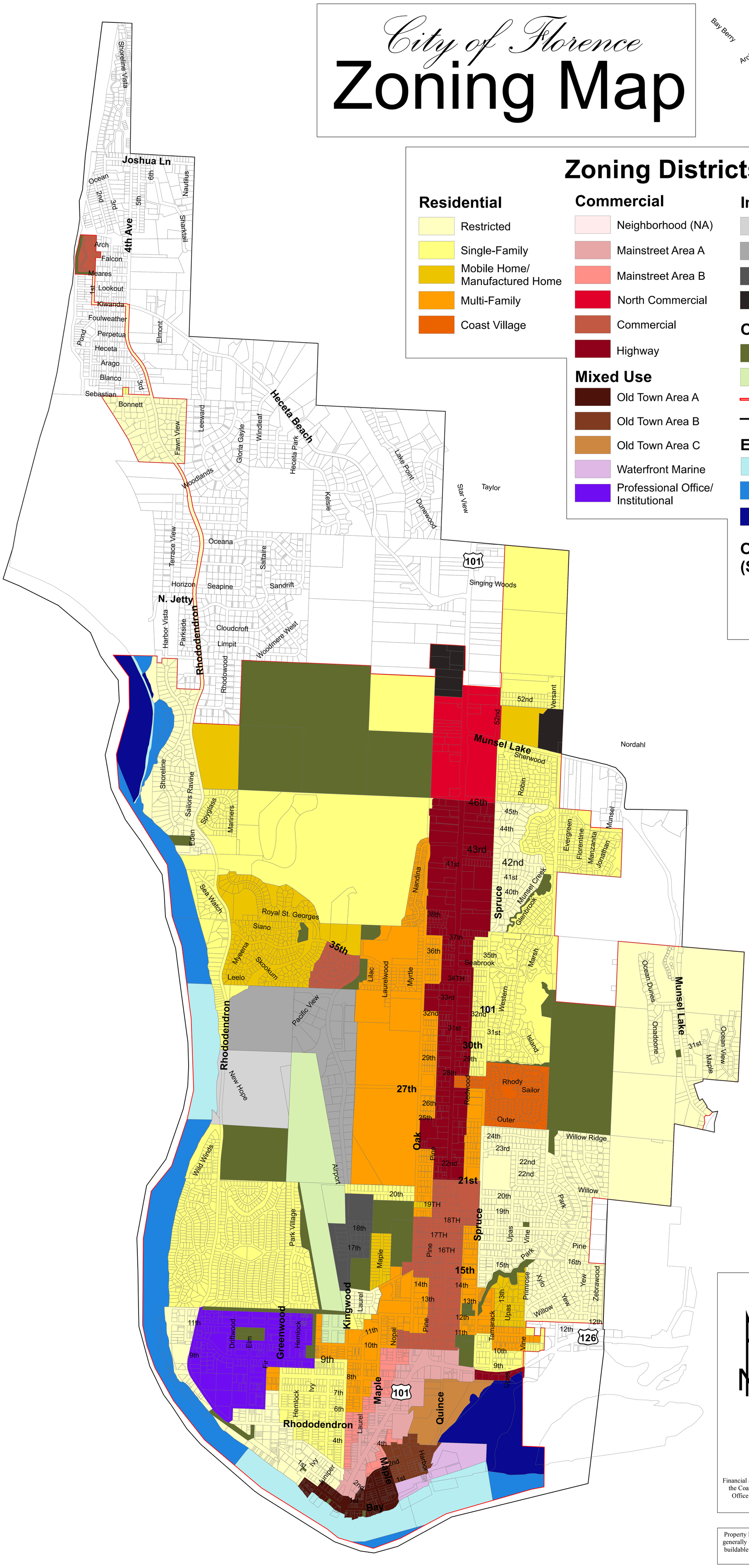
City of Florence
Zoning Map



Zoning Districts

Residential
- Restricted
- Single-Family
- Mobile Home/ Manufactured Home
- Multi-Family
- Coast Village

Commercial
- Neighborhood (NA)
- Mainstreet Area A
- Mainstreet Area B
- North Commercial
- Commercial
- Highway

Mixed Use
- Old Town Area A
- Old Town Area B
- Old Town Area C
- Waterfront Marine
- Professional Office/ Institutional

Industrial
- Marine
- Pacific View Business Park
- Limited Industrial
- Service Industrial

Other
- Open Space
- Public Use Airport
- City Limits
- UGB

Estuaries
- Development Estuary
- Conservation Estuary
- Natural Estuary

Other Overlays (See Separate Maps)
- Public Use Airport Saftey & Compatability
- Telecommunications Facilities
- Coastal Overlay Zoning Map

City of Florence
250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237

December 1, 2014

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Miles

Financial assistance for this map and the data contained was provided in part by the Coastal Zone Managment act of 1972, as amended, administered by the Office of Ocean and Coastal Management Program, Department of Land Conservation and Development.

Property lines shown on this map have been gathered from various sources and generally reflect tax lot lines. These lines do not necessarily correspond to legal, buildable lots. Prior to making any decisions about a property, it is advised that you check with the City regarding the status of the lot.

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

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10-1-1: ADMINISTRATIVE REGULATIONS:

10-1-1-1: SHORT TITLE: This Title shall be known as the "Zoning Ordinance of the City of Florence", and the map herein referred to shall be known as the "Zoning Map of the City of Florence". Said Map and all explanatory matter thereon are hereby adopted and made a part of this Title.

10-1-1-2: SCOPE: No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided herein. No permit for the construction or alteration of any building shall be issued unless the plan, specifications and intended uses of such building conform in all respects with the provisions of this Title. The zoning regulations are not intended to abrogate, annul or impair easement, covenant or other agreements between parties, except that where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control.

10-1-1-3: PURPOSE: The purpose of this Title is to establish for the City a Comprehensive Zoning Plan designed to protect and promote the public health, safety and welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

A. To fulfill the goals of Florence's Comprehensive Plan.

B. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.

C. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.

D. Protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.

E. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.

F. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.

G. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.

H. To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.

10-1-1-4: APPLICATION:

A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City.

B. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:

1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, statements and fees paid. When an application or petition is incomplete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking. The application shall be deemed complete by the Director upon receipt of all of the missing information, forms and fees, or upon receipt of a written notice from the applicant that no other information will be provided. The Director shall mail written notice to the applicant when the application is accepted. Completeness review and final action on an application shall be in accordance with ORS 227.178.

2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.

3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)

C. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted thirty (30) days prior to the hearing as provided in Subsection 10-1-1-5. (Amd. by Ord. No. 30 Series 1990)

D. Traffic Impact Studies:

1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:

a. The capacity and safety impacts a particular development will have on the City's transportation system;

b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;

c. Mitigating measures necessary to alleviate the capacity and safety impacts so that minimum transportation standards are met; and

d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.

2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:

a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.

c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.

d. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day

.

e. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.

f. A change in internal traffic patterns that may cause safety problems, such as backed up onto a street or greater potential for traffic accidents.

g. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:

i. If there exists any current traffic problems, such as high accident location, poor roadway alignment, or capacity deficiency that are likely to be compounded as a result of the proposed development.

ii. If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.

iii. If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.

h. A road authority with jurisdiction within the City may also require a TIS under their own regulations and requirements.

3. Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

10-1-1-5: LAND USE HEARINGS:

A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.

B. Notification of Hearing:

1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.

   a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.

   b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.

   c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).

2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. The notice shall:

   a. Explain the nature of the application and the proposed use or uses which could be authorized;

   b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;

   c. Set forth the street address or other easily understood geographical reference to the subject property;

   d. State the date, time and location of the hearing;

   e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;

   f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

   g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;

h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.

D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.

E. Action by the Planning Commission:

1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.

2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.

3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.

4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.

F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.

H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

10-1-1-6: ADMINISTRATIVE REVIEW

A. The Planning Director, or designated planning staff may make administrative decisions. The administrative procedure is used when there are clear and objective approval criteria and applying City standards require no use of discretion.

B. Administrative Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:

1. Vegetation clearing permits.

2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.

3. Modification of less than 1,500 square feet or less than 25% of the building square footage, whichever is less.

4. An increase in residential density by less than 10 percent, provided the resulting density does not exceed that allowed by the land use district.

5. A change in setbacks or lot coverage by less than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district.

6. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.

7. Administrative review is required for all modifications to an approved landscaping plan except city staff may approve the following changes without going through the administrative review process, provided the proposed landscaping plan is consistent with the intent and character of the original approval:

   a. plant or tree substitutions (e.g. shrub for shrub, tree for tree),

   b. ground cover substitutions,

   c. trading plant locations if planting beds remain the same, or

   d. change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)

8. Special Use Permit

9. Administrative Review is required for all new construction, expansions, change of use and remodels within the Limited Industrial District and Pacific View Business Park District, except city staff may approve the following changes without going through the administrative review process:

   a. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.

   b. Modification to an approved Design Review of less than 1,500 square feet or less than 25% of the building square footage, whichever is less.

   c. A change in setbacks or lot coverage by less than 10 percent provided the resulting setback or lot coverage does not exceed that allowed by the land use district.

   d. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.

C. The Director may refer a request for administrative review to the Planning Commission/Design Review Board for decision. If such a referral is made, the request shall be scheduled on the next available Planning Commission agenda, providing that time allows and subject to proper notice requirements.

D. Notice - Information:

1. Administrative Decisions: The City will post a notice on the subject property and provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made. The list of property owners will be compiled from the most recent property tax assessment roll.

   a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals

are expected to have an impact on a state transportation facility, notice of the application shall be sent to the Oregon Department of Transportation.

2. Property Owner Notice shall:

a. Provide a 14 day period of submission of written comments prior to the decision;

b. List applicable criteria for the decision;

c. Set forth the street address or other easily understood geographical reference to the subject property;

d. State the place, date and time that comments are due;

e. State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at a reasonable cost;

f. Include the name and phone number of local government representative to contact and the telephone number where additional information may be obtained.

E. Request for referral by the Planning Commission Chair: The Chair of the Planning Commission may, within the 14 days notice period, request that staff refer any application to the Planning Commission for review and decision.

F. Administrative decision requirements: The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve with or without conditions or deny the request, permit or action.

G. Notice of Decision: A notice of the action or decision and right of appeal shall be given in writing to the applicant. Any party who submitted written testimony must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

H. Appeal process: As set forth in 10-1-1-7 or appealed by the Planning Commission.

I. Fee: A fee shall be established to cover at least direct costs of the application. (Ord. No. 15, 2002)

10-1-1-7: APPEALS: Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission/Design Review Board. Planning Commission/Design Review Board decisions may be appealed to the City Council.

A. A notice of intent to appeal must be filed by an affected party, which includes persons testifying orally or in written form at the hearing held on the matter.

B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12th day after the notice of decision is mailed, the decision shall be final.

C. If the applicant has signed an "Agreement of Acceptance" and there is no other party who could appeal the decision, the appeal period is waived.

D. The written petition on appeal shall include:

1. A statement of the interest of the petitioner to determine standing as an affected party.

2. The date of the decision of the initial action.

3. The specific errors, if any, made in the decision of the initial action and the grounds therefore.

4. The action requested of the Planning Commission/Design Review Board or Council and the grounds therefore.

5. A certification of the date that a copy of the written petition on appeal was delivered or mailed by first class mail postage prepaid to all affected parties.

E. Unless otherwise provided by the Planning Commission/Design Review Board or City Council, the review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:

1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence.

2. All materials submitted by the City staff with respect to the application.

3. The minutes of the hearing (if applicable).

4. The Findings on which the decision is based.

5. The notice of intent to appeal or the requests for review and the written petitions on appeal.

6. Argument by the parties or their legal representatives.

F. The Body hearing the appeal may affirm, reverse or amend the decision and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to the Planning Commission/Design Review Board for additional information. When rendering its decision, the Body hearing the appeal shall make findings based on the record before it and any testimony or other evidence received by it.

