

ARTICLE 6 SUPPLEMENTARY PROVISIONS

Section 6.010	Accessory Uses, General Provisions
Section 6.020	Authorizations of Similar Uses
Section 6.030:	Access Requirements
Section 6.040:	Sign Requirements.
Section 6.050:	Storage in a Front Yard
Section 6.060:	Clear-Vision Areas
Section 6.070:	Maintenance of Minimum Ordinance Requirements
Section 6.080:	Dual Use of Required Open Space
Section 6.090:	Distance between Buildings
Section 6.100:	Distance from Property Line
Section 6.110:	Projections from Buildings
Section 6.120:	Home Occupation
Section 6.130:	Off-Street Parking Requirements
Section 6.140:	Off-Street Loading Requirements
Section 6.150:	Off-Street Parking and Loading, General Provisions
Section 6.160:	Additional Criteria for Access Controls on Highway 101
Section 6.161:	Landscaping Requirements Adjacent to U.S. Highway 101
Section 6.170:	Recreation Vehicles
Section 6.175:	Riparian Vegetation
Section 6.180:	Excavation Fill, Grading and Revegetation.
Section 6.181:	Purpose
Section 6.182:	Excavation, Fill and Grading Standards
Section 6.183:	Revegetation Standards
Section 6.184:	Permit Required
Section 6.185	Violations
Section 6.190:	Maintenance of Access
Section 6.195:	Preservation and Removal of Trees
Section 6.200:	Protection of Archaeological Sites.
Section 6.210	Standards for Manufactured Dwellings.
Section 6.220	Outdoor Lighting Standards
Section 6.230	Small Wind Energy Conservation Systems (WECS)
Section 6.300	Transportation Improvements
Section 6.310	Transportation Improvements Permitted Outright
Section 6.320	Access Management Standards
Section 6.330	Traffic Impact Analysis
Section 6.340	Pedestrian Access and Circulation

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this ordinance and shall comply with the following limitations:

1. Fences

- A. Fences which may be located within yards shall not exceed 6 feet in height.
- B. Fences which may be located within "clear-vision" areas shall not exceed 2-1/2 feet in height.
- C. The height of a fence shall be measured from the ground level where located.
- D. Fences shall not consist of barbed wire or other sharp or otherwise dangerous construction material.

All existing fences that do not comply with the fence provisions herein are considered nonconforming and subject to Section 10 of the Gearhart Zoning Code.

2. Maintenance of a Greenhouse or Solar Panel:

May be maintained adjacent to a dwelling providing the activity does not exceed that which requires a license under Chapter 571 of the Oregon Revised Statutes: Nurseries and Nurserymen.

3. Keeping of livestock in accessory buildings in Zone RA:

Shall be in buildings that fully comply with building, nuisance and sanitary codes.

4. Accessory Building Yard Reduction:

Regardless of the yard requirements of the zone, a rear yard may be reduced to 5 feet for an accessory structure erected more than 60 feet from a street other than an alley provided the structure is detached from other buildings by 5 feet or more and does not exceed a height of one story nor an area of 450 square feet.

5. Decks within setbacks:

Decks shall conform to the setback requirements.

6. Creating Obstructed Streets Prohibited.

Creating an obstructed street, by the use of gates or other barriers is prohibited.

SECTION 6.020 AUTHORIZATIONS OF SIMILAR USES

The Planning Commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

SECTION 6.030: ACCESS REQUIREMENTS:

Every lot shall abut a street for at least 25 feet.

SECTION 6.040: SIGN REQUIREMENTS.

1. Purpose.

The purpose of this section is to regulate such factors as the size, location, and illumination of signs with the intent of safeguarding and enhancing the City's visual environment, traffic safety and the City's economic well being.

2. General Requirements

The following general requirements shall apply to all signs:

- A. Signs shall not contain flashing elements or moving, rotating or other such animated parts.
- B. All signs shall be designed and located so as to prevent the casting of glare or direct light from artificial illumination upon adjacent public streets or adjacent property.
- C. All signs and sign structures shall be erected and attached totally within the site, except where permitted to extend into a street right-of-way.
- D. Signs shall not extend into or over or upon any public street or right-of-way. Except a sign may extend over a public sidewalk provided the bottom of the sign structure shall be at least eight (8) feet above the grade of the sidewalk and the sign does not project more than three (3) feet into the public right-of-way.
- E. Signs or sign support structures shall not be located so as to detract from a motorist's view of vehicular or pedestrian traffic, or a traffic sign.
- F. Only one side of a double-faced sign is counted in measuring the area of a sign. Sign area does not include foundation supports and other essential structures which do not serve as a backdrop or border of the sign.
- G. All signs shall be kept in good repair and maintenance.
- H. It is the responsibility of the property owner to remove any abandoned sign within 30 days of the termination of its use.
- I. No sign including its supporting structure shall be placed so that its height exceeds eighteen (18) feet.
- J. Permanent signs are not permitted on undeveloped site i.e. a lot without a use.
- K. Signs shall only advertise uses or products on the site where the sign is located.

3. Additional Residential Zone Sign Requirements (RA, R-1, R-2, R-3 Zones)

A. Sign Requirements: Rural Agricultural, (R-A), Low Density Residential, (R-1), Medium Density Residential, (R-2),

- (1) Uses permitted outright shall have permanent signs with an area not exceeding one square foot, and be attached to a building.
- (2) Conditional uses shall have permanent signs with an area not exceeding twelve (12) square feet.
- (3) Temporary signs with an area not exceeding six (6) square feet may be permitted.

