent to Type D, Type F, and Type N waters. Section 10.06.100(B)12 and Section 10.10.010(C) of the Development Code define the required setbacks in the riparian zone. There shall be no harvesting of trees in the riparian zone. Other activities in conjunction with forest practices, such as road construction, in the riparian zone shall be permitted only where there are no other feasible alternatives. The definitions of Type D, Type F, and Type N waters shall be those established in the Forest Practices Rules.
 - c. Existing stream courses shall not be altered.
 - d. No forest management operations shall occur in identified wetland areas.
 - e. Where a forest operation is to be located within six hundred feet of a specific site involving a threatened or endangered species (as listed by the U.S. Fish and Wildlife Service or the Oregon Department of Fish and Wildlife) or a sensitive bird nesting, roosting or watering site, a

specific habitat protection plan shall be prepared in consultation with the Oregon Department of Fish and Wildlife.

- f. There shall be no mining or mineral extraction as part of a forest operation.
- g. Forest practices shall not involve the application of herbicides, insecticides or rodenticides.
- h. Slash shall be controlled in a manner that does not require burning.
- i. Road construction shall be in accordance with the criteria of the Oregon Forest Practices Rules.
- j. Harvesting of trees shall be in accordance with the criteria of the Oregon Forest Practices Rules.
- k. Reforestation of lands intended to continue in forest use shall be stocked according to the levels specified in the Oregon Forest Practice Rules. The forest management plan shall include specified actions necessary for the maintenance of planted trees. Within one year following the harvest on lands not planned for reforestation, adequate vegetative cover shall be established to provide soil stabilization and to minimize aesthetic impacts within one year following the harvest.

J. Industry - Non Water Dependent or Related:

- 1. Industrial uses shall have limited or phased social and fiscal impacts on the community. Adequate public facilities (sewer, water, fire protection, schools, streets) shall be available to serve the industry prior to construction, or assurance shall be given the City in the form of performance bond that public facilities will be installed concurrently at the developer's expense.
- 2. Industrial uses shall be labor rather than capital intensive.
- 3. Preference shall be given to industries which are related to the resources of the area, such as fishing, forest products, the dairy industry, or shipping.
- 4. Industrial uses shall meet all applicable standards pertaining to buffers, screens, lot coverage, and open area. The Planning Commission may require additional buffer areas where it appears that existing adjacent uses warrant protection.
- 5. Special attention shall be given to the emission standards pertaining to noise, smoke, odor, or glare.

K. Meeting Halls, Churches, and Schools:

- 1. The hours of operation of meeting halls and churches shall be controlled so as not to disrupt surrounding residential uses.
- 2. Eating or drinking establishments or entertainment associated with meeting halls or churches shall meet the requirements of (H) above.
- 3. Meeting halls, churches, and schools shall be designed in a manner which is compatible with the surrounding neighborhoods in terms of height, bulk, and maintenance of existing vegetation.

L. Mining or Removal of Sand or Gravel:

- 1. Mining or removal of sand or gravel in wetlands, lowlands, or water areas shall be done only after a permit from the Division of State Lands or U.S. Army Corps of Engineers is issued, if those agencies determine that they have jurisdiction in those areas.
- 2. Sedimentation and erosion shall be controlled through the use of berms, catch basins, mulching, and revegetation as may be required by the Planning Commission.

M. Extensive Excavation and Grading:

- 1. All requirements of Chapter 70 of the Uniform Building Code are adhered to.
- 2. The extent and nature of the proposed grading and/or filling are appropriate to the use proposed and will not create site disturbances to an extent greater than that required for use.
- 3. The proposed grading and/or filling, and any related construction, will have a minimum impact on views from adjacent property.
- 4. The proposed grading and/or filling will be designed in a manner that minimizes any adverse visual impacts on adjacent property.

5. The proposed grading and/or filling will not have an adverse impact on the drainage on adjacent property.

N. Cottage Industries: In the Moderate and Low Intensity Zones, or cottage industries may be allowed in order to promote a local economic base consistent with the character of the City. Allowable uses include crafts, small scale services, and other activities which have little impact on the neighborhoods in terms of traffic generation, noise, appearance, operating hours, or other factors. Activities are to be allowed on a limited conditional use basis, with the primary condition that the permit can be revoked for violation of the standards. It is intended that full scale or intensive uses be located in the high intensity zones.