G. Whenever two members of the City Council submit to the Community Development Department a written request for review within twelve (12) days of the date of the mailing of the Planning Commission or Design Review Board decision, the Council shall review the decision of the Planning Commission or Design Review Board. Each request for review shall identify the issues that the affected parties are to address. The Community Development Department shall deliver or mail by first class mail a copy of the requests for review to all affected parties and to the other members of the Council. Such requests for review shall be considered an appeal, with all affected parties allowed an opportunity to submit written petitions on appeal within the time specified in paragraph A of this subsection. Each person filing a written petition on appeal shall be heard by the Council. The Council shall review the record to determine whether there is sufficient evidence to support the findings, whether the finds are sufficient to support the Planning Commission or Design Review Board decision, and where appropriate, whether the decision of the Commission or Board is a proper interpretation of the applicable ordinances.

H. Any action or decision by the City Council arising from an appeal, except a referral back to the Planning Commission or Design Review Board, shall be final and conclusive.

I. The Council, by resolution shall establish a schedule of filing fees for all appeals from final decisions of the Planning Commission or Design Review Board. Council shall use the following criteria in establishing such a fee schedule; that the fee charged bear some relation to the City's cost in

processing the appeal; and that the fee or fees charged be consistent in amount with fees charged by similar municipalities or agencies. (Amd. by Ord. No. 30, Series 1990).

10-1-1-8: ENFORCEMENT:

A. Enforcement Responsibility: It shall be the duty of the City Manager and/or Building Official to see that this Title is enforced through the proper legal channels. There shall be no permit issued for the construction or alteration of any building, or part thereof, unless the plans, specifications and intended use of such building conforms in all respects to the provisions of this Title.

B. Abatement: Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations shall be, and is hereby declared to be unlawful and a public nuisance and may be abated as such. (Ord. 625, 6-30-80).

C. Final Action on Permits: Final action on permit applications and zone changes shall take place within 120 days of filing a complete application, except where the applicant requests a longer time, in compliance with ORS 227.178. (Amd. by Ord. No. 30, Series 1990).

10-1-2: USE DISTRICTS AND BOUNDARIES:

10-1-2-1: DISTRICTS ESTABLISHED: For the purpose of this Title, the City is hereby divided into the zoning districts, as established within this Title 10.

10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP: The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity. (Amd. by Ord. 30, 1990).

10-1-2-3: ZONING OF ANNEXED AREAS: The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning district shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Quasi-Judicial Changes:

1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.

2. Application Fees: When proceedings are initiated by a property owner, filing fees shall be collected. The schedule of application fees shall be established by the City Council by resolution. The fee charged shall be no more than the average cost of providing service.

3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-5.

4. Planning Commission Review: The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

C. Legislative Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.

2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

10-1-4: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code 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.

ABUT	Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.
ACCESS	The place, means or way by which pedestrians or vehicles shall have safe, adequate and useable ingress and egress to a property, use or parking space.
ACCESS EASEMENT	An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.
ACCESSORY BUILDING	Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.
ACCESSWAYS	A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).
AGED PERSON	An individual 65 years of age or older. (Ord. 711, 1-24-84)
ALLEY	A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

ALTER	Any change, addition or modification of construction or occupancy of a building or structure.
ALTER THE ESTUARY	Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.
ALTERATION	For the purpose of administering Chapters 7, 18, 19, and 24, alteration shall mean any human-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
ALTERED SHORELANDS	Include shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
AMENDMENT	A change in the wording, context or substance of this Title, or a change in the zone boundaries or area district boundaries upon the zoning map.
APARTMENT	See "Dwelling, Multiple"
ARTERIAL STREET	The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.
AREAS MANAGED FOR WATER DEPENDENT ACTIVITIES	The Federal Navigation channel, the north jetty, and the estuary where it is adjacent to Water Dependent Sites.
AWNING	Any stationary structure, permanent or demountable, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
BASE ZONING DISTRICT	The zoning district applied to individual properties as depicted on the City of Florence Zoning Map. The base zoning district may underlie an Overlay Zoning District, as described in the definition for Overlay District. "Single-family Residential" is an example of a base zoning district.
BASEMENT	A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) its height is above the average level of the adjoining ground.
BED AND BREAKFAST	A Bed and Breakfast facility means a single-family dwelling containing rooms for rent in accordance with Title 10, Chapter 4 (Conditional Uses).
BICYCLE FACILITY	There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.
BOARD	The "Florence Design Review Board".
BOARDING HOUSE	A building where lodging, with or without meals, is provided for compensation, but shall not include group care homes, homes for the aged or nursing homes.

BRIDGE CROSSINGS	The portion of a bridge spanning a waterway not including supporting 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 ZONE	A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/rivers, delineated wetland boundary, delineated spring boundary, or average high water for lakes.
BUILDABLE AREA	The portion of a development site not required by this Title or specific conditions, as a yard, open space or easement.
BUILDING	Any temporary or permanent structure constructed and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattels or personal or real property of any kind. The words “building” and “structure” shall be synonymous.
BUILDING HEIGHT	The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.
BULKHEAD	A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action.
BURN TO LEARN	A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.
CALIPER	Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).
CARPORT	A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.
CARRYING CAPACITY	Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
CEMETERY	Land uses or intended to be used for the burial of the dead or dedicated for such purposes, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
CHURCH	A building together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship.
CITY	The City of Florence, Oregon, and its officials or authorized agents.
CITY RECORDER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)