B. Sign Requirements: R-3 High Density Residential

- (1) Permitted and conditional uses shall have permanent signs with an area not exceeding twenty-four (24) square feet.
- (2) Temporary signs with an area not exceeding six (6) square feet may be permitted.

4. Sign Requirements: (C-1, C-2, C-3, & RCPD): Commercial Zone Additional Sign Requirements

A. Sign Requirements: (C-1), Neighborhood Commercial Zone

- (1) Permitted and conditional uses shall have permanent signs with an area limited to two (2) feet in height by the street frontage of said building, flush with the building.
- (2) Temporary signs with an area not exceeding eight (8) square feet may be permitted.

B. Sign Requirements: (C-2, C-3, RCPD); General Commercial, (C-2), Higher Intensity Commercial, (C-3), and Residential Commercial Planned Development Zones (RCPD). Sign Requirements.

- (1) Permitted and conditional uses shall have permanent signs limited to one free standing sign per business or in the case of business complexes or malls one free standing sign per business complex or mall, not to exceed 32 square feet, and/or one sign, flush to the building, limited to 2 feet high by 12 feet long.
- (2) Temporary signs with an area not exceeding twelve (12) square feet may be permitted.

5. Sign Requirements: (P/SP, P): Public and Park Zone Additional Sign Requirements

- A. Permitted and conditional uses shall have permitted signs with an area not exceeding twelve (12) square feet.
- B. Temporary signs with an area not exceeding eight (8) square feet may be permitted.

6. Sign Requirements: (A-2, FW): Aquatic and Freshwater Wetland Zone Additional Sign Requirements.

- A. No signs shall be permitted in this zone.

7. A Sign Permit shall be required prior to construction or placement of any sign on forms provided by the City. Fees for sign construction or placement shall be in accordance with Sec. 13.080.

SECTION 6.050: STORAGE IN A FRONT YARD

Vehicles which are partially dismantled or do not have a valid State license shall not be stored more than 10 days in a required front yard or street side yard.

SECTION 6.060: CLEAR-VISION AREAS

A clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of each is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A clear-vision area shall contain no plantings, fence, wall, structure, or temporary or permanent obstruction exceeding 2-1/2 feet in height, measured from the top of the curb or, except that trees exceeding that height may be located in this area provided all branches and foliage are removed to a height of 8 feet above the grade.
3. The following measurements shall establish clear-vision areas:
 - A. In a residential zone the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet.
 - B. In all other zones where yards are required, the minimum distance shall be 15 feet or, at intersections including an alley, 10 feet, except that when the angle of intersection between streets, other than an alley, is less than 30 degrees, the distance shall be 25 feet.

SECTION 6.070: MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS

No lot area, yard, other open space, or off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.

SECTION 6.080 DUAL USE OF REQUIRED OPEN SPACE

No Lot area, yard, or other open space or off-street parking or loading area which is required by this ordinance for one use shall be a required lot area, yard, or other open space or off-street parking or loading area for another use.

SECTION 6.090 DISTANCE BETWEEN BUILDINGS

A minimum distance of 5 feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.

SECTION 6.100 DISTANCE FROM PROPERTY LINE

Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least 5 feet from the property line.

SECTION 6.110 PROJECTIONS FROM BUILDINGS

Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys, and flues may project up to 18 inches into a required yard.

This page left blank intentionally.

A home occupation when conducted as an accessory use to a dwelling in a residential zone shall be subject to the following limitations:

1. No person shall be employed other than a member of the family residing on the premises.
2. The residential character of the building shall be maintained and the activity shall not have the outward appearance of business nor detract from the residential character of the neighborhood.
3. No exterior storage or display shall be permitted.
4. No home occupation shall be conducted in an accessory structure.
5. Exterior signs shall be limited to those permitted in the zone in which the home occupation is located. There shall be no other exterior indication of the home occupations.
6. A home occupation which creates a nuisance because of noise, smoke, dust, or gas is prohibited.
7. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.
8. A home occupation shall not include retail sales.
9. Complaints on conditions 1 through 5 of Section 6.120 will be handled routinely by the City Administrator. Complaints on conditions 6 through 8 will be dealt with as follows: The Planning Commission shall review home occupations upon receipt of written complaints, or a complaint from the City Administrator. Said complaints shall set forth the nature of the objection. Such complaints shall be investigated by the City Administrator, and results of the investigation shall be reported to the Commission at a public hearing. The public hearing procedure shall be the same as outlined in Section 13.050.

No off-street parking is required in a C-1 Zone, except residential dwellings and neighborhood cafes located in a new structure within a C-1 Zone are required to have off-street parking. Residential dwellings and neighborhood cafes in an existing structure within the C-1 zone are not required to have off-street parking:

In all other zones,

- (1) At the time a structure is erected or enlarged, or the use of a structure or parcel of land is changed within any zone in the City, off-street parking spaces shall be provided in accordance with the requirements of this section and zone designation standards listed in Article 3 unless greater requirements are otherwise established.
- (2) If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if it would result in less than is required by this section.
- (3) Where square feet are specified the area measured shall be the gross floor area primary to the functioning of the particular use of property but shall exclude space devoted to off-street parking or loading.
- (4) Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season.
- (5) Fractional space requirement shall be counted as a whole space.
- (6) Parking spaces shall be a minimum of nine (9) feet by eighteen (18) feet for standard spaces, and eight (8) feet by sixteen (16) feet for compact spaces.
- (7) For uses requiring four or more spaces, up to fifty percent (50%) of the spaces may be compact in size.
- (8) Bicycle Parking
 - A. **Standards.** Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 6.130(1). Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile-parking standard, the City Manager or designee may require bicycle parking spaces in addition to those in Table 6.130(1).
 - B. **Design.** Bicycle parking shall consist of staple-design steel racks or other City-approved racks, lockers, or storage bins, providing a safe and secure means of storing a bicycle.
 - C. **Exemptions.** This section does not apply to single-family and duplex housing, home occupations, and agricultural uses. The City Manager or designee may exempt other uses upon finding that, due to the nature of the use or its location, it is unlikely to have any patrons or employees arriving by bicycle.
 - D. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians or vehicles, and shall be located so as to not conflict with the vision clearance standards of this code.

