

**CITY OF BAY CITY
ORDINANCE 720**

**AN ORDINANCE ADOPTING AND MAKING AMENDMENTS TO THE BAY CITY
COMPREHENSIVE PLAN AND CERTAIN SECTIONS OF THE UNIFIED
MUNICIPAL CODE, SPECIFICALLY CHAPTER 10 TO INCLUDE UPDATES FOR
DEFINITIONS, FIREWISE RECOMMENDATIONS, AND MINOR TEXT EDITS**

WHEREAS, the Planning Commission recommends updates to development recommendations, including Firewise Recommendations, revisions in Definitions, Cottage Clusters, and minor text edits; and

WHEREAS, the City of Bay City desires to amend the Bay City Comprehensive Plan and Bay City Municipal Code to adopt an updated Comprehensive Plan and Bay City Municipal Code; and

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

WHEREAS, the Planning Commission held a first hearing on the proposed changes on March 18, 2026; 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 Bay City Municipal Code Section 10.12.080, 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." An individual dwelling unit that is part of a cottage cluster.

"Cottage Cluster." A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each, located on a single lot or parcel that include a common courtyard, .

"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, Multifamily." . 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 multifamilyfamily.dwelling

"Dwelling, Single Family." A . single dwelling unit on one lot or parcel.

"Dwelling, Duplex." A structure containing two attached dwelling units on one lot or parcel, .

A single family dwelling and an accessory dwelling unit are not considered a duplex.

"Dwelling, Triplex." A structure containing three attached dwelling units on one lot or parcel.

"Dwelling, Quadplex." A structure containing four attached dwelling units on one lot or parcel.

"Dwelling Unit." One or more rooms designed for residential occupancy 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.

"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:

- 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.

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~~ [Article 10.06](#) defines the land use categories/[districts](#) used in [this Article 3 Chapter](#).
- 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.

"Bush/Shrub." All other woody vegetation not considered trees.

"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 Cluster." A grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each, located on a single lot or parcel that include a common courtyard, .

"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.

"Dead Tree." A tree is lifeless. evidence of lifelessness may include unseasonable lack of foliage, brittle dry branches or lack of any growth during the growing season.

"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, Multifamily." . 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 multifamilyfamily.dwelling

"Dwelling, Single Family." A . single dwelling unit on one lot or parcel.

"Dwelling, Duplex." A structure containing two attached dwelling units on one lot or parcel, . A single family dwelling and an accessory dwelling unit are not considered a duplex.

"Dwelling, Triplex." A structure containing three attached dwelling units on one lot or parcel.

"Dwelling, Quadplex." A structure containing four attached dwelling units on one lot or parcel.

"Dwelling Unit." One or more rooms designed for residential occupancy 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.

"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.

["Firewise." Taking steps to reduce wildfire risk by creating a defensible space around your home.](#)

"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.

"Illegally Removed Tree." A tree removed without first obtaining city approval and a city permit.

"Immediate Danger of Collapse of a Tree." A tree may already be leaning with the surrounding soil heaving, and/or there is a significant likelihood that the tree will topple or otherwise fail and cause damage to the surroundings. Immediate Danger Of Collapse does not include hazardous conditions that can be alleviated by pruning or treatment.

"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.

"Large Tree." Being over 15 feet high, usually with main branches or limbs over three inches in diameter.

"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.

" Limited Land Use Decision." An expedited administrative process for approving specific housing developments within urban growth boundary, requiring local government processing via a faster, non-public hearing procedure.

"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:

- 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).

"Modifications." A discretionary process used to alter development standards when specific, unique site constraints make it impossible to meet the strict code.

"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.

"Park Or Monument Tree." A tree located in a public park or other area owned by the city having an individual name, and all other areas owned by the city, or to which the public has free access as a park.

"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.

"Parking Strip, Planter Strip or Tree Lawn." The area between the street curb and sidewalk in the public right-of-way, utilized for landscaping and street tree planting.

"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.

"Private Tree." A tree located on private property other than a dedicated right-of-way or city utility easement or public parks and grounds.

"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.

"Significant Tree." A tree having a trunk 18 caliper inches diameter at breast height (dbh) or larger in diameter.

"Single Room Occupancy." A residential development consisting of no fewer than four attached or detached units that are independently rented and lockable, and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation with other units in the occupancy, for a period of greater than thirty (30) days.

"Small Tree". Being less than 15 feet high, usually with small main branches that are one to three inches in diameter.

"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

"Street Tree." A tree on land lying within a dedicated right-of-way along either side of a street, avenue or other way within a dedicated utility easement of the city.

"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.

"Tree." A woody perennial plant, typically having a single stem or trunk growing to a considerable height and bearing lateral branches at some distance from the ground.

“Tree Cutout Or Tree Well.” The area between the street and a sidewalk in the public right-of-way, for street tree planting.

“Tree Removal.” To cut down a tree, or remove 50% or more of the crown, trunk or root system of a tree; or to damage a tree so as to cause the tree to decline and/or die. Removal Includes topping. removal includes but is not limited to damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration of natural physical conditions. Removal does not include normal trimming or pruning of trees.

“Tree Size.” Notwithstanding the tree classifications, the size of a tree, though not specific, will be described as either a "Small" or "Large" tree.

“Tree Topping.” The Severe cutting back of a tree’s limbs to stubs three inches or larger in diameter within the tree’s crown to such a degree so as to remove the natural canopy and disfigure the tree. Topping does not include the practice of pollarding when conducted in accordance with the standards established by The International Society Of Arboriculture.

"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.

SECTION 2: AMENDMENT “10.06.010 Introduction” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.010 Introduction

This Chapter is intended to regulate land use within the Bay City Corporate Limits in conformance with the goals and policies of the Comprehensive Plan and the Statewide Planning Goals and Guidelines. This Chapter is designed to address the impacts of land uses partially through the use of performance standards, and by the division of the City into intensity zones, where different levels of land use intensity may take place. It is also intended to unify the zoning, subdivision, partitioning, and planned development ordinances into one document, and to provide a single application form and process for building permits, grading and erosion control permits, partitionings, subdivisions, planned developments, conditional uses, variances, and zone and plan changes. The official Plan/Zone Designation Map showing the location of plan designations and intensity zones is on file in the Bay City City Hall.