CLINIC	Single or multiple offices of physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists and other members of the healing arts, including a dispensary in each such building to handle merchandise of a nature customarily prescribed by the occupants in connection with their practices.
CLINIC, SMALL ANIMAL	A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed.
CLUB	Any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business.
COASTAL LAKES	Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
COASTAL SHORELANDS	Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
COASTAL STREAM	Any stream within the coastal zone.
COLLECTOR	A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system.
COMMISSION	The Florence Planning Commission
COMPREHENSIVE PLAN	The current adopted Comprehensive Plan for the City of Florence.
CONSERVE	To manage in a manner which avoids wasteful or destructive uses and provides for future availability.
CORNER LOT	See “Lot Types”
COURT OR COURTYARD	An open unoccupied space, other than a yard, on the same lot with a building.
CROSSWALK	A path marked off on a street to indicate where pedestrians should cross.
CUTBANKS	River terraces possessing steep slopes and subject to erosion and sloughing. Very active erosion usually occurs where the active flow of the main channel is directed toward the bank.
DEDICATE / DEDICATION	The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property has been committed. (Ord. 2, Series 2011)
DAY NURSERY	An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage, under the age of six (6) years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.
DEFLATION PLAIN	The broad interdune area which is wind-scoured to the level of the summer water table.

DEVELOP	To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.
DEVELOPMENT	The act, process or result of developing.
DIAMETER BREAST HEIGHT (DBH)	Diameter of the trunk of a tree measured at 4.5 feet above the ground
DIVERSITY	The variety of natural, environmental, economic, and social resources, values, benefits, and activities.
DOCK	A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.
DOLPHIN	A cluster of piles.
DRAINAGEWAY	The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.
DRIVEWAY	Unless otherwise specified in this Title, driveway means the area that provides vehicle access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas.
DUNE	A hill or ridge of sand built up by the wind along sandy coasts.
DUNE, ACTIVE	A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.
DUNE, CONDITIONALLY STABLE	A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.
DUNE, OLDER STABILIZED	A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
DUNE, OPEN SAND	A collective term for active, un-vegetated dune landforms.
DUNE, RECENTLY STABILIZED	A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.
DUNES, YOUNGER STABLIZED	A wind-stable dune with weakly developed soils and vegetation.
DUNE COMPLEX	Various patterns of small dunes with partially stabilized intervening areas.
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence of sleeping place, either permanently or temporarily by one or more families, but excluding Coast Village, hotels, motels, and tourist courts.

DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) families living independently from each other and having separate housekeeping facilities for each family.
DWELLING, MULTIPLE	A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate housekeeping facilities for each family.
DWELLING, SINGLE	A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family; or B. A manufactured home designed and used exclusively for the occupancy of one family which is located and maintained in compliance with Section 10-11-7 of this Title. C. Except as authorized in B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home, manufactured home, is not considered a single family dwelling. (Ord. No. 7, Series 1994)
EASEMENT, PUBLIC	A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. No. 2, Series 2011)
ECOSYSTEM	The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.
ENCOURAGE	Stimulate; give help to; foster.
ENHANCEMENT	An action which results in a long-term improvement of existing functional characteristics and processes that is not the results of a creation or restoration action.
ESTUARY	The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.
ESTUARINE IMPACT ASSESSMENT	An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
FAMILY	One of more persons occupying a single housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than five (5) persons; ore provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than a total of five (5) physically or mentally handicapped persons or aged persons including their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711)

FILL	For the purposes of this Code and the Comprehensive Plan, the definition of fill shall be the definition used in the Statewide Planning Goals: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.[1]
FINANCE OFFICER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
FLOODFRINGE	The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.
FLOODPLAIN	The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.
FLOOD, REGIONAL (100 YEAR)	A standard statistical calculation used by engineers to determine the probability of server flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
FLOODWAY	The normal stream channel and that adjoining areas of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.
FOREDUNE, ACTIVE	An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.
FOREDUNE, CONDITIONALLY STABLE	An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
FOREDUNE, OLDER	A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.
FOREST LANDS	See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal.
GARAGE, PRIVATE	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Title and are not open for use by the general public.
GARAGE, PUBLIC PARKING	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages ay include parking spaces for customers, patrons or clients as required by this Title, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.

[1] Note that the Army Corps of Engineers' (ACOE) and the Department of State Lands' (DSL) definitions are different from this Statewide Planning Goals definition and the definitions of this federal and other state agency have been interpreted to include pilings and riprap in the estuary.

GARAGE, REPAIR	A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.
GEOLOGIC	Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.
GRADE (ADJOINING GROUND LEVEL)	The average of the finished ground level at the center of all walls of a building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
GROIN	A small structure extending from a shore to protect a beach against erosion or to trap shifting sands.
GROUNDWATER	Water in the zone of saturation beneath the surface of the earth.
GROUP CARE HOME	Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84)
HALF STORY	That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.
HARDPAN	A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate.
HEADLANDS	Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.
HISTORICAL RESOURCES	Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition).
HOME OF THE AGED	Any home or institution that provides board and domiciliary care for compensation to three (3) or more persons who are of the age of sixty-five (65) years of more, or persons of less than sixty-five (65) years who, by reasons of infirmity, require domiciliary care.
HOME OCCUPATION	Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria: A. No employment of help other than the members of the resident family. B. No use of material of mechanical equipment that is inconsistent with the residential character of the neighborhood. C. No sales of products or services not produced on the premises. D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located. E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises. F. No storage of materials/supplies outdoors. G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.

H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations).

I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

HOSPITAL	Any building or institution providing healing, curing and nursing care, and which maintains and operates facilities for the diagnoses, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.
HOTEL	Any building or group of buildings used for transient residential purposes containing four (4) or more guest units with or without housekeeping facilities.
HUMMOCK, ACTIVE	Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.
HYDRAULIC	Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.
HYDRAULIC PROCESSES	Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).
HYDROGRAPHY	The study, description and mapping of oceans, estuaries, rivers and lakes.
HYDROLOGIC	Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.
IMPACT	The consequences of a course of action; effect of a goal, guideline, plan or decision.
INSURE	Guarantee; make sure or certain something will happen.
INTEGRITY	The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.
INTERDUNE AREA	Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)
INTERTIDAL	Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).
JETTY	A structure extending seaward from the mouth of a river designed to stabilize the rivermouth by preventing the buildup of material at the river's mouth, and to direct or confine the stream or tidal flow
KEY FACILITIES	Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.