Table 6.130(1) Minimum Required Bicycle Parking Spaces	
Use	Minimum Number of Spaces
Multifamily Residential (not required for parcels with fewer than 4 dwelling units)	2 bike spaces per 4 dwelling units
Commercial	2 bike spaces per primary use or 1 per 5 vehicle spaces, whichever is greater
Community Service	2 bike spaces
Parks (active recreation areas only)	4 bike spaces
Schools (all types)	2 bike spaces per classroom
Institutional Uses and Places of Worship	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater
Other Uses	2 bike spaces per primary use or 1 per 10 vehicle spaces, whichever is greater

PARKING SPACES REQUIRED FOR EACH USE:

1. Residential:

- a. Dwelling. Two spaces per dwelling unit
- b. Motel, tourist court, rooming or boarding house. One and one-half spaces per guest accommodation plus one additional space for the owner or manager.
- c. Trailer or mobile home parks. One and one-half spaces per trailer or mobile home.
- d. Convalescent, nursing and other health homes and institutions, homes for the aged, children's homes and welfare or correctional institutions. One space per 3 beds for patients.

2. Public and Semi-Public Buildings and Uses:

- a. Auditorium, church, or meeting room (other than a school) One space for each 60 square feet of floor area in the auditorium or, where seating is fixed to the floor, one space per 4 seats or 8 feet of bench length.
- b. Club, lodge or association. Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
- c. Library. One space per 400 square feet of reading room plus one space per employee.

- d. Kindergarten, pre-school nursery, equivalent private or parochial schools. Two spaces per teacher.
 - e. Elementary, junior high or equivalent private or parochial school. One and one-half spaces per class room, plus 1-1/2 spaces per administrative employee plus one space per 60 square feet or 4 seats or 8 feet of bench length in the auditorium or assembly room.
 - f. Post office. One space for each 1,000 square feet of floor area.
3. Commercial
- a. Retail store, except as provided in subsection (b) below. One space for each 200 square feet of gross floor area.
 - b. Service or repair shop or retail store handling bulky merchandise such as automobiles or furniture. One space for each 600 square feet of gross floor area.
 - c. Bank or office except medical or dental. One space for each 400 square feet plus one space pre-employee.
 - d. Medical or dental office or clinic. One space per 300 square feet of floor area.
 - e. Eating or drinking establishment. One space per 200 square feet of floor area.
 - f. Mortuary. One space per 2 chapel seats or 4 feet of bench length.
 - g. Storage or wholesale use. One space per 700 square feet of patron serving area.
4. Commercial Recreation
- a. Bowling alley. Four spaces for each alley.
 - b. Dance hall, skating rink, or gymnasium. One space per 50 square feet of patron area.
 - c. Outdoor arena or theater. One space per 50 square feet of patron area.
 - d. Golf course. Two spaces per hole.
 - e. Swimming pool. One space per 100 square feet of pool.
 - f. Tennis court. Two spaces per court.

SECTION 6.140 OFF-STREET LOADING REQUIREMENTS

At the time a structure is erected or enlarged, or the use of a structure or parcel of land changed within any zone in the City, off-street loading spaces shall be provided in accordance with the requirements of this section and Section 6.150 unless greater requirements are otherwise established.

Merchandise, materials, or supplies:

Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.

If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operation except during periods of the day when not required to take care of parking needs.

Passenger loading zone:

A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading passengers shall be located on the site of any school or other public meeting place which is designed to accommodate more than 25 persons at one time.

SECTION 6.150 OFF-STREET PARKING AND LOADING, GENERAL PROVISIONS

The following general provisions shall govern the application of off-street parking and loading requirements.

1. The provision and maintenance of off-street parking and loading spaces is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or buildings is put, thereby increasing off-street parking or loading requirements, it shall be a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.
2. Requirements for types of buildings and use not specifically listed herein shall be determined by the Planning Commission based upon the requirements of comparable uses listed.
3. In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately.
4. Owner of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases, or contracts to establish the joint use.
5. Off-street parking spaces for one or two-family dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 200 feet from the building or use they are required to serve, measured in a straight line from the building.

6. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
7. A Plan drawn to scale, indicating how the off-street parking and loading requirements are to be met shall accompany an application for a building permit.
8. Design requirements for parking lots and loading areas shall be as follows:
 - A. Areas used for standing and maneuvering of vehicles shall have graveled or paved surfaces maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.
 - B. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight obscuring fence, screen or hedge of not less than 5 or more than 6 feet in height except where vision clearance is required.
 - C. Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent resident dwelling located in a non-residential zone.
 - D. On parking lots having 4 or more parking spaces, such spaces shall be clearly marked in a permanent manner.
 - E. Service drives to off-street parking area shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls, or other barriers or markers on frontage not occupied by service drives.
 - F. Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points 20 feet from their intersection.

SECTION 6.160 ADDITIONAL CRITERIA FOR ACCESS CONTROLS ON HIGHWAY 101

For property fronting Highway 101 the following additional criteria applies.