AFTER AMENDMENT

10.06.010 Introduction

This ~~Chapter~~ Article is intended to regulate land use within the Bay City Corporate Limits in conformance with the goals and policies of the Comprehensive Plan and the Statewide Planning Goals and Guidelines. This ~~Chapter~~ Article is designed to address the impacts of land uses partially through the use of performance standards, and by the division of the City into intensity zones, where different levels of land use intensity may take place. It is also intended to unify the zoning, subdivision, partitioning, and planned development ordinances into one document, and to provide a single application form and process for building permits, grading and erosion control permits, partitionings, subdivisions, planned developments, conditional uses, variances, and zone and plan changes. The official Plan/Zone Designation Map showing the location of plan designations and intensity zones is on file in the Bay City City Hall.

SECTION 3: AMENDMENT “10.06.040 High Intensity Zone (HI)” of the
Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.040 High Intensity Zone (HI)

- A. Purpose: The purpose of the high intensity area is to provide areas of land in which intensive types of activities can take place. Some of these uses include, but are not limited to, commercial, industrial, higher density residential, intensive commercial recreation, and similar types of activities with heavier impacts.
- B. General Zoning Policies:
 - 1. North High Intensity Area (The Town Center; NHI): It is the intent of this Section to encourage an identifiable town center, in which a variety of primary retail, service, and governmental activities are carried out. It is the area encompassing the post office, City Hall, the Church, grocery stores, cafes and taverns, the main city park, and various shops. Uses allowed and encouraged here are those which are land intensive and do not have large parking needs such as drive-in restaurants.
 - 2. South High Intensity Area (US Highway 101; SHI): Uses located in this area may be more highway oriented than those allowed in the town center, and similar to those uses established there, such as the service station, highway oriented stores, and light industry. Access onto US 101 shall be limited to public streets other than US 101.
 - 3. East High Intensity Area (EHI): Additional high intensity uses and greater lot coverages are allowed in this area subject to buffering and screening requirements to separate industrial and residential uses. Performance standards concerning smoke, noise, and glare must be carefully observed in this area.
 - 4. Uses Allowed: Refer to Section 10.06.025
- C. High Intensity Zone Standards (for NHI, SHI and EHI Zones)
 - 1. Maximum Lot Coverage: Refer to Chapter 10.10.005 Zone Development Standard Matrix

2. Minimum Open Area: Refer to Chapter 10.10.005 Zone Development Standard Matrix
3. Minimum Landscaped Open Area: Refer to Chapter 10.10.005 Zone Development Standard Matrix
4. Minimum lot size: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
5. Minimum Common Open Space: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
6. Maximum Height: Refer to Chapter 10.10.005 Zone Development Standard Matrix
7. Setback Requirements: Refer to Section 10.10.020
8. Parking Requirements: Refer to Section 10.10.070
9. Sign Requirements: Refer to Section 10.10.100
10. Architectural Review: Refer to Section 10.10.060

AFTER AMENDMENT

10.06.040 High Intensity Zone (HI)

- A. Purpose: The purpose of the high intensity area is to provide areas of land in which intensive types of activities can take place. Some of these uses include, but are not limited to, commercial, industrial, higher density residential, intensive commercial recreation, and similar types of activities with heavier impacts.
- B. General Zoning Policies:
 1. North High Intensity Area (The Town Center; NHI): It is the intent of this Section to encourage an identifiable town center, in which a variety of primary retail, service, and governmental activities are carried out. It is the area encompassing the post office, City Hall, the Church, grocery stores, cafes and taverns, the main city park, and various shops. Uses allowed and encouraged here are those which are land intensive and do not have large parking needs such as drive-in restaurants.
 2. South High Intensity Area (US Highway 101; SHI): Uses located in this area may be more highway oriented than those allowed in the town center, and similar to those uses established there, such as the service station, highway oriented stores, and light industry. Access onto US 101 shall be limited to public streets other than US 101.
 3. East High Intensity Area (EHI): Additional high intensity uses and greater lot coverages are allowed in this area subject to buffering and screening requirements to separate industrial and residential uses. Performance standards concerning smoke, noise, and glare must be carefully observed in this area.
 4. Uses Allowed: Refer to Section 10.06.025
- C. High Intensity Zone Standards (for NHI, SHI and EHI Zones)
 1. Maximum Lot Coverage: Refer to Chapter 10.10.~~005~~010 Zone Development Standard Matrix

2. Minimum Open Area: Refer to Chapter 10.10.~~005~~010 Zone Development Standard Matrix
3. Minimum Landscaped Open Area: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix
4. Minimum lot size: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
5. Minimum Common Open Space: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
6. Maximum Height: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix
7. Setback Requirements: Refer to Sections 10.10.010 and 10.10.020
8. Parking Requirements: Refer to Section 10.10.070
9. Sign Requirements: Refer to Section 10.10.100
10. Architectural Review: Refer to Section 10.10.060

SECTION 4: **AMENDMENT** “10.06.050 Moderate Intensity Zone (MI)” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.050 Moderate Intensity Zone (MI)

- A. Purpose: The purpose of the moderate intensity area is to provide areas of land in which moderately intensive types of activities can take place. These include, but are not limited to, single family and duplex development permitted as an outright use.
- B. General Zoning Policies:
 1. Development hazards such as steep slopes, flood hazards, and weak foundation soils are considerations for limiting densities in the applicable areas, and are included in the Hazards Overlay Zone in Chapter 10.07.010.
- C. Moderate Intensity Zone Standards:
 1. Maximum Lot Coverage: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
 2. Minimum Open Area: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
 3. Minimum Landscaped Open Area: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
 4. Minimum Lot Size: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
 5. Maximum Height: Refer to Chapter 10.10.005 Zone Development Standard Matrix.
 6. Uses Allowed: Refer to Use Matrix, Section 10.10.005

7. Setback Requirements: Refer to Section 10.10.020
8. Parking Requirements: Refer to Section 10.10.070
9. Sign Requirements: Refer to Section 10.10.100
10. Architectural Review: Refer to Section 10.10.060