LCDC	The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.
LEVEL OF SERVICE	A quantitative standard for transportation facilities describing operational ("LOS") conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).
LIGHTING	Refer to Chapter 37 of this Title for all definitions relating to lighting regulations.
LITTORAL DRIFT	The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.
LOADING SPACE	An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access on a street or alley, or other appropriate means of access.
LOCAL STREET	A street primarily for access of abutting properties.
LOT	Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Title and having frontage upon a street.
LOT AREA	The total area within the lot lines of a lot measured on a horizontal plane.
LOT COVERAGE	That portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.
LOT LINE	A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code. B. Rear: The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line. C. Side: Any property line which is not a front of rear lot line.
LOT MEASUREMENTS	A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. B. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.
LOT TYPES	A. Corner: A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) 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 side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line. B. Double Frontage or Through: A lot development site other than a corner

lot with frontage on more than one street.

C. Interior Lot: A lot or development site other than a corner having frontage only on one street.

MAIN BUILDING	A building within which is conducted the principal use permitted on the lot, as provided by this Title.
MAIN CHANNEL	That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.
MAINTAIN	Support, keep, and continue in an existing state or condition without decline.
MANAGEMENT UNIT	A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.
MANUFACTURED HOME	A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty or more body feet in length, or when erected on site is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems herein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974
MEDICAL MARIJUANA FACILITY	A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.
MINING	All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.
MINOR NAVIGATIONAL IMPROVEMENTS	Alterations 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 wave 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.
MOBILE HOME	A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.

MOBILE HOME/ MANUFACTURED HOME PARK	A place where four (4) or more mobile homes/manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership.
MOBILE HOME SPACE	A plot of ground within a mobile home park that is designed for the accommodation of one mobile home
MOTEL	See "Hotel".
MULTI-USE PATH	A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users. (Ord. No. 2, Series 2011)
MULTI-USE PATHWAY	A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage.
MULTI-USE TRAIL	An unpaved path that accommodates pedestrians; shared with other non-motorized users. (Ord. No. 2, Series 2011)
NATURAL AREAS	Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.
NATURAL HAZARDS	Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.
NATURAL RESOURCES	Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.
NEIGHBORHOOD COMMERCIAL	The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required.
NONCONFORMING USE	A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.
NON-STRUCTURAL EROSION CONTROL SOLUTIONS	Alternatives to erosion control structures, including, but not limited to, a combination of soils, sands, gravels and stone in conjunction with biodegradable protective materials and live plant materials.
OCCDC	Oregon Coastal Conservation and Development Commission created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.
OCEAN FLOODING	The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include

	beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding. Ocean flooding is more specifically defined in the individual Chapters of this Plan as it pertains to the policies and objectives in the respective chapters.
OPEN SPACE	Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas. (Ord. No. 2, 2011)
OVERLAY ZONING DISTRICT	A zoning district that applies to property in addition to a “Base Zoning District.” In Title 10 of the Florence City Code, “Natural Resources Conservation Overlay District” is an example of an overlay zoning district and “Single-family Residential” is an example of a base zoning district.
PARKING AREA PRIVATE	Private 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 Title for retail customers, patrons and clients. (Ord. 625, 6-30-80).
PARKING SPACE	A permanently maintained space with proper access for one automobile. (Ord. 669, 5-17- 82).
PARKLANDS	Provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011)
PIER	A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.
PILE	A long, heavy timber or section of concrete or metal to be driven or jetted into the earth or seabed to serve as a support or protection.
PILING	A group of piles
PLANNING DIRECTOR OR DIRECTOR	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. by Ord. 30, Series 1990).
PUBLIC ACCESS EASEMENT	A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.
POLLUTION	The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.

PRESERVE	To save from change or loss and reserve for a special purpose.
PROTECT	Save or shield from loss, destruction, or injury or for future intended use.
PROVIDE	Prepare, plan for, and supply what is needed.
PUBLIC FACILITIES AND SERVICES	Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.
PUBLIC GAIN	The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.
QUALITY	The degree of excellence or relative goodness.
RECREATION	Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction. <u>Coastal Recreation</u> occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants. <u>Low-Intensity Recreation</u> does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation. <u>High-Intensity Recreation</u> uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
RECREATIONAL VEHICLE	A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes (except as permitted in Coast Village District) and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
RECREATION NEEDS	Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011)
RESOURCE CAPABILITIES ASSESSMENT	An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment if required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

RESTING AND PASSING SPACE	A turnout from a trail or path, wheelchair rest spots, trash containers, landscape and/or shelter facilities or interpretive displays. (Ord. No. 2, Series 2011)
RESTORE	Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16, estuarine restoration means to revitalize or reestablish 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 an 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 began. The following are more specific definitions of active and passive restoration: <u>Active Restoration</u> involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, planting vegetation, or rebuilding deteriorated urban waterfront areas. <u>Passive Restoration</u> is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.
RIGHT OF WAY	A public use area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency.
RIPARIAN	Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
RIPRAP	A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.
ROOMING HOUSE	See "Boarding House".
ROOT GUARDS	Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.
SALT MARSH	A tidal wetland supporting salt-tolerant vegetation.
SEAWALL	A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. See also BULKHEAD.
SEDENTARY	Attached firmly to the bottom, generally incapable of movement.
SEDIMENT	Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.
SEDIMENTATION	The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.

SENSITIVE AREA	Natural streams (perennial or intermittent), rivers, including the estuary, lakes, or wetlands hydraulically connected by surface water to streams, rivers, or lakes and areas defined by the City of Florence's Local Wetlands and Riparian Inventory. Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.
SERVICE STATION	A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.
SHOAL	A sandbank or reef creating shallow water, especially where it forms a hazard to shipping A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.
SHOALING	A decrease in water depth, especially near a shoreline.
SHORELINE	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.
SIGNIFICANT HABITAT AREAS	A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.
SOCIAL CONSEQUENCES	The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.
SPECIAL USE PERMIT	The administrative approval of a use or activity based on criteria and standards set forth in the Florence City Code (as differentiated from a Conditional Use Permit, which requires public hearings and Planning Commission approval).
STORY	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling above.
STREET	A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.
STRUCTURE	See "Building." For the purposes of administering Code Chapters 7, 18, 19, and 24, the definition shall also mean anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.
SUBSTRATE	The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.