1. Standards: Standards of the intensity zone and conditional use standards shall apply to cottage industries. In addition, the following specific standards shall apply:
 - a. Signs shall be no larger than 1 square foot and shall be no more than 4 feet from ground level.
 - b. The use shall be carried out in the dwelling or in a structure attached thereto.
 - c. Uses involving non-resident employees and the delivery of materials shall limit their hours of operation to between 8:00 a.m. and 6:00 p.m.
 - d. The use shall be architecturally and aesthetically compatible with the surrounding residential area and the existing structures on the site.
 - e. There shall be no storage of materials or equipment excess of the lot coverage requirements of the zone, except for plant materials such as nursery stock.
 - f. Recreation vehicle or trailer parks, amusement, or gaming operations are not to be allowed as a home occupation.
2. Complaint Procedure: The Planning Commission shall review cottage industries upon receipt of three written complaints from three separate households within two hundred fifty (250) feet of the boundary of the affected property, or a complaint from the Building Official. The City Recorder shall schedule a public hearing to review the complaints.
3. Action by the Planning Commission: The Planning Commission shall hear the evidence presented and may, with adequate findings of fact:
 - a. Approve the use as it exists.
 - b. Require that it be terminated.
 - c. Impose restrictions, such as limiting hours of operation or requiring construction of a fence.

Decisions of the Planning Commission may be appealed to the City Council.

O. Yurt:

1. Standards: Standards of the Chapter 10 including but not limited to the Moderate Intensity Zone, the Flood Damage Prevention Ordinance, the Hazard Overlay Zone, and the Conditional Use standards shall apply to the placement and operation of a yurt. In addition, the following specific standards shall apply:
 - a. A full-time primary residential use shall be continuously occupied by the property owner or agent of the property owner who shall ensure on-site management and maintenance of the yurt;
 - b. Signage shall not exceed 2 square feet. The bottom of the sign shall be no more than 4 feet from the ground;
 - c. The use shall be designed and continuously maintained to be aesthetically compatible with the surrounding residential area. Fencing shall consist of attractive natural materials as far as is practicable. Storage shall be screened from view. Landscaped areas shall be maintained in native vegetation. Fencing and mature native plants

- shall adequately screen the use. Existing native trees shall be retained wherever practicable. Buffers may be required;
- d. The maximum square footage of a yurt shall be 768 square feet;
 - e. Building height of a yurt shall be no more than 16 feet above the elevation required by the Flood Damage Prevention Ordinance and shall not exceed 24 feet in height above existing grade;
 - f. One parking space shall be provided and maintained for a yurt up to 400 feet in area; two parking spaces shall be provided and maintained for a yurt over 400 square feet in area;
 - g. A yurt shall have bathroom facilities including a shower, sink and a toilet. A yurt may have kitchen appliances, but shall not be wired for 220 electrical current;
 - h. A yurt shall not be used for full-time residential use. All requirements for transient lodging use of the structure shall be continuously met;
 - i. A yurt shall be connected to water and sewer service through the primary residential use;
 - j. Coastal Shoreland Goals and Policies shall be addressed in the application for a yurt. Adjacent Estuarine areas shall be protected from potential adverse impacts;
 - k. A building permit shall be obtained. Prior to approval of the building permit, all conditions of site development established by this Chapter or required as a condition in granting a conditional use shall be met. The City shall obtain certification and evidence that the following criteria are met, as far as is reasonably practicable:
 - (1) The yurt shall meet all fire-resistive occupancy requirements (separations, required fire separation walls, parapet walls, and other fire-resistive requirements);
 - (2) The yurt has been approved by the Building Code Division and will be installed and used according to its intended design and purpose as identified by an Oregon Insignia of Compliance;
 - (3) With application, a site plan, occupancy classification, construction type, structure size, floor live load, roof live load, wind exposure, seismic area, energy zone, electrical service loads, plumbing fixture loads, number of modules and certification whether it is a permanent or re-locatable structure shall be submitted;
 - (4) The design and construction of the yurt foundation and structure shall be consistent with the standards established by the Oregon Building Code Division for prefabricated structures,
 - (5) The yurt shall comply with Oregon One and Two Family Dwelling Specialty Code, and shall be certified with an Oregon Insignia of Compliance.
2. Conditions: All conditions of site development established by this Chapter or required as a condition in granting a conditional use shall be met prior to receiving a building permit to construct a yurt.
 3. Maintenance: The use and all site development requirements shall be continuously maintained consistent with this Chapter.
 4. Complaint Procedure: Upon receipt of evidence from staff of non-compliance with yurt conditional use requirements, upon receipt of a complaint signed by three or more persons filed with the City Recorder or a complaint from the Building Official. Upon receipt of any of the above complaints, the City Recorder shall schedule a public hearing before the Bay City Planning Commission for the Commission to review the complaints.
 5. Action by the Planning Commission: The Planning Commission shall hear the evidence presented and may, with adequate findings of fact:
 - a. Approve the use as it exists;