1. Access management standards for US 101 shall be those standards required by ODOT.
2. Where a new approach onto US 101 or change of use adjacent to US 101 requires ODOT approval, the applicant is responsible for obtaining ODOT approval. The City Manager or designee may approve a development conditionally, requiring the applicant first obtain required ODOT permit(s) before commencing development, in which case the City will work cooperatively with the applicant and ODOT to avoid unnecessary delays.
3. Parking lots located in front of a structure fronting on a highway shall be located adjacent to at least one side property line and access easements shall be granted to the adjacent property owner for access through the parking lot.
4. If a new parking lot is located to the front of a structure on a property adjacent to a property(s) with an existing parking lot, the new parking lot shall be located adjacent to the existing parking lot(s).

SECTION 6.161

LANDSCAPING REQUIREMENTS ADJACENT TO U.S. HIGHWAY 101

1. All new sub-divisions shall provide landscaping to buffer the sub-division from Highway 101. A landscape plan and time schedule for the implementation of the plan will be submitted as a part of the development application to the Planning commission for approval.
2. A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101.
3. As a minimum requirement, a 10-foot wide strip of landscaping adjoining the Highway right-of-way shall be provided.
4. Landscaping requirements adjacent to US Highway 101:
 - (1) As a minimum requirement, a 10-foot wide strip of landscaping shall be provided adjoining the Highway right-of-way.
 - (2) A landscaping plan shall be submitted to the City Administrator for approval before building permits are issued for any new development on lots adjacent to Highway 101. The landscaping plan shall include a maintenance schedule with a provision for routine placement of plants that fail to survive. Landscaping plans shall comply with the standards of Section 6.060 Clear Vision Area.
 - (3) All new subdivisions shall provide a landscaping area to buffer the subdivision from Highway 101. A landscape plan and time schedule for the implementation of the plan shall be submitted to the City as part of the development application to the Planning Commission.
 - (4) Required landscaping areas shall preferable consist of native plant species which are compatible with the weather of the coastal environment and the soils types of the site. Examples of native plants are described by the book "*Plants of the Pacific Northwest Coast* by Pojar and MacKinnon" and on the list from "*The Western Gardener*" available at City Hall. In addition to native plants, edible plants, fruits, vegetables, and nuts shall also be permitted.
 - (5) With Planning Commission review, applicants may request that non-native plants be placed on the list of acceptable plants within required landscaping areas.
 - (6) No plants prohibited by the City of Gearhart shall be permitted.
 - (7) All structures, including any fence, shall be setback ten feet from the property line adjacent to US Highway 101.

SECTION 6.170

RECREATION VEHICLES

An occupant(s) of a residence within the City limits may park or store outside, but not live in, up to two (2) Recreational Vehicles (RV) on the residential premise. Additional RV's may be parked on a temporary basis for a period not to exceed seven (7) days per calendar month.

Gearhart Property owners shall obtain a permit from the city, which allows, occupancy of an RV, up to two times a year, for up to ninety-six (96) hours, per time. The RV cannot be in the public right of way, and the permit may be revoked by the police chief or the chief's designee, in their sole discretion.

SECTION 6.175: RIPARIAN VEGETATION

Riparian vegetation adjacent to streams and lakes in Gearhart shall be protected in accordance with the following provisions:

1. The following area of riparian vegetation are defined:

- A. Fifty feet on either side of Neacoxie Creek.
- B. Fifty feet on either side of Mill Creek.
- C. Twenty-five feet adjacent to the unnamed lake north of east Pacific Way.

The setback shall be measured from the mean high-water line on estuarine portions and the ordinary high-water line for non-estuarine portions of these streams. Riparian vegetation within this setback shall be protected as specified in Section 6.175.

2. All structures and uses shall be located outside of areas listed in (1) above with the following exceptions:

- A. Where direct water access is required in conjunction with a water-dependent use; or
- B. Access to a lot where the proposed access is the only reasonable alternative; or
- C. Structural shoreline stabilization; or
- D. Trails or other pedestrian walkway that provide access to the water.

3. For area described in (1) above all vegetation shall be retained within the areas listed with the following exceptions:

- A. Removal of dead, diseased or dying trees, or trees that pose a safety hazard.
- B. Removal of vegetation necessary to provide for uses listed in (2) above.
- C. Vegetation removal in conjunction with an approved in-water project.
- D. The removal of noxious weeds as defined by the City's nuisance ordinance.
- E. Vegetation removal necessary to maintain proper stream drainage.

4. The City may approve the removal of riparian vegetation not covered by provisions of (3) above where a proposed plan of vegetation removal has been reviewed and approved by the Oregon Department of Fish and Wildlife.

This page left blank intentionally.

SECTION 6.180: EXCAVATION FILL, GRADING AND REVEGETATION.

SECTION 6.181: PURPOSE

It is the purpose of this section to provide the administrative means and guidelines to ensure the careful use of the fragile land form that Gearhart is situated on. Recognizing that the City rests on active dunes, conditionally stable dunes, and stable dunes, the excavation, fill and grading elements of this section are designed to assure that earth movement and removal is performed in a manner minimizing negative effects on the site and area, and the revegetation elements of this section are designed to protect the fragile soils and the community from erosion damage.

SECTION 6.182: EXCAVATION, FILL AND GRADING STANDARDS

Chapter 70 of the Uniform Building Code (International Conference of Building Officials) is here by adopted by reference as applicable to all excavation and fill within the Gearhart City Limits and Urban Growth Boundary.

SECTION 6.183: REVEGETATION STANDARDS

The following standards shall apply to all areas from which vegetation is removed by either natural or man caused means. Except that in the Beaches and Dunes Overlay Zone vegetation removal and revegetation unrelated to the earth movement and earth removal standards of this section are provided in B.A.D. Zone Section 3.1240 2.D.