SUBTIDAL	Below the level of mean lower low tide (MLLT).
TEMPORARY ESTUARY ALTERATION	Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the Florence Comprehensive 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 jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.
TERRITORIAL SEA	The ocean and seafloor area from mean low water seaward three nautical miles.
TIDAL MARSH	Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.
TOURIST COURT	See "Hotel".
TRADITIONAL CULTURAL PROPERTY	A place which is culturally significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and that are important in maintaining the continuing cultural identity of the community.
TYPE III BARRICADE	A portable or fixed device having three rails with appropriate markings that is used to control road users by closing, restricting, or delineating all or a portion of the right-of-way. The reflective sheeting shall be a minimum of High Intensity Prismatic or Diamond grade with a base color of orange. Design specifications for a Type III Barricade is provided in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA).
USE	The habitual or customary activity occurring on the land or in a building thereon.
VISION CLEARANCE	A triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet (2 1/2') above the street grade to a height of eight feet (8').
WALKWAYS	A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.
WATER DEPENDENT SITES	Sites designated in the Florence Comprehensive Plan and zoned to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the Shallow Draft Development Oregon Estuary Classification. Two sites in the Florence UGB have been designated Water Dependent: the site zoned Marine along the estuary near the west edge of the UGB and the site zoned Waterfront Marine in Old Town.
WATER-DEPENDENT USE	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, where:

"Access" means physical contact with or use of the water;

"Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

"Water-borne transportation" means use of water access:

1) Which are themselves transportation (e.g., navigation);
2) Which require the receipt of shipment of goods by water; or
3) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships boats, etc. terminal and transfer facilities;

"Recreation" means water access for fishing, swimming, boating, etc. Recreation uses are water dependent only if use of the water is an integral part of the activity.

"Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

"Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.

Typical examples of "water dependent uses" include the following:

1) "Industrial" – e.g. manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.
2) "Commercial" e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.
3) "Recreational", e.g., recreational marinas, boat ramps and support.
4) Aquaculture
5) Certain scientific and educational activities which, by their nature, require access to coastal waters – estuarine research activities and equipment mooring and support.

Examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses; and boardwalks

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 a 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 quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.

WETLANDS — Land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands."

WRECKING YARD, MOTOR VEHICLES BUILDING MATERIALS	Any premises used for the storage, and dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.
YARD	An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.
YARD, FRONT	An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.
YARD, REAR	An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.
YARD, SIDE	An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line. (Ord. 625, 6-30-80) (Amended Ord. No. 9, Series 2009)

10-1-5: LAND USE CATEGORY DEFINITIONS: The following are land uses and activities grouped into use categories on the basis of common functional, product, or physical characteristics and defined as follows.

Industrial Use Categories

INDUSTRIAL SERVICE	Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.
MANUFACTURING AND PRODUCTION	Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.
WAREHOUSE, FREIGHT MOVEMENT, AND DISTRIBUTION	Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
WATER-RELATED INDUSTRIAL USE	Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Municipal waste-related industrial uses are those solely owned by, or in partnership with the City of Florence.
WHOLESALE SALES	Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas.

Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

Commercial Use Categories

EDUCATIONAL SERVICES	Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental training, education, and/or tutoring. Some examples are nursing and medical training centers accessory to a hospital or college or an after school math and reading center. Educational service uses are distinct from college and school land use categories.
OFFICE	Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.
PARKING FACILITY	Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility may be a surface parking lot or structured parking garage. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking facility.
QUICK VEHICLE SERVICING	Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (different than Vehicle Repair). Some examples are car washes, quick lubrication services and gas stations.
RETAIL SALES	Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.
RETAIL ENTERTAINMENT	Retail Entertainment firms provide consumer-oriented entertainment, activities or games to the general public. Some examples are game arcades, theaters and health clubs.
RETAIL SERVICE AND REPAIR	Retail Service firms provide personal services and/or provide product repair for consumer and business goods. Some examples are photographic studios, dance classes, locksmith and upholsterer (different than Quick Vehicle Servicing and Vehicle Repair).
VEHICLE REPAIR	Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed (different than Quick Vehicle Servicing). Some examples are auto repair or body shop, auto detailing and auto tire sales and mounting.

Institutional and Civic Use Categories

BASIC UTILITIES	Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. Some examples are electrical substations, water storage facilities, sewer pump stations and bus stops.

COMMUNITY SERVICES	Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions but are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Some examples are libraries, museums and social service facilities.
DAYCARE	Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.
PARKS AND OPEN AREAS	Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

Other Use Categories

OUTDOOR DISPLAY	The keeping, in an outdoor area, of merchandise or goods for purposes of sale or exhibit.
OUTDOOR STORAGE	The keeping, in an outdoor area, of material, supplies, or vehicles for purposes of storing or holding.
RADIO FREQUENCY TRANSMISSION FACILITIES	Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self supporting, guyed, or mounted on poles or buildings.
REGIONAL UTILITY CORRIDORS AND RAIL LINES	This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, oil, water, sewage, communication signals, or other similar services on a regional level; utilities and easements for on-site infrastructure to serve development is not considered regional utility corridors. This category also includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad.