AFTER AMENDMENT

10.06.050 Moderate Intensity Zone (MI)

- A. Purpose: The purpose of the moderate intensity area is to provide areas of land in which moderately intensive types of activities can take place. These include, but are not limited to, single family and duplex development permitted as an outright use.
- B. General Zoning Policies:
 1. Development hazards such as steep slopes, flood hazards, and weak foundation soils are considerations for limiting densities in the applicable areas, and are included in the Hazards Overlay Zone in Chapter 10.07.010.
- C. Moderate Intensity Zone Standards:
 1. Maximum Lot Coverage: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
 2. Minimum Open Area: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
 3. Minimum Landscaped Open Area: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
 4. Minimum Lot Size: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
 5. Maximum Height: Refer to Chapter 10.10.0~~05~~10 Zone Development Standard Matrix.
 6. Uses Allowed: Refer to Use Matrix, Section 10.10.0~~05~~10
 7. Setback Requirements: Refer to Sections 10.10.010 and 10.10.020
 8. Parking Requirements: Refer to Section 10.10.070
 9. Sign Requirements: Refer to Section 10.10.100
 10. Architectural Review: Refer to Section 10.10.060

SECTION 5: AMENDMENT “10.06.060 Low Intensity Zone (LI)” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.060 Low Intensity Zone (LI)

- A. Purpose: The purpose of the low intensity zone is to encompass those areas with large, undeveloped tracts of land where full city services are not available. The area includes several active farms and forested areas. It is anticipated that these areas may become

more intensively developed in the future as the City grows. At present, however, development shall be at a low intensity level, as reflected in the performance standards.

B. General Zoning Policies:

1. Buffer, screen, access, or traffic generation requirements shall be used to lessen the impact of uses which are potentially incompatible with the rural character of this zone.
2. Development hazards such as steep slopes, flood hazards, and weak foundation soils are considerations for limiting densities or requiring special construction practices, and are included in the Hazards Overlay Zone, Section 10.07.010.

C. Low Intensity Zone Standards:

1. Maximum Lot Coverage: Refer to Section 10.10.005 Zone Development Standard Matrix.
2. Minimum Open Area: Refer to Section 10.10.005 Zone Development Standard Matrix.
3. Minimum Lot Size: Refer to Section 10.10.005 Zone Development Standard Matrix.
4. Minimum Common Open Space: Refer to Section 10.10.005 Zone Development Standard Matrix.
5. Maximum Height: Refer to Section 10.10.005 Zone Development Standard Matrix.
6. Uses Allowed: Refer to Allowable Use Matrix, Section 10.06.025
7. Setback Requirements: Refer to Section 10.10.020
8. Parking Requirements: Refer to Section 10.10.070
9. Sign Requirements: Refer to Sections 10.10.100
10. Architectural Review: Refer to Section 10.10.060

AFTER AMENDMENT

10.06.060 Low Intensity Zone (LI)

- A. Purpose:** The purpose of the low intensity zone is to encompass those areas with large, undeveloped tracts of land where full city services are not available. The area includes several active farms and forested areas. It is anticipated that these areas may become more intensively developed in the future as the City grows. At present, however, development shall be at a low intensity level, as reflected in the performance standards.

B. General Zoning Policies:

1. Buffer, screen, access, or traffic generation requirements shall be used to lessen the impact of uses which are potentially incompatible with the rural character of this zone.
2. Development hazards such as steep slopes, flood hazards, and weak foundation soils are considerations for limiting densities or requiring special

construction practices, and are included in the Hazards Overlay Zone, Section 10.07.010.

C. Low Intensity Zone Standards:

1. Maximum Lot Coverage: Refer to Section 10.10.0~~05~~10 Zone Development Standard Matrix.
2. Minimum Open Area: Refer to Section 10.10.0~~05~~10 Zone Development Standard Matrix.
3. Minimum Lot Size: Refer to Section 10.10.0~~05~~10 Zone Development Standard Matrix.
4. Minimum Common Open Space: Refer to Section 10.10.0~~05~~10 Zone Development Standard Matrix.
5. Maximum Height: Refer to Section 10.10.0~~05~~10 Zone Development Standard Matrix.
6. Uses Allowed: Refer to Allowable Use Matrix, Section 10.06.025
7. Setback Requirements: Refer to Sections 10.10.010 and 10.10.020
8. Parking Requirements: Refer to Section 10.10.070
9. Sign Requirements: Refer to Sections 10.10.100
10. Architectural Review: Refer to Section 10.10.060

SECTION 6: **AMENDMENT** “10.06.130 Shoreland Zone (SL3)” of the Bay City Municipal Code is hereby *amended* as follows:

BEFORE AMENDMENT

10.06.130 Shoreland Zone (SL3)

- A. Purpose: Shoreland 3 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.
- B. Estuary and Shoreland Standards: All uses and activities shall satisfy the applicable Estuary and Shoreland Standards in Section 10.08.090.
- C. Additional Standards: Any Grading and Erosion Control Plan shall ensure that development does not adversely impact adjacent and surrounding property, the Tillamook Bay, wetlands, and surrounding Estuary Zones.
- D. Maximum Lot Coverage:
 1. Residential Uses 40%
 2. Non-residential Uses 40%
- E. Minimum Open Area:
 1. Residential Uses 40%

- 2. Non-residential Uses 40%
- F. Minimum Landscaped Open Area: A minimum of 10% 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 a use.
- G. Minimum lot area for lots in new subdivisions, partitions and planned developments: 10,000 square feet.
- H. Maximum Density of Dwelling Units: The Maximum Density of Dwelling Units is 5,000 square feet for each dwelling unit.
- I. Minimum Lot Size for Platted Lots Existing Prior to the Enactment of this Article:
 - 1. Minimum lot width or depth 40 feet
 - 2. Minimum lot area 5,000 square feet
- J. Minimum Common Open Space: 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.
- K. Maximum Height: Maximum building height permitted is 24 feet.
- L. Uses Allowed: Refer to Allowable Use Matrix, Section 10.06.020
- M. Setback Requirements: Refer to Section 10.10.040
- N. Parking Requirements: Refer to Section 10.10.050
- O. Sign Requirements: Refer to Section 10.10.120
- P. Architectural Review: Refer to Section 10.10.150

AFTER AMENDMENT

10.06.130 Shoreland Zone (SL3)

- A. Purpose: Shoreland 3 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.
- B. Estuary and Shoreland Standards: All uses and activities shall satisfy the applicable Estuary and Shoreland Standards in Section 10.08.090.
- C. Additional Standards: Any Grading and Erosion Control Plan shall ensure that development does not adversely impact adjacent and surrounding property, the Tillamook Bay, wetlands, and surrounding Estuary Zones.
- D. Maximum Lot Coverage:
 - 1. Residential Uses 40%
 - 2. Non-residential Uses 40%
- E. Minimum Open Area:
 - 1. Residential Uses 40%
 - 2. Non-residential Uses 40%
- F. Minimum Landscaped Open Area: A minimum of 10% 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 a use.