1. Areas from which vegetation is removed shall be replanted in accordance with the sections below within one growing season after the removal.
2. Areas on the Active or Conditionally Stable Dune from which beach grass is removed shall be replanted with beach grass or other native and typical vegetation for the area.
3. All other areas shall be planted with a plant material that will achieve 70% ground coverage within three years of planting.

SECTION 6.184: PERMIT REQUIRED

1. Any person undertaking a program of vegetation removal in excess of 1000 square feet, or excavation, fill and/or grading in excess of 50 cubic yards, shall first obtain a permit from the City Administrator.
2. Such permit shall be granted only after the presentation of revegetation plan that conforms to the standards above.
3. For an area on which construction is proposed, the permit may be part of the building permit.
4. Permit fees shall be assessed in accordance with the fee schedule established by resolution of the City Council.

SECTION 6.185 VIOLATIONS

Violations of this section, including non-conformance with the provisions of a revegetation permit, shall be penalized as provided in Section 15.

SECTION 6.190: MAINTENANCE OF ACCESS

1. The City shall review under ORS 271.080-271.230, proposals for the vacation of public easements or right-of-way which provide access to or along ocean beaches or lakes.
2. The City shall review under the provisions of ORS 271.300-271.360, proposals for the sale, exchange or transfer of public ownership which provides access to ocean beaches or lakes.
3. Existing public ownership rights-or-way and similar public easements which provide access to or along ocean beaches or lakes shall be retained or replaced if they are sold, exchanged or transferred.
4. Right-of-way may be sold, exchanged or transferred.
5. Rights-of-way may be vacated to permit redevelopment of shoreland areas provided public access across the affected site is retained.

SECTION 6.195: PRESERVATION AND REMOVAL OF TREES

1. Purpose:
The purpose of this section is to recognize that trees are a significant aesthetic and environmental resource within the City of Gearhart and to create conditions favorable to the preservation of this plant heritage for the benefit of the current and future residents of the City. The purpose is not to prohibit the removal of all trees, but to ensure that mature trees are removed only where necessary, and to permit the reasonable development and use of property.
2. Definition: For the purpose of this section, “tree” is defined as follows: Any tree greater than twelve (12) inches in diameter as measured four and one half (4-1/2) feet above the existing grade.
3. Applicability: This section applies to the removal of trees in the City of Gearhart, except that in the B.A.D. Overlay Zone the preservation and removal of trees are regulated by that zone in Section 3.12.
4. Requirements:
 - A. Any person proposing to remove, cut down, or otherwise destroy more than five trees within a twelve-month period shall first obtain a tree removal permit from the City. The Planning Commission may grant or deny a request for a tree removal permit on the basis of the criteria set forth below in Section 6.195(5), except as provided in Section 6.195(6) below.
 - B. Such conditions as are deemed necessary and appropriate to ensure the proper enforcement of this section may be made part of the removal permit. Such conditions may involve, but are not limited to the following:
 - (1) The replacement of the trees proposed for removal with trees of a suitable type, size and location.
 - (2) A Plan for protecting trees on the project site during and after development.
 - (3) Restrictions on cuts, fills and grading within the vicinity of remaining trees.

- C. Tree removal that is to be undertaken in conjunction with a specific development project shall occur only after a building permit has been issued, or the Planning Commission or City Council has approved an activity requiring the removal of the trees.
 - D. An approved tree removal permit shall be void after one year from its issuance unless a shorter period was specified as a condition for approval.
5. Criteria: The granting of a tree removal permit shall be based on a finding that at least one of the following criteria is met:
- A. Necessity to remove trees which poses a safety hazard.
 - B. Necessity to remove trees which are diseased. Evidence of disease shall be provided by a qualified forester or arborist.
 - C. Necessity to remove trees in order to construct proposed improvements, including the placement of structures and on-site sewerage disposal facilities, access ways, utilities, need to make essential grade changes, and other authorized activities.
 - D. Solar access; and the need to remove trees which deposit needles or other debris on rooftops.
- The burden of proof is on the applicant to show that other design alternatives which do not require the tree removal are not practical or will create a significant economic hardship.

6. Exception:
- A. The City Administrator or designee may grant the immediate removal of trees which pose a safety hazard or dangerous condition, or for a required septic system emergency repair.
 - B. The City Administrator may permit the removal of trees within the footprint of the proposed building, access, or on-site sewage treatment system upon approval of the building permit.
7. Appeal. Appeals of a decision of the City Administrator or Planning Commission shall be in accordance with Section 13.060.
8. Enforcement. Enforcement of this section shall be in accordance with Article 15 of this ordinance, or by other ordinances the City Council may adopt to implement the purpose of this section.

SECTION 6.200: PROTECTION OF ARCHAEOLOGICAL SITES.

- 1.** The Building Official shall review building permits and the City Administrator shall review other proposed land use actions that may affect known archaeological site.

If it is determined that a proposed building permit or land use action may affect a known archaeological site, the City shall notify the State Historic Preservation Office. Such notification shall request assistance in determining whether the proposed action will in fact affect the identified archaeological site.

If the State Historic Preservation Office determines that a site would be affected it shall be requested to also develop appropriate measures to protect the site and its contents (appropriate measures are defined in Section 6.200(3)).