Amended by Ord. No. 15, Series 1988
Amended by Ord. No. 18, Series 1990
Amended by Ord. No. 30, Series 1990
Amended by Ord. No. 7, Series 1994
Amended by Ord. No. 13, Series 2002
Amended by Ord. No. 15, Series 2002
Amended by Ord. No. 26, Series 2008 – See Exhibit B
Amended by Ord. No. 10, Series 2009 – See Exhibit C
Amended by Ord. No. 9, Series 2009 – See Exhibit G
Amended by Ord. No. 4, Series 2010 – See Exhibit C (effective 4-5-10)
Amended by Ord. No. 2, Series 2011 (effective 3-11-11)
Sections 10-1-1-4, 10-1-1-5, and 10-1-4 Amended by Ord. No. 4, Series 2011 – See Exhibit 4E (effective 4-22-11)
Section 10-1-4 “Dwelling” & “Recreational Vehicle” Amended by Ord. No. 21, Series 2011 – See Exhibit C (effective 1-5-12)
Section 10-1-1-4-D, 10-1-1-5-B-1-a and 10-1-1-6-D-1-a Amended by Ord. No. 5, Series 2012 – See Exhibit C (effective 1-16-13)
Section 10-1-1-6, 10-1-1-7, and 10-1-5 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Section 10-1-4 “Lighting” added by Ord. No. 12, Series 2014
Section 10-1-4 amended by Ord. No. 1, Series 2015 (effective 3-17-15)

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

10-2-1: Conformance and Permits
10-2-2: Similar Uses
10-2-3: Building Setback Requirements
10-2-4: Height
10-2-5: Completion of Buildings
10-2-6: Who May Apply
10-2-7: Contract Purchasers Deemed Owners
10-2-8: Guarantee of Performance
10-2-9: Siting Emergency Housing
10-2-10: Public Uses
10-2-11: Exemption From Partitioning Requirements
10-2-12: Uses and Activities Permitted in All Zones

10-2-1: CONFORMANCE AND PERMITS: No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the district in which such building, structure or land is located and there only after applying for and securing all permits and licenses required by all laws and ordinances of the City.

10-2-2: SIMILAR USES: When the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

10-2-3: BUILDING SETBACK REQUIREMENTS: When the Master Road Plan or Zoning Plan indicate that a right of way will be widened, the setbacks required (front, side and rear yards) shall be measured from the proposed expanded right of way.

A. Front Yard: Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yard; except that eaves, cornices, steps, terraces,
platforms and porches having no roof covering and being not over three and one-half feet (3 1/2') high may be built within a front yard.

B. Side Yards:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet (2').

2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

10-2-4: HEIGHT:

A. Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

10-2-5: COMPLETION OF BUILDINGS: Nothing in this Title shall require any change of plans, construction, alteration or designated use of a building upon which construction has actually begun any time previous to the effective date hereof and the ground story framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction, to be in compliance with this Title.

10-2-6: WHO MAY APPLY: In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this Title. Others may also apply for action as long as the owner has indicated consent with the application by either signing the application or by submitting a letter or lease to that effect. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this Title.

10-2-7: CONTRACT PURCHASERS DEEMED OWNERS: A person or persons purchasing property under contract, for the purpose of this Title, shall be deemed to be the owner or owners of the property covered by the contract. The City may require satisfactory evidence of such contract of purchase.

10-2-8: GUARANTEE OF PERFORMANCE: The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

10-2-9: SITING EMERGENCY HOUSING: In the event of a disaster situation, the City Council may designate sites or allow the siting of RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and relief workers until said conditions have been alleviated as determined by the City Manager.

10-2-10: PUBLIC USES: Land within any zoning district which is designated public in the Florence Comprehensive Plan shall be limited to uses which are consistent with that land use designation. Where public uses are designated in the plan and are implemented as a conditional use, such uses shall be permitted with the requirement of development standards by the City as provided for in the conditional use section of this Title.[3] (Ord. 669, 5-17-82)

10-2-11: EXEMPTION FROM PARTITIONING REQUIREMENTS: Public road and highway right-of-way acquisitions are exempt from the minor land partition regulations of this ordinance, providing the remainder of the property meets minimum lot size and setback requirements.*

10-2-12: USES AND ACTIVITIES PERMITTED IN ALL ZONES: The following uses and activities are permitted in all zones without review unless specifically required otherwise:

A. Operation, maintenance, repair or preservation of public roads and highway facilities, including, but not limited to sewer, water line, electrical power, or telephone or television cable system;

B. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan, such as bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;

C. Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and

D. Changes to the frequency of transit or airport service.

E. Exceptions: The following uses and activities require land use approval:

1. Reconstruction or modification of an historic building or other historic structure.

2. Development that requires acquisition of additional property other than the following widening of a public road or highway right-of-way.

(a) Right-of-way identified for acquisition on an official map or that is consistent with an

established special setback.

* Oregon Attorney General OP-5715, August 23, 1984 states that a county may exempt highway right-of-way acquisitions from the county's land partition regulations except those that partition land located in "exclusive farm use zones" established under ORS 215.203 to 215.263.

(b) A minor right-of-way acquisition to permit public road or highway safety improvement or modernization that complies with Section 10-2-12.

3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.

4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 2, Series 2000
Amended by Ordinance No. 12, Series 2002
Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009
Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11
Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12
Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13
Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

TITLE 10
CHAPTER 3

OFF-STREET PARKING AND LOADING

SECTION:

10-3-1: Purpose
10-3-2: General Provisions
10-3-3: Minimum Standards by Use
10-3-4: Minimum Required Parking by Use
10-3-1: Table
10-3-5: Vehicle Parking - Minimum Accessible Parking
10-3-2: Table
10-3-6: Common Facilities for Mixed Uses
10-3-7: Off-site parking
10-3-8: Parking Area Improvement Standards
10-3-9: Parking Stall Design and Minimum Dimensions
10-3-10: Bicycle Parking Requirements
10-3-11: Loading Areas

10-3-1: PURPOSE: The purpose of Chapter 3 is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

10-3-2: GENERAL PROVISIONS:

A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other 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.

B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.

C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.

D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.

E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.

F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.

G. Parking and Loading standards that are listed under specific zoning districts supersede the

general requirements of this chapter.

H. Provisions of this Chapter shall not apply to any parking located in an organized parking district.

I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.

B. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Design Review Board/Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:

1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:

a. The proposal is located within a ¼ mile of an existing or planned transit route, and;

b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces.