- G. Minimum lot area for lots in new subdivisions, partitions and planned developments: 10,000 square feet.
- H. Maximum Density of Dwelling Units: The Maximum Density of Dwelling Units is 5,000 square feet for each dwelling unit.
- I. Minimum Lot Size for Platted Lots Existing Prior to the Enactment of this Article:
 - 1. Minimum lot width or depth 40 feet
 - 2. Minimum lot area..... 5,000 square feet
- J. Minimum Public/Common Open Space: Subdivisions and planned developments of six lots or units or more, subdivided or developed within a 12 month period, are required to abide by the standards outlined in Section 10.14.170.H. ~~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.~~
- K. Maximum Height: Maximum building height permitted is 24 feet.
- L. Uses Allowed: Refer to Allowable Use Matrix, Section 10.06.020
- M. Setback Requirements: Refer to Section 10.10.040
- N. Parking Requirements: Refer to Section 10.10.050
- O. Sign Requirements: Refer to Section 10.10.120
- P. Architectural Review: Refer to Section 10.10.150

SECTION 7: AMENDMENT “10.10.020 Setback Requirements” of the Bay City Municipal Code is hereby *amended* as follows:

B E F O R E A M E N D M E N T

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. 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 townhouses on separate lots.
- C.
 - 1.
 - 2.
 - 3.
 - 4.

- 5.
 - 6.
- 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 e. 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.

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. 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

townhouses on separate lots.

- C. 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 e. 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.
- D. 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.
- E. 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.
- F. 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.
- G. 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 8: ADOPTION “10.10.030.01 Firewise” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.10.030.01 Firewise (Non-existent)

AFTER ADOPTION

10.10.030.01 Firewise(*Added*)

The following information is recommended for use to prepare homes for Firewise development. Firewise communities are those that have taken appropriate measures to become

more resistant to wildfire structural damage. An online Firewise Toolkit, including a Firewise tips checklist for homeowners, is available on the Firewise website. www.firewise.org.

SECTION 9: **ADOPTION** “10.10.030.02 Defensible Space” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

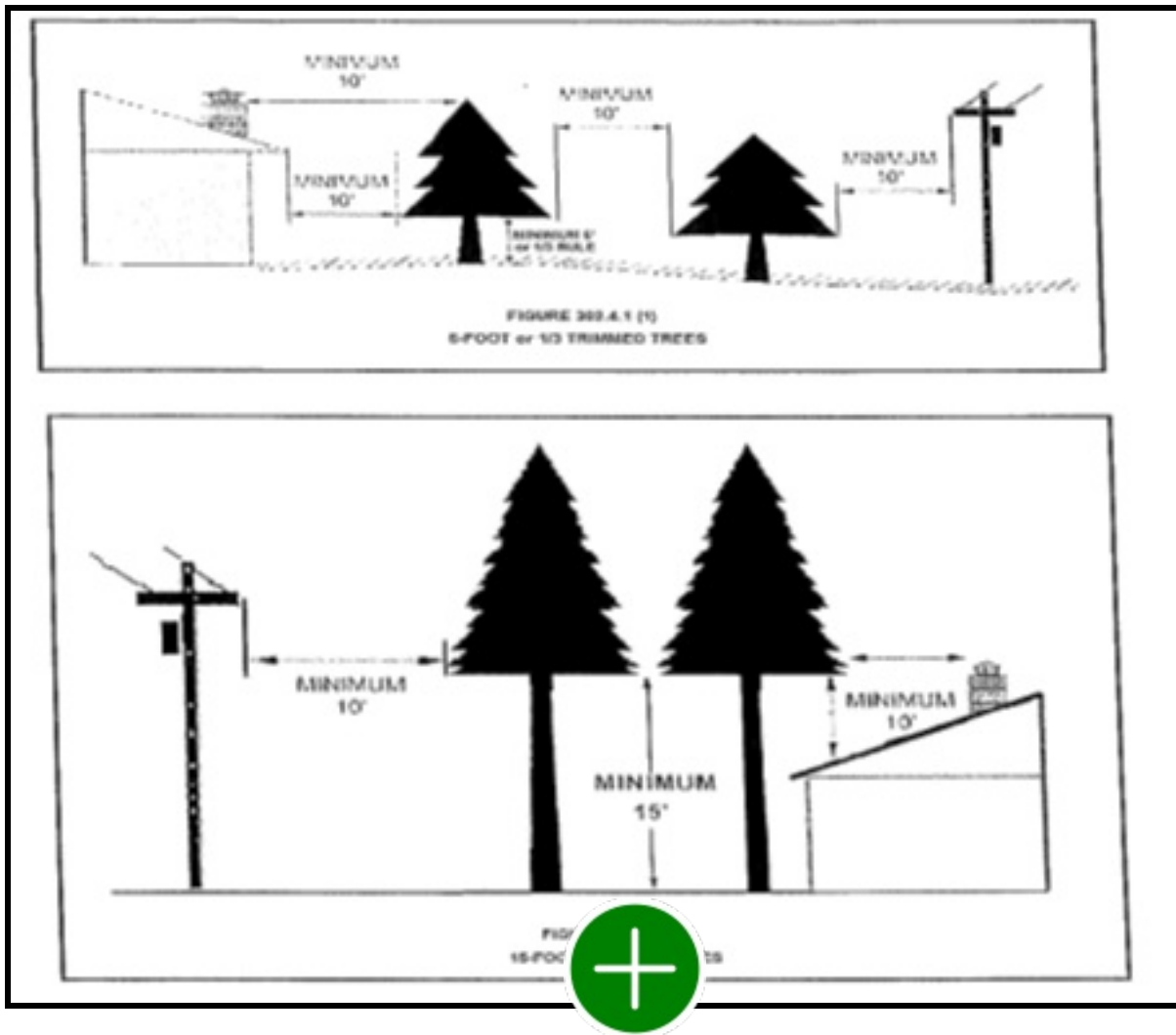
10.10.030.02 Defensible Space (Non-existent)

AFTER ADOPTION

10.10.030.02 Defensible Space(*Added*)

By creating a defensible space around a property, it can significantly reduce the chances of destruction should a wildfire occur around the property.