No permit shall be issued unless one of the following has occurred:

- A.** The State Historic Preservation Office determines that the proposed action will not affect the archaeological site; or
 - B.** The State Historic Preservation Office has developed a program for the preservation or excavation of the site and the implementation of that program is made a condition of approval for either the building permit or land use action, e.g. conditional use permit; or
 - C.** The City has received no comment from the State Historic Preservation Office within twenty days of the date of written notification.
- 2.** Indian cairns, graves and other significant archaeological resources, uncovered during construction or excavation shall be preserved until a plan for their excavation or re-internment has been developed by the State Historic Preservation Office. In development of the plan, the State Historic Preservation Office shall consider the appropriate measures listed in Section 6.200(3).
 - 3.** In development of a program to protect an archaeological site, the State Historic Preservation Office shall give consideration to the following appropriate measures:
 - A.** Paving over the site without disturbance of any human remains or cultural objects.
 - B.** Redesigning the proposed construction or excavation so as to avoid disturbing the site.
 - C.** Setting the site aside for non-impacting portions of the proposed development such as storage.
 - D.** If permitted pursuant to the substantive and procedural requirements of ORS 97.750, contracting with a qualified archaeologist to excavate the site and remove any cultural objects and human remains re-interring the human remains at the developer's expense.

SECTION 6.210 STANDARDS FOR MANUFACTURED DWELLINGS.

1. The manufactured dwelling shall be multi-sectional and enclose a space of not less than 1,000 square feet.
2. The manufactured dwelling shall be placed on an excavated and backfilled foundation and enclosed at the perimeter such that the manufactured dwelling is located not more than 18 inches above grade, and has conventional footings.
3. The manufactured dwelling shall have a pitched roof with a pitch of at least three feet in twelve.
4. The manufactured dwelling shall have exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials commonly used on surrounding dwellings as determined by the City Building Official.
5. The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010.
6. The manufactured dwelling shall have a garage or carport constructed of like materials to the manufactured dwelling. Where surrounding dwellings have attached or detached garages, the City Building Official may require that the manufactured dwelling provide an attached or detached garage.

SECTION 6.220 OUTDOOR LIGHTING STANDARDS.

Lighting fixtures shall be shielded or recessed into the building design to avoid casting glare onto adjacent property or upward into the night sky.

SECTION 6.230 SMALL WIND ENERGY SYSTEM

1. Conditional Use

A small wind energy system may be allowed as a Conditional Use in all zones in which structures are permitted and in accordance with the provisions of GZO Article 8 Conditional Uses.

2. Permit Submittal Requirements

- A. Provide a written description and photographs of the WECS including manufacturer's product materials and system certifications according to local and state building codes.
- B. Provide a property site plan illustrating where the system will be located and how it conforms to the zone standards and the standards of this section.
- C. Provide an illustration of the visual impacts of the system that may affect property owners in the area.
- D. If applicable, provide evidence of local utility notifications of the proposed system and its location.

3. General Standards

A. The minimum distance between the ground, structure or tree and any part of a rotor blade must be at least 30 feet.

B. Small wind energy systems may not be illuminated, nor may they bear any signs or advertising.

C. Small wind energy systems must have automatic braking, governing, or feathering system to prevent uncontrolled rotation, over speeding, and excessive pressure on the support structure, rotor blades, and turbine components.

D. All wiring serving small wind energy systems must be enclosed or underground.

E. Noise produced by small wind energy systems may not exceed legal limits established by the City of Gearhart noise standards. Except when there is ambient noise, such as that caused by storms, then the noise level may be 10 decibels greater than ambient noise level.

F. Small wind energy systems must not cause any interference with normal radio and television reception in the surrounding area, with any public safety agency or organization (including but not limited to police, fire, ambulance, and Coast Guard) radio transmissions, or with any microwave communications link. The owner shall bear the costs of immediately eliminating any such interference should any occur, or must immediately shut down the system or parts of the system causing the interference.

G. A finish (paint/surface) must be provided for the small wind energy system that reduces the visibility of the facility, including rotors. This condition may be satisfied by painting the support structure and rotors with flat light haze gray paint. If the support structure is unpainted it must be of a single color throughout its height. The owner must maintain the finish, painted or unpainted, so that no discoloration is allowed to occur.

H. The diameter of the area swept by the rotors may not exceed 25 feet.

I. Dilapidated structures or nonconforming systems shall be repaired to safe and functionality or removed from the site within six (6) months.

4. Freestanding Systems – Additional Standards

Small Wind energy systems may be mounted on a freestanding tower detached from other structures on the lot and are subject to the following standards:

A. Setback

The minimum setback from any property line, structure, tree or overhead utility line, or public right-of-way shall be a distance equal to the vertical distance from the ground to the tip of a wind generator blade when the tip is at its highest point unless the affected utility, property owner, or governmental entity grants written permission for a lesser setback. In addition to the system's structures, guy wires associated with towers shall meet applicable setbacks for the zone district.

B. Height

Support structures for freestanding systems may not exceed 80 feet in height.

C. Security

Support structures for freestanding systems must be unclimbable from the ground to a height of at least 15 feet

D. Number

A maximum of one freestanding small wind generator system may be allowed on 10,000 square feet or less. One additional freestanding system is allowed for each 10,000 square feet of lot area.

5. Roof-Mounted Systems – Additional Standards

Small wind energy systems must meet required minimum setbacks of the zone and may be mounted on the roof of a structure as an appurtenance.

A. Height.

Roof-mounted systems may not be more than five feet over the maximum allowed height for the structure measured from the highest tip of the wind generator blade. A certified structural analysis of the roof or wall supporting the system shall be provided.

B. Number. There is no maximum number of roof-mounted systems permitted.

C. Engineering Report. Before any roof-mounted system is mounted the property owner must submit a report prepared by an Oregon licensed professional engineer attesting to the fact that the structure to which the system will be mounted is or will be sufficiently strong to support the system and to withstand the wind, vibratory, and other loads to which it would be subjected as a result of mounting the system on it. This report is subject to approval by the City Building Official prior to the installation of the system.