- b. Require that the use be terminated;
- c. Impose additional conditions or restrictions, such as the limiting of hours of operation or requiring the construction of a fence.

SECTION 16: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 17: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 18: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from thirty (30) days following its publication and approval according to law.

SECTION 19: **COMPREHENSIVE PLAN NOW THEREFORE**, be it further ordained by the City Council of the City of Bay City, in the State of Oregon, that the Bay City Comprehensive Plan is hereby amended to read as follows in Attachment A.

SECTION 20: **APPROVAL AND ADOPTION**
 First Reading: May 13, 2025

Second Reading: June 10, 2025

Adoption: June 10, 2025

Effective Date: July 11, 2025

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL JUNE 10, 2025.

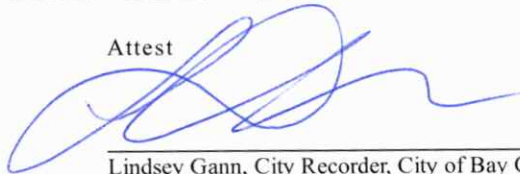
	AYE	NAY	ABSENT	ABSTAIN
Kathleen Baker, Council President	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Anthony Boatman, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Justin Howard, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Colin Jones, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Tim Josi, Councilor	<u> </u>	<u> </u>	<u> X </u>	<u> </u>
Ralph McRae, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer



 Liane Welch, Mayor, City of Bay City

Attest



 Lindsey Gann, City Recorder, City of Bay City

THE CITY OF BAY CITY COMPREHENSIVE PLAN

Proposed Text Amendments

Page 9:

GOAL VIII: TO PROVIDE A WIDE VARIETY OF HOUSING OPPORTUNITIES IN BAY CITY.

POLICIES:

1. Manufactured dwellings shall be permitted anywhere conventionally built single family dwellings are permitted, subject to standards in the development ordinance.
2. The minimum size building lot for new developments shall be 5,000 square feet for residential development, **or equivalent for middle housing**. Areas of unbuildable land (significant wetlands, slopes greater than 25%), shall not be used for density calculations.
3. Larger lot sizes or lower densities may be required in the Low Intensity Zone Standards in the Development Ordinance shall require an amount of open space, and other factors.
4. The Development Ordinance shall provide for varying density levels and housing types in support of this goal.
5. Density incentives or bonuses shall be provided to encourage high quality housing development.
6. Planned developments and subdivisions shall be encouraged as a method of reducing housing and public facilities costs and increasing open space area.

7. Middle housing and accessory dwelling units (ADUs) shall be permitted anywhere single family dwellings are permitted. Clear and objective design standards in the Development Ordinance shall promote middle housing that is compatible with residential neighborhoods. (Amended Ord. #630, 05-07)

Page 23:

LAND USE CATEGORIES:

2. THE MODERATE INTENSITY ZONE:

- A. The purpose of this category is to designate a large area of mostly platted (subdivided) land within the City limits. The largest land use is residential, with a few scattered pastures, forests and other uses.
- B. It is the intention of the Plan that the moderate intensity area develop at moderate density residential levels, at about 8 **dwelling units single family dwellings or equivalent middle housing developments** per acre. These can develop on a lot-by-lot basis, on 5,000 square foot lots (50 x 100), **or equivalent for middle housing**, or as cluster

developments. The Development Ordinance should provide incentives during subdivision and development in order to preserve open space and reduce public facility costs. (Amended Ord. #630, 05-07)

C. The density standards shall apply to all partitioning or subdivision of property in the future, **and to developments of over two dwellings at one time.**

D. Allowable uses in the moderate intensity category shall include single-family dwellings, duplex, middle housing or cluster developments, and shall meet the standards established in the Development Ordinance, and above all are compatible with the surrounding neighborhoods.

