

**Section 4.137 Site Plan Approval.** All commercial and residential development proposals shall be reviewed for conformance to the standards established by this Ordinance. Site plan approval shall be a condition of issuance of a building permit.

Condition of issuance of a building permit:

1. A site plan shall be to scale and shall contain:
  - (a) The exterior outline of all structures.
  - (b) Required on-site parking areas.
  - (c) Required yard setbacks and building height.
  - (d) Existing trees and proposed trees.
2. [Deleted by Ord. 16-04, passed November 9, 2016]
3. [Deleted by Ord. 16-04, passed November 9, 2016]

**Section 4.138 Filling of Lots.** The introduction of fill to a lot to obtain height for building purposes is prohibited except in those cases where a lot lies below street grade. Fill may be used to bring the lot grade up to street level abutting front lot line. The applicant shall provide a plan prepared by a registered civil engineer which prevents the diversion of water onto adjoining properties. [Section 4.138 amended by Ord. 95-4, passed March 6, 1996].

[Section 4.140 added by Ord. 95-4, passed March 6, 1996; repealed by Ord. 01-03, passed 8/27/01]

**Section 4.141 Parking Structure within front yard.** On lots that slope downhill from the street with an average slope of 20 percent or greater, an uncovered parking structure may be located within the front yard. Such a parking structure must be constructed at no higher than the grade of the street. The parking structure may not have a roof or side walls of any materials, but a railing of the minimum height required by the building code is permitted. [Added by Ord. 01-03, passed 8/27/01]

#### **Section 4.142 Trees**

1. Removal of trees. The City encourages retention of existing trees wherever feasible and prohibits clear cutting of lots prior to review and approval of a site plan or tree replacement plan.
  - (a) Removal of a tree(s) from a lot which is not associated with a development proposal may be permitted subject to City approval of a tree replacement plan.
2. Replanting of trees. Trees that have been removed from the building site shall be replaced by trees of a species native to the area or by a species that has demonstrated an ability to adapt to this area. The number and location of such trees shall be shown on the site plan.

Prior to final building inspection, all trees noted on the tree replacement plan shall be planted. Replanted trees which die shall be replaced within 90 days of the death of the trees. [Amended by Ord. 06-04, passed September 18, 2006]

3. Planting trees near utility lines. Trees planted within 25 feet of overhead utility lines shall not be a species of tree which grows taller than 25 feet and/or has a crown greater than 25 feet in diameter. Trees planted between 25 feet and 40 feet of overhead utility lines shall not be a species of tree which grows taller than 40 feet and/or has a crown greater than 40 feet in diameter. Trees planted further than 40 feet from overhead utility lines must be a species of tree which grows no taller nor has a crown wider than the distance of the tree from any overhead utility lines. Trees existing as of November 9, 2016 are allowed to stay, but if removed must be replaced by a species of tree meeting the requirements of this section.
4. Vegetation around service drops and pad mounted equipment. Property owners may not plant trees or vegetation under service drop lines running from the utility poles to private residences or commercial facilities, if such trees or vegetation will interfere with or potentially damage the service drop lines. Property owners must maintain clear space that is absent of all objects, plants, shrubbery, trees and other items within (1) 10 feet of all pad mounted equipment that opens, (2) 3 feet of all non-opening parts of pad mounted equipment, and (3) 5 feet of all utility pedestals.

[Section 4.142 added by Ord. 16-04, passed November 9, 2016].

**Section 4.150 Design Review.** The purpose of Sections 4.150 through 4.158 is to provide design standards for commercial and mixed use development in Manzanita's commercial zones and in the High Density Residential/Limited Commercial zone. Design review provides aesthetic judgment over development projects in order to maintain the unique character of the community by keeping buildings to human scale and reflecting the natural beauty of the city's setting, to encourage the traditional style of the Pacific Northwest, and to protect the viability of the commercial zones. The standards provide for originality, flexibility and innovation in site planning and development and encourage development where structures, use areas, artistic expression and site elements are integrated in a manner that is harmonious within the site and with adjacent properties. Design review criteria shall be applicable to all new construction, alteration of site improvements, or exterior alteration of commercial and mixed use development in the C-1, LC, and R-4 zones. [Amended by Ord. 06-04, passed September 18, 2006; and amended by Ord. 14-02, passed April 9, 2014].

**Section 4.151 Definitions.** [Amended by Ord. 06-04, passed September 18, 2006; and amended by Ord. 14-02, passed April 9, 2014].

- a. New construction: New building, public improvements such as sidewalks, benches, lighting and/or landscaping.
- b. Alteration of site improvements: The removal of landscaping of an area of 100 square feet or more.