SECTION 6.300. TRANSPORTATION IMPROVEMENTS

1. General Requirements.

- A. Purpose. The standards this chapter implement the transportation policies of the City of Gearhart Transportation System Plan.
- B. Applicability. The following types of development are required to construct transportation improvements in accordance with the standards and procedures of this chapter.
 - (1) New single-family dwelling or duplex, if the development fronts a street segment that is planned for a sidewalk or trail in the Transportation System Plan.
 - (2) New multi-family dwelling.
 - (3) New commercial development.
 - (4) Major expansion of a commercial development, defined by an increase in the gross floor area of the use by at least 25 percent.
 - (5) All developments in the Residential Commercial Planned Development (RCPD) zone and subdivisions or partitions are required to construct improvements in accordance with the Gearhart Subdivision Ordinance.
- C. Street, Shared-use Path, and Evacuation Route Design Standards. All transportation improvements, whether required as a condition of development or provided voluntarily, shall conform to the standards adopted within the City of Gearhart Transportation System Plan.
- D. Public Improvement Requirement. No building permit may be issued until all required street improvements are in place and approved by the City Manager or designee, or otherwise bonded, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

2. New Streets. All new streets shall conform to the standards and requirements of the Gearhart Subdivision Ordinance.

3. Improvements to Existing Streets.

- A. Applicability. Except as provided by subsection 4, below, existing substandard streets within or abutting a proposed development shall be improved in accordance with the standards of this chapter as a condition of development approval. The City Manager or designee may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meet city standards and are in satisfactory condition to handle projected traffic loads.

- (1) Single-Family Dwellings and Duplexes. All single-family dwellings and duplexes that front an existing street segment that is planned for a sidewalk or trail in the Transportation System Plan shall construct sidewalk or trail improvements in accordance with the standards of that plan. The improvements may include but are not limited to sidewalks, trails, curbs, gutters, and planter strips.
- (2) Multi-Family Dwellings and Commercial Development. All multi-family dwelling and commercial development shall construct a minimum of half-street improvements to all existing streets adjacent to, within, or necessary to serve the development in accordance with the standards of the Gearhart Transportation System Plan. Where a development has frontage on both sides of an existing street, full street improvements shall be required.

4. Waivers and Deferrals.

The City Manager or designee may waive or allow deferral of standard street improvements, including sidewalk, roadway, bicycle lane, undergrounding of utilities, and landscaping, as applicable, where one or more of the following conditions in (a) through (d) is met. Deferrals of sidewalk improvements are not permitted when there is an existing curb along the frontage of the site or the site is abutting an existing curb or sidewalk. Where the City Manager or designee agrees to defer a street improvement, it shall do so only where the property owner agrees not to remonstrate against the formation of a local improvement district in the future.

- A. The standard improvements conflict with an adopted capital improvement plan.
- B. The standard improvements would create a safety hazard.
- C. The improvement is not likely to be extended during the planning horizon of the adopted TSP due to topography or committed development on adjacent property, and the improvement under consideration does not by itself significantly improve transportation operations or safety.
- D. The improvements are deemed more appropriate as part of a larger project in the future.

5. Fee-in-Lieu Option. In lieu of the transportation improvement requirements identified in Section 6.300, the City Manager or designee may elect to accept from the applicant monies to be placed in a fund dedicated to the future public construction of the improvements.

- A. The amount of monies deposited with the city shall be at least 100 percent of the estimated cost of the required street improvements, and may include more than 100 percent of the cost as required for inflation. Cost estimates shall be based from a preliminary design of the reconstructed street provided by the applicant's engineer and shall be approved by the city engineer or designee.

- B. If the City Manager or designee elects to accept these monies in lieu of the street improvements, the applicant shall also record against all lots or parcels a “construction deferral agreement and waiver of rights to remonstrance for street and storm drainage improvements” approved by the city attorney. The agreement should be worded such that the subject properties are responsible for paying the full cost of required street improvements along their unimproved street frontages. The agreement shall also state that the city has the right to collect money owed for the actual construction costs, if actual costs exceed the amount deposited, and that the city will reimburse the property owner(s) if the actual costs are less than anticipated.

SECTION 6.310. TRANSPORTATION IMPROVEMENTS PERMITTED OUTRIGHT

Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way. Fencing must meet the requirements of Section 6.010.
3. Projects that are consistent with projects identified and planned for in the Transportation System Plan.
4. Landscaping as part of a transportation facility.
5. Emergency measure necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
7. Construction of a street or road as part of an approved subdivision or land partition consistent with the Gearhart Subdivision ordinance.

SECTION 6.320. ACCESS MANagements STANDARDS

1. **Purpose.** The purpose of this ordinance is to manage access to land development while preserving the movement of people and goods in terms of safety, capacity, functional classification, and performance standards as adopted in the Transportation System Plan. This ordinance shall apply to all arterials and collectors within the City of Gearhart and to all properties that abut these roadways at which time new or redevelopment occurs.
2. **Permit Required.** Vehicular access to a collector or arterial street (e.g., a new or modified driveway connection to a street or highway) requires an approach permit approved by the applicable roadway authority.
3. **Nonconforming Access Features.** Legal access connection in place as of August 2, 2017 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - A. When new access connection permits are requested;
 - B. Changing in use or enlargements or improvements that will increase trip generation.
4. **Access Spacing Standards.** Minimum access spacing standards are established in the Transportation System Plan for City roads according to their functional classification.
5. **Exceptions and Adjustments.** The City Manager or designee may approve adjustments to the spacing standards of subsection 4, above, where an existing connection to a City street does not meet the standards of the roadway authority and the proposed development moves in the direction of code compliance. The City Manager or designee may also approve a deviation to the spacing standards on City streets where it finds that mitigation measures, such as consolidated access (removal of one access), joint use driveways (more than one property uses same access), directional limitations (e.g., one-way), turning restrictions (e.g., right-in/right-out only), or other mitigation alleviate all traffic operations and safety concerns.
6. **Long-term Consolidation of Access.** The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site development review, as applicable, for the traffic safety and access management purposes in accordance with the following standards:
 - A. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