- A. Defensible Space is creating a green landscape, with reduced fuels, creating a low fire danger circumference around your home and other outbuildings for the prevention of wildfire and the slowing of the spread of wildfire. By following a few guidelines for maintaining property such as trimming the trees, picking up forest litter, clearing gutters, building an open driveway, moving burnable materials like firewood, just to name a few, have helped save many property owners from devastation.
- B. Many years of research has gone into compiling a list of guidelines to assist with assessing, determining, and maintaining methods that can be implemented by all property owners. These guidelines have been introduced into a program called Defensible Space.
- C. The images below identify the distances and trimming of trees for defensible space.



SECTION 10: **ADOPTION** “10.10.030.03 Characteristics of fire-resistant vegetation” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.10.030.03 Characteristics of fire-resistant vegetation (Non-existent)

AFTER ADOPTION

10.10.030.03 Characteristics of fire-resistant vegetation(*Added*)

All plants will burn under extreme fire weather conditions such as drought. However, plants burn at different intensities and rates of consumption. Fire-resistant plants burn at a relatively

low intensity, slow rates of spread and with short flame lengths. The following are characteristics of fire-resistive vegetation:

- A. Growth with little or no accumulation of dead vegetation (either on the ground or standing upright).
- B. Non-resinous plants (willow, poplar or tulip trees).
- C. Low volume of total vegetation (for example, a mowed grass area as opposed to a forest, unmaintained grass or shrub-covered land).
- D. Plants with high live fuel moisture (plants that contain a large amount of water in comparison to their dry weight).
- E. Drought-tolerant plants (deeply rooted plants with thick, heavy leaves).
- F. Stands without ladder fuels (vegetation that allows a fire to climb up into the canopy of the trees).
- G. Plants requiring little maintenance (slow-growing plants that, when maintained, require little care).
- H. Plants with woody stems and branches that require prolonged heating to ignite.

SECTION 11: **ADOPTION** “10.10.030.04 Fire Zones” of the Bay City Municipal Code is hereby *added* as follows:

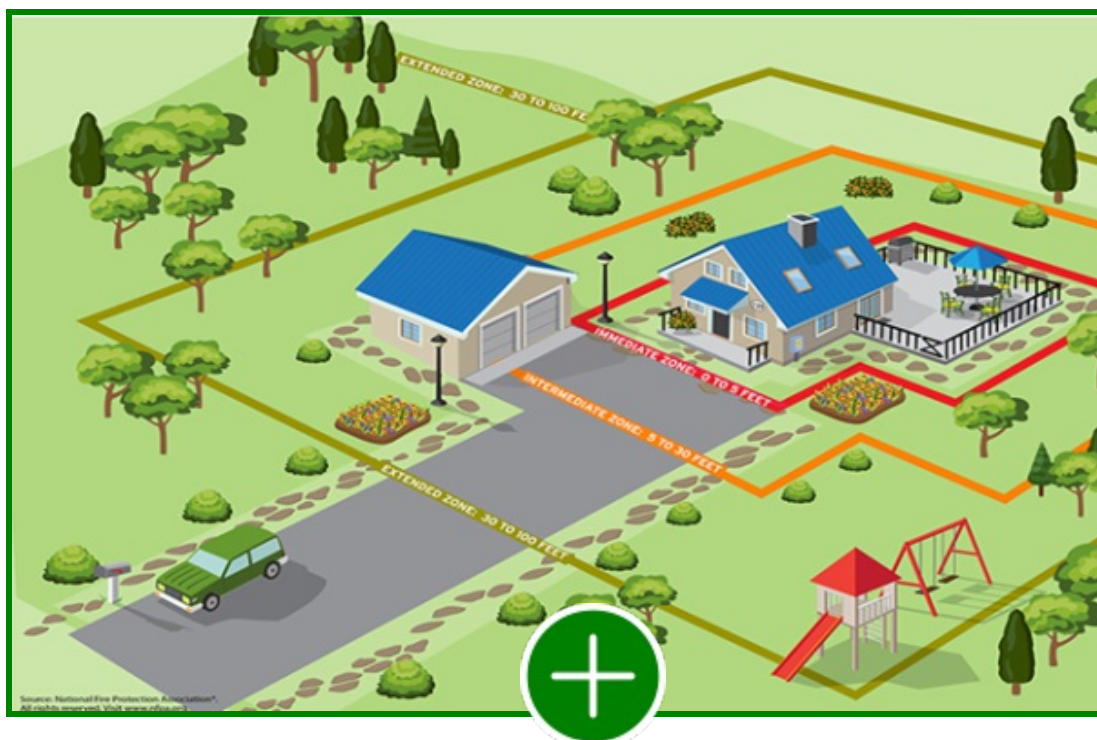
BEFORE ADOPTION

10.10.030.04 Fire Zones (Non-existent)

AFTER ADOPTION

10.10.030.04 Fire Zones(*Added*)

- A. The Home Ignition Zone (HIZ). The HIZ is divided into three zones. The Home Ignition Zone is an area which includes the house and the landscape within 100' feet of the house. Actions taken in this area influence whether a home is likely to ignite during a wildfire or not



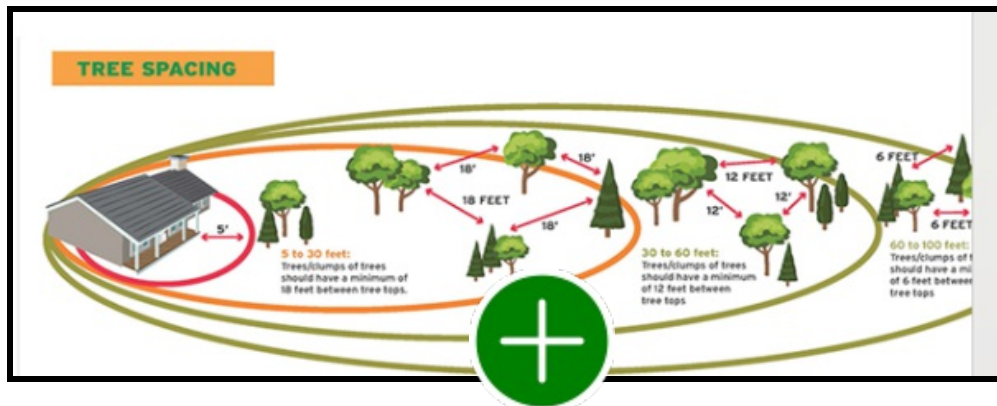
B. Immediate zone. The home and the area 0-5' from the furthest attached exterior point of the home; defined as a non-combustible area. Science tells us this is the most important zone to take immediate action on as it is the most vulnerable to embers. START WITH THE HOUSE ITSELF then move into the landscaping section of the Immediate Zone.