Carefully-devised standards to insure that these uses are compatible with the areas in which they are located should be included in the Development Ordinance.

E. Other Permitted uses should include some uses allowed in the Low Intensity Zone, but the City shall be empowered to not permit those uses which do not meet the standards.

F. Development Ordinance standards shall be devised to control the design, traffic generation, lot coverage, buffering and other impacts of uses in this area.

Page 25:

3. THE LOW INTENSITY ZONE:

A. The purpose of this category is to identify the lands within the Urban Service Area which are less developable due to their physical limitations (flooding, slope, etc.), their distance from City services such as sewer and water, or their present use for agricultural purposes.

B. This area constitutes the "phased growth" portion of Bay City; as vacant lands in the moderate intensity areas become developed, it is anticipated that these areas will become more built up, subject to their physical limitations.

C. The residential density of this area shall range from 1 to 3 **dwelling units single family dwellings or equivalent middle housing developments** per acre, depending on the building suitability and whether the lots or dwellings are clustered. Standards should be detailed in the Development Ordinance establishing specific lot sizes and building criteria.

D. It is the intention of the Plan that the land in steep, hard-to-build areas be developed at lower densities with minimal disturbance of the landscape and that hazards to life and property are avoided. Development standards shall address these goals. Lands that are more favorable for building shall be evaluated for reduced lot sizes through the variance process.

E. Permitted uses in the low intensity zone shall include single family, duplex, middle housing and multifamily dwellings, agricultural, aquacultural and horticultural activities, cottage industries, home occupations, Child Care Center and Family Home and other non-residential uses with careful review of the Planning Commission.

F. Existing active farm units within the Urban Service Area shall be converted to other uses

only upon showing that there is need for new residential subdivisions, that the farm is not economically productive, and that there is sufficient sewer and water capacity to serve the development.

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SHORELAND 3 ZONE (Amended Ord. #663, 14-03)

The Shoreland 3 Zone area occupies land that is west of the US Highway 101 right-of-way, south of Tillamook Avenue, to the South City Limits. Vehicular access from the area to US Highway 101 is provided by Warren Street. The City is evaluating opportunities to create a second emergency access. The Shoreland 3 Zone is located adjacent to estuaries and includes wetlands associated with Goose Point and Kilchis Point. The land is suitable for residential development and for non-residential development where it is determined to be compatible with development standards. The Tillamook County Pioneer Museum operates Kilchis Point Reserve here. The City wastewater treatment plant, sewage treatment lagoons, and public works offices and shops are located here.

POLICIES applicable to the Shoreland 3 Zone are:

1. The Shoreland 3 Zone allows residential uses outright and allows other uses on a conditional use basis subject to specified performance standards. Performance standards are intended to separate non-compatible uses and, where appropriate, to reduce the overall intensity of use while allowing flexibility in development.
2. All development except for single family dwellings, duplexes, **middle housing**, accessory uses, and home occupations are to be reviewed by the City Planning Commission to ensure that they meet the following guidelines:
 - a. Public utilities and streets have the capacity to support the proposed use or improvements necessary for the use are to be provided.
 - b. The use does not impair the scenic value of the waterfront or block existing public access to the water for recreation purposes.
 - c. The use is consistent with specified performance standards.
 - d. The use is consistent with the Bay City Comprehensive Plan.
3. Riparian vegetation shall be protected and retained. A 50-foot riparian zone is established on the bank of Tillamook Bay.
4. The Shoreland 3 area is susceptible to the following identified natural hazards. Therefore it is City policy to allow a maximum density for new development **is of one single family dwelling unit per 10,000 5,000 square feet, or equivalent middle housing development.**
 - a. The Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) identifies the Shoreland 3 area as having property located in the Velocity Flood Zone.

- b. Bay City is required to participate in the National Flood Insurance Program (NFIP).
- c. The Oregon Department of Geology and Mineral Industries (DOGAMI) identifies property within the Shoreland 3 area as being susceptible to tsunami inundation hazards.
- d. The Shoreland 3 area has a single vehicular access point at Warren Street.
- e. Structures in the Shoreland 3 area are required to have fire sprinklers installed with development until such time as a second access meeting Oregon Fire Code access standards is installed.