- B. Reciprocal access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including paths, at the time of final plat approval or as a condition of the site development approval.
7. Access Consolidation Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

SECTION 6.330. TRAFFIC IMPACT ANALYSIS

1. Purpose. The purpose of this section is coordinate the review of land use applications with roadway authorities and to implement Section 660-012-0045(2)(e) of the state Transportation Planning Rule, which requires the City to adopt a process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities. The following provisions also establish when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; the required contents of a Traffic Impact Analysis; and who is qualified to prepare the analysis.
2. When a Traffic Impact Analysis is Required. The City or other road authority with jurisdiction may require a Traffic Impact Analysis (TIA) as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change of use or a development would involve one or more of the following:
 - A. Changes in land use designation, or zoning designation that will generate more vehicle trip ends.
 - B. Projected increase in trip generation of 25 or more trips during either the AM or PM peak hour, or more than 300 daily trips.
 - C. Potential impacts to intersection operations.
 - D. Potential impacts to residential areas or local roadways, including any non-residential development that will generate traffic through a residential zone.
 - E. Potential impacts to pedestrian and bicycle routes, including, but not limited to school routes and multimodal roadway improvements identified in the TSP.
 - F. The location of an existing or proposed access driveway does not meet minimum spacing or sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, thereby creating a safety hazard.
 - G. A change in internal traffic patterns may cause safety concerns.
 - H. A TIA is required by ODOT pursuant with OAR 734-051.

- I. Projected increase of five trips by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) per day, or an increase in use of adjacent roadways by vehicles exceeding 26,000-pound gross vehicle weight (13 tons) by 10 percent.
3. Preparation. A professional engineer registered by the State of Oregon, in accordance with the requirements of the road authority, shall prepare the Traffic Impact Analysis.
 4. Preapplication Conference. For proposals that meet one or more of the thresholds in section 2, above, the applicant shall attend a preapplication meeting in order to coordinate with the city staff, and ODOT as necessary, to discuss the scope of a required TIA prior to submitting an application. ODOT will be invited to participate in the preapplication conference when an approach road to Highway 101 serves the subject property to ensure the completed TIA meets the requirements of both agencies.
 5. Approval Criteria.
 - A. The study complies with the content requirements set forth by the city engineer or designee and ODOT staff as appropriate;
 - B. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identified traffic safety problems in a manner that is satisfactory to the city engineer or designee and, if State facilities are affected, to ODOT;
 - C. For affected city facilities, the TIA demonstrates the project meets mobility and other applicable performance standards established in the adopted city Transportation System Plan have been met; and
 - D. Proposed design and construction of transportation improvements are in accordance with the street design standards and the access spacing standards specified in the Transportation System Plan.

SECTION 6.340. PEDESTRIAN ACCESS AND CIRCULATION AND BIKE PARKING

1. Purpose and Intent. This section implements the pedestrian access and connectivity policies of City of Gearhart Transportation System Plan. It is intended to provide for safe, reasonably direct, and convenient pedestrian access and circulation.
2. Standards. Developments shall conform to all of the following standards for pedestrian access and circulation:
 - A. Continuous Walkway System. A pedestrian walkway system shall extend throughout the development site and connect to adjacent sidewalks, if any, and to all future phases of the development, as applicable.

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

- (1) The walkway is reasonably direct. A walkway is reasonably direct when it follows a route that does not deviate unnecessarily from a straight line or it does not involve a significant amount of out-of-direction travel.
- (2) The walkway is designed primarily for pedestrian safety and convenience, meaning it is reasonably free from hazards and provides a reasonably smooth and consistent surface and direct route of travel between destinations. The City Manager or designee may require landscape buffering between walkways and adjacent parking lots or driveways to mitigate safety concerns.
- (3) The walkway network connects to all primary building entrances consistent with Americans with Disabilities Act (ADA) requirements.

C. Evacuation Routes. Evacuation routes identified in the Transportation System Plan must be constructed to the standards identified in the Transportation System Plan.

3. **Vehicle/Walkway Separation.** Except as required for crosswalks, per subsection 4, below, where a walkway abuts a driveway or street it shall be raised six inches and curbed along the edge of the driveway or street. Alternatively, the City Manager or designee may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is physically separated from all vehicle-maneuvering areas. An example of such separation is a row of bollards (designed for use in parking areas) with adequate minimum spacing between them to prevent vehicles from entering the walkway.
4. **Crosswalks.** Where a walkway crosses a parking area or driveway (“crosswalk”), it shall be clearly marked with contrasting paving materials (e.g., pavers, light-color concrete inlay between asphalt, or similar contrasting material) or painted crosswalk striping. The crosswalk may be part of a speed table to improve driver-visibility of pedestrians.
5. **Walkway Width and Surface.** Unless exempted under 6.340(B)(6), walkways shall be constructed of concrete, asphalt, brick or masonry pavers, or other durable surface, as approved by the City Manager or designee, and not less than five feet wide. Multi-use paths (i.e., designed for shared use by bicyclists and pedestrians) shall be concrete or asphalt and shall conform to city transportation standards.
6. **Construction Exceptions.** The Ridgeline Path and any beach paths may be constructed of soft-surface materials, as deemed appropriate by the City Manager or designee.