1. Clean roofs and gutters of dead leaves, debris, needles that could catch embers.
2. Replace or repair any loose or missing shingles or roof tiles to prevent ember penetration.
3. Reduce embers that could pass through vents in the eaves by installing 1/8 inch metal mesh screening.
4. Clean debris from exterior attic vents and install 1/8 inch metal mesh screening to reduce embers.
5. Repair or replace damaged or loose window screens and any broken windows. Screen or box-in areas below patios and decks with wire mesh or non-combustible material to prevent debris and combustible materials from accumulating.
6. Remove all mulch, all plants, leaves, needles, debris within five feet of the structure. Move firewood piles at least 30' away from the structure. Remove anything combustible (includes mulch, debris, plants, and anything stored).

C. Intermediate zone. 5-30' from the furthest exterior point of the home. Landscaping/hardscaping- employing careful landscaping or creating breaks that can help influence and decrease fire behavior.

1. Clear vegetation from under large stationary propane tanks.
2. Create fuel breaks with driveways, walkways/paths, patios, and decks.

3. Keep lawns and native grasses mowed to a height of four inches.
4. Remove ladder fuels (vegetation under trees) so a surface fire cannot reach the crowns. Prune trees up to six to ten feet from the ground; for shorter trees do not exceed 1/3 of the overall tree height.
5. Space trees to have a minimum of eighteen feet between crowns with the distance increasing with the percentage of slope.
6. Tree placement should be planned to ensure the mature canopy is no closer than ten feet to the edge of the structure.
7. Tree and shrubs in this zone should be limited to small clusters of a few each to break up the continuity of the vegetation across the landscape.



8.

D. Extended zone. 30-100 feet, out to 200 feet. 200' is recommended for areas of a property that are on a slope. Landscaping – the goal here is not to eliminate fire but to interrupt fire's path and keep flames smaller and on the ground.

1. Dispose of heavy accumulations of ground litter/debris.
2. Remove dead plant and tree material.
3. Remove small conifers growing between mature trees.
4. Remove vegetation adjacent to storage sheds or other outbuildings within this area.
5. Trees 30 to 60 feet from the home should have at least 12 feet between canopy tops.
6. Trees 60 to 100 feet from the home should have at least 6 feet between the canopy tops.

A.

B.

SECTION 12: **ADOPTION** “10.10.030.05 Preparing Your Home Starts With Zoning Awareness” of the Bay City Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

10.10.030.05 Preparing Your Home Starts With Zoning Awareness (Non-existent)

AFTER ADOPTION

10.10.030.05 Preparing Your Home Starts With Zoning Awareness(*Added*)

A. Preparing Your Home Starts with Zoning Awareness

1. All the spaces around your home connect and create levels of needed attendance known as home ignition zones.
2. -The Home Ignition Zone is an area which includes the house and the landscape within 100' feet of the house. Actions taken in this area influence whether a home is likely to ignite during a wildfire or not.
3. The Immediate Zone includes the home itself. How clean is your roof and gutters? What's under your deck or porch? What is your fence made of? Would it bring fire in a direct line to your house?
4. The Intermediate Zone looks at the space around your home, guiding you to create a "fuel-free space". What is fuel? Wood fencing, downed tree material, dead vegetation, dried leaves, pine needles or anything that makes this space feel more like a tinder box. What kind of hardscaping (stone, gravel, etc) do you have around your home? How close are the trees and their canopies? What landscaping do you have that includes what are considered "fire safe" plants? Replace wood fencing attached to the home out to five feet from the structure with a non-combustible alternative such as a metal gate.
5. The Extended Zone reaches much further from the home itself, but still is a space to be aware of. How dry is this area and the vegetation contained within it? Are there interlocking canopies? Have you removed layered vegetation that creates fire ladders?
6. Firewise Plants. The list is divided along the lines of Firewise plants and flammable plants. Those listed under Firewise plants can be planted within 5ft of the home as they are high in moisture content, are low growing deciduous or broadleaf evergreen. Flammable plants can still be planted but must be done beyond the 30ft range to the nearest building.
 - a. Firewise Plants Include:

- (1) Rhododendron
- (2) Portugese Laurel
- (3) Holly
- (4) Oak
- (5) Maple
- (6) Elderberry
- (7) Fruit trees
- (8) Azalea

b. Flammable Plants include:

- (1) Cedar
- (2) Cypress
- (3) Juniper
- (4) Himalayan blackberry
- (5) Rosemary
- (6) Oregon grape
- (7) Pampas grass
- (8) Learn more about fire-resistant plants here:
<https://extension.oregonstate.edu/catalog/pub/pnw-590-fire-resistant-plants-home-landscapes>.

c. Firewise Tips

- (1) Clear the view of your house number so it can be easily seen from the street.
- (2) Circle the 1st Saturday in May on your calendar as the target date to be Firewise around your home.
- (3) Relocate woodpiles at least 30 feet from structures.
- (4) Clear away flammable vegetation within 10 feet of woodpiles.
- (5) Talk to your neighbors and create a larger defensible space together.

~~7.~~

a.

- (1)

SECTION 13: ADOPTION “10.10.030.06 Protecting Your Home. Home Firewise Checklist” of the Bay City Municipal Code is hereby *added* as follows:

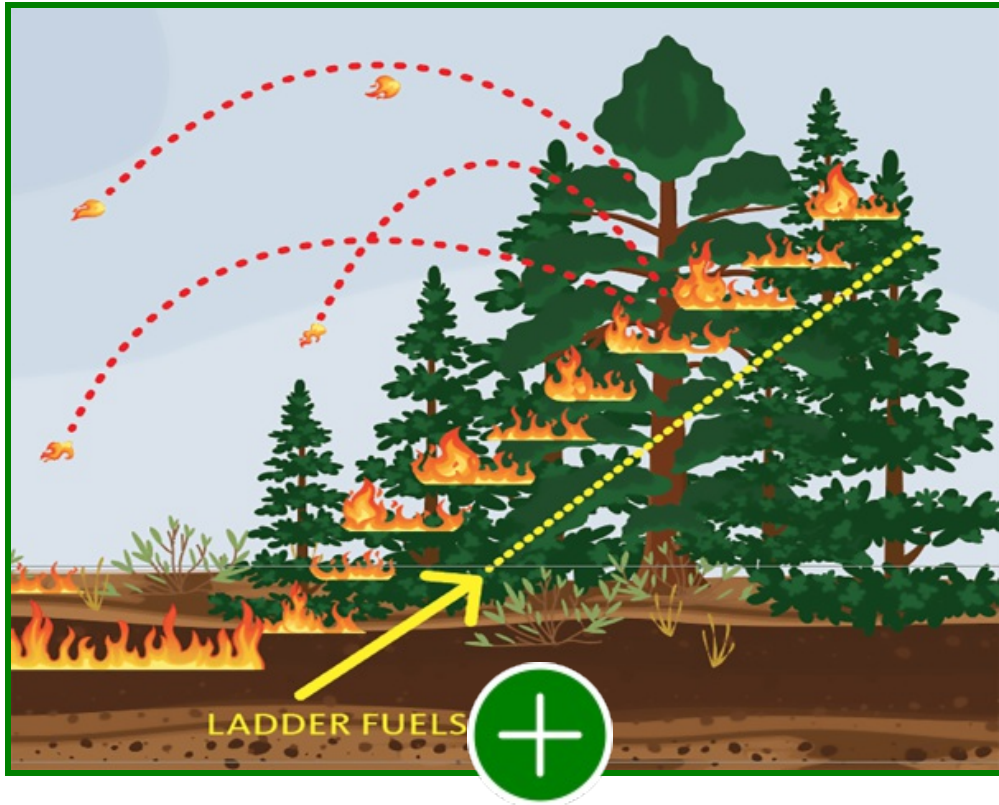
BEFORE ADOPTION

10.10.030.06 Protecting Your Home. Home Firewise Checklist (Non-existent)

AFTER ADOPTION

10.10.030.06 Protecting Your Home. Home Firewise Checklist(*Added*)

- A. Step 1 Assess Ignitability. During a wildfire, airborne embers are a major cause of home ignitions. It is extremely important that these embers do not find a place to land where they can ignite your home. The following steps can greatly reduce the risk of ignition:
1. Remove all combustible leaves and needles from rooftops and gutters.
 2. Clear a "fuel-free" zone within 5 feet of any structure, including decks. Clear all leaves and
 3. bark mulch and trim vegetation back, especially where the siding comes down to ground level. Dirt, and gravel are acceptable within a few feet of the home as ground cover.
 4. Check all exterior vents along the eaves, walls, and foundation to make sure the screening is intact.
 5. Move anything that can burn at least 30 feet from the house, uphill if possible. This includes lumber and firewood.
 6. Keep propane tanks at least 30 feet from a structure and clear 10 feet or more around it.
 7. Close off spaces under decks and exterior vents with 1/8 inch metal screening to prevent embers from entering. Keep spaces under the deck free of all combustible materials i.e. lumber, leaves, and firewood.
 8. Clearly post your address on your home and at all driveway junctions. Numbers should be at least 4 inches tall and reflective for easy view in smoke or dark.
 9. Replace shake roofs with Class B or Class A roofing material.
 10. Debris Disposal - Dispose of all debris safely. Material can only be burned during an authorized burn window. Material can also be disposed of at the Tillamook County Transfer Station/Recycle Center.
 11. Ladder fuels are flammable materials that allow fire to spread up into the canopy of a tree, which can create windblown embers.



B. Step 2: Defensible Space.

1. 0- 5 Feet from Structures

- a. No Plantings should be in the first five feet from the home.

2. 5 -30 Feet from Structures

- a. Fire-resistant plantings in the 5-30' zone. The above requirements also apply to landscaping plants. Watch out for highly flammable landscaping like Junipers, Cypresses, and Arborvitae close to your home. It is recommended you remove these species within 30 feet of your home. Go to the Fire Resistant Plants page for a guide to fire-safe landscape plants, or call for a brochure.

3. 30-100 Feet from Structures

- a. Thin out understory brush, especially under the canopy of any trees. If there are no trees, thin out around the largest species of brush and prune away lower limbs and dead wood.
- b. Highly combustible trees and shrubbery should be spaced to prevent interlocking canopies at maturity. Consult with an arborist or forester if you are unsure which species are best for your property. All dead vegetation needs to be removed.
- c. Prune lower limbs on all trees as suggested in the section above.
- d. Islands of more dense trees or brush can be left if isolated from surrounding vegetation.

4. Driveways and Roads

- a. The road surface must have at least 13.5 feet of vertical clearance and

- 12 feet of horizontal clearance for fire vehicles to pass.
- b. In addition to the above minimum clearances, thin out brush and limb trees an additional 10 feet on each side, especially if it is more than 100 feet long. Increase the distance on the downhill side of the driveway crosses a slope.

SECTION 14: **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. MultifamilyDwellings

1. 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.
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.

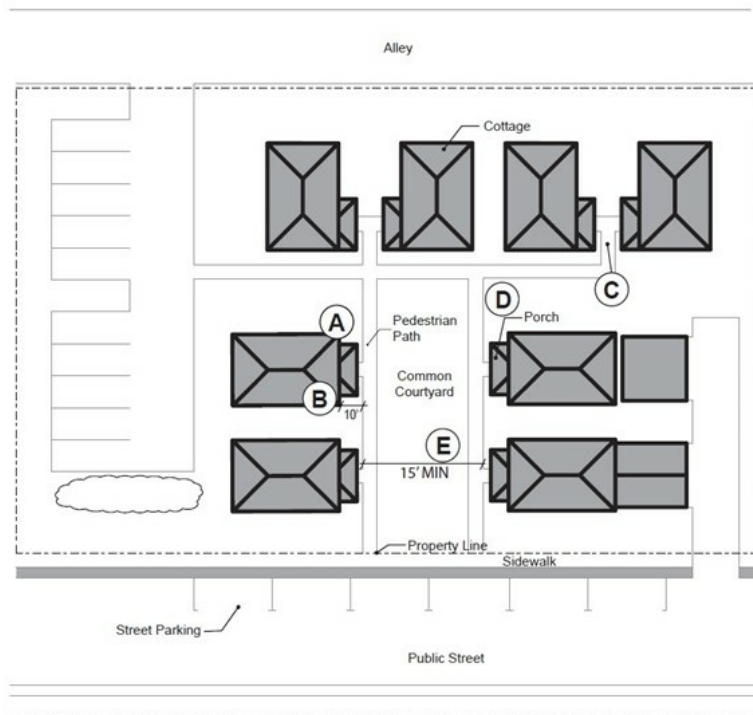
B. Cottage Cluster Development Standards

1. Permitted Uses
 - a.
 - b.
 - 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. 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) . 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)
- b. Minimum Density. A minimum density of four units per net acre shall apply to cottage clusters in all zones.
- c. Building Separation.
- (1) . 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. 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 15 feet 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.

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 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.

AFTER AMENDMENT

10.11.040 Multifamily, ~~Cluster, Or Apartment Dwellings~~ dwellings and Cottage Cluster

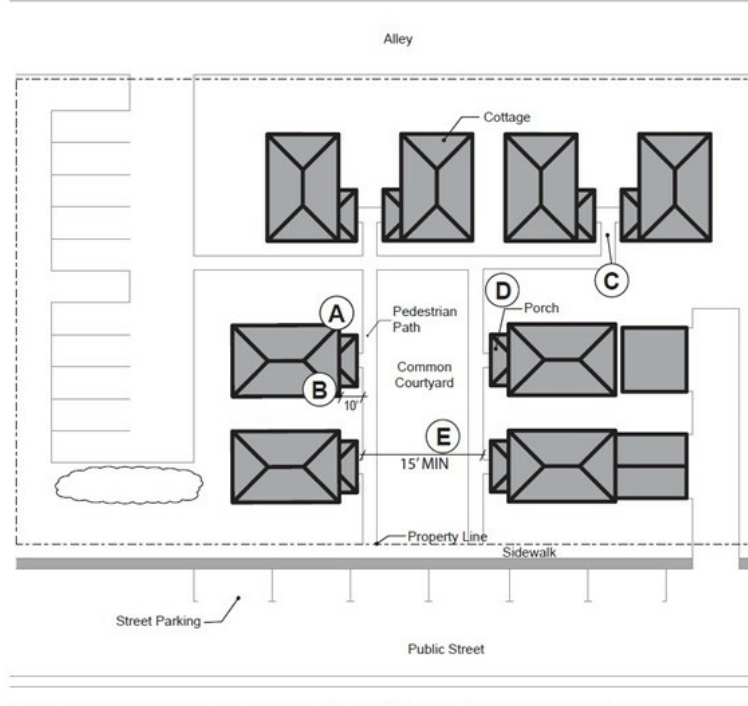
A. Multifamily Dwellings

1. 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. 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.
 5. 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
 - a. Where permitted. See Allowable Uses Matrix, Section 10.06.025.
 - b. 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. ~~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) ~~1.~~ 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)
 - b. Minimum Density. A minimum density of four units per net acre shall apply to cottage clusters in all zones.
 - c. Building Separation.
 - (1) ~~1.~~ 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. 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 15 feet 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.

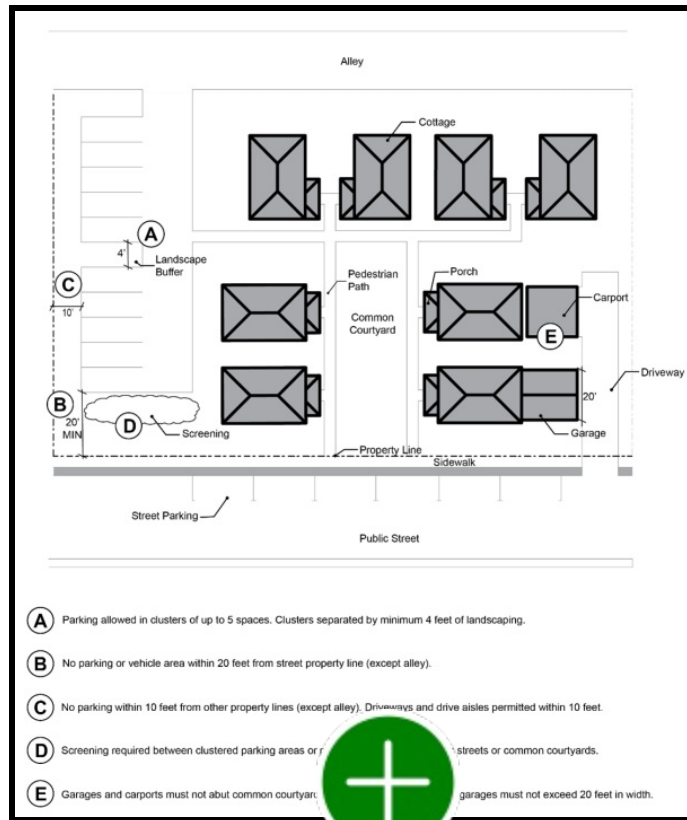
d. Pedestrian Access.

- (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. 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)



(F)

- f. 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.
- g. 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 15: **REPEALER CLAUSE** All ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 16: **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 17: **EFFECTIVE DATE** This Ordinance shall be in full force and effect from thirty (30) days after the required approval and publication according to law.

SECTION 18: **APPROVAL AND ADOPTION**

First Reading: June 9, 2026

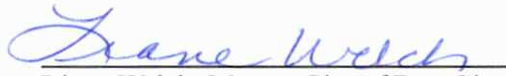
Second Reading: July 14, 2026

Effective Date: August 13, 2026

PASSED AND ADOPTED BY THE CITY OF BAY CITY CITY COUNCIL JULY 14, 2026.

	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>
Ralph McRae, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Karen Shea, Councilor	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer


Liane Welch, Mayor, City of Bay City

Attest


Lori Jepson, City Recorder, City of
Bay City