Table 10-3-1, Minimum Required Parking By Use:

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
Multiple-family dwelling (except senior citizen & student housing) Studio & one bedroom units Two-bedroom units Three-bedroom units or larger	 1 space per unit 1 1/2 spaces per unit 2 spaces per unit
Mobile home parks	2 spaces per each mobile home, plus 1 space per each 4 mobile homes

Student housing (fraternities, sororities, & dormitories)	1 space for each 2 students of capacity
Lodging: Motels, hotels (see also Bed and Breakfast Inns)	1 space per rental unit, hotels, etc. plus additional spaces as required for restaurants, gift shops, bars, public assembly rooms and other activities.
Bed and Breakfast Inns	1 space per Bedroom
Boarding and rooming houses, excluding group home facilities	1 space per each 2 occupants at capacity.

B. Institutions and Public Assembly Types:

Elementary, middle school and other children's day schools Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250)	1 space per classroom, or as determined by the Design Review Board 1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Design Review Board
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 500 sq. ft. floor area
Libraries, reading rooms, museums, art galleries and Community Service Facilities	1 space per 200 sq. ft. of floor area
Churches and other places of worship	1 space per 50 sq. ft. of main assembly area; or as determined by the Design Review Board, as applicable
Stadiums, grandstands, coliseums, auditoriums	1 space for each 4 persons of seating capacity, except that on-street parking in non- residential and theaters areas, within 1,000 feet of the main assembly area may be used toward fulfilling this requirement.
Parks and Open Space	Determined as determined by the Design Review Board for active recreation areas, or no standard
Meeting rooms, private clubs and lodges	10 spaces plus 1 space per each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.
Commercial outdoor recreation, golf courses	as determined by the Design Review Board
Swimming pools, for pool only	10 spaces plus 1 space per each 150 square feet of pool surface area.
Public and semi-public buildings	1 for every 400 square feet of floor area. Special review may be given by the Design Review Board.
Hospitals	1 space per each 2 beds plus 1 space for each staff doctor plus 1 space for each 2 full- time employees.
Medical and dental clinics	1 space per each 200 square feet of floor area.
Animal hospitals and clinics	1 space per each 400 square feet of floor area.
Radio and television stations and studios	1 space for each 2 employees, plus 1 space per each 300 square feet over 2,000 square feet of floor area.
Radio Frequency Transmission Facilities	None
Airports	Special review by the Design Review Board.
Rail and bus passenger terminals	5 spaces plus 1 space per each 100 square feet of waiting area.

Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None

C. Commercial and Retail Trade Types:

Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	None
Offices Call centers, data centers, and other similar telecommunications or internet businesses	1 space per 400 sq. ft. floor area
Parking Lot (when not an accessory use)	as determined by the Design Review Board
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Design Review Board
Retail Sales and Service (See also Drive-Up Uses)	Retail: 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	Restaurants and Bars: 1 spaces per 125 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 1 space per 333 sq. ft.
	Theaters and Cinemas: 1 per 6 seats
Self-Service Storage	None

D. Manufacturing, Storage and Wholesale Types:

Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area
Wholesale Sales -fully enclosed -not enclosed	 1 space per 1,000 sq. ft. as determined by the Design Review Board

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;

B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;

C. Accessible spaces shall be grouped in pairs where possible;

D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 10-3-2 - Minimum Number of Accessible Parking Spaces
Source: ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle

	Column A		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

10-3-6: COMMON FACILITIES FOR MIXED USES:

A. In the case of mixed uses, the total requirement of off- street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Design Review Board where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand.

Requests for parking reductions shall be made to the Design Review Board by filing an application for Design Review. The applicant(s) shall provide the information that is outlined below based upon the document "Shared Parking" authored by the Urban Land Institute. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer.

1. **Step One**: Initial Project Review
Document and quantify the proposed land uses and anticipated functional interrelationships between differing uses. The initial phase also must include data gathered regarding general location of parking facilities, surrounding land uses, land use mix and other variables which affect parking.

2 **Step Two**: Adjustment for Peak Parking Factor.
Calculate the number of off-street parking spaces required for each land use within the study area.

3**.** **Step Three**: Analysis of Hourly Accumulation.
Estimate the hourly parking accumulations for each land use during a typical weekday and weekend day.

4**.** **Step Four:** Estimate of Shared Parking.
Combine the hourly parking demand for each land use to determine the overall parking to be required within the planning area.

B. In granting parking reductions, the Design Review Board shall make one or more of the following findings:

1. The traffic report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities.

2. The traffic report indicates the presence of public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking.

3. The traffic report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in questions.

C. As a condition of approval to the granting of a parking reduction, the City may require the recording of reciprocal access and parking agreements between affected property owners.

D. The parking facility for which shared parking or off-site parking is proposed shall meet the criteria listed in 10-3-7.

E. Any decision of the Design Review Board may be appealed to the City Council in accordance with the procedures specified in Code Section 10-1-1-6.

10-3-7: OFF-SITE PARKING: Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Design Review Board may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

A. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,

B. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,

C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,

D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete , porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

A. Parking for new single family dwellings and duplexes shall be provided as a carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.

B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.

C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.

D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:

1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.

2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Design Review Board may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

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E. No parking area shall extend into the public way except by agreement with the City.

F. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.

G. Lighting: Refer to Section 10-37 of this Title for requirements.

H. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.

J. Building permits are required for all parking lot construction or resurfacing.

K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. Individual parking and loading spaces.

2. Circulation area.

3. Access to streets and property to be served.

4. Curb cut dimensions.

5. Dimensions, continuity and substance of screening, if any.

6. Grading, drainage, surfacing and subgrading details.

7. Obstacles, if any, to parking and traffic circulation in finished parking areas.

8. Specifications for signs, bumper guards and curbs.

9. Landscaping and lighting.

L. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.

2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.

B. Each space shall have double line striping with two feet (2') wide on center.

C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.

D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;

E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;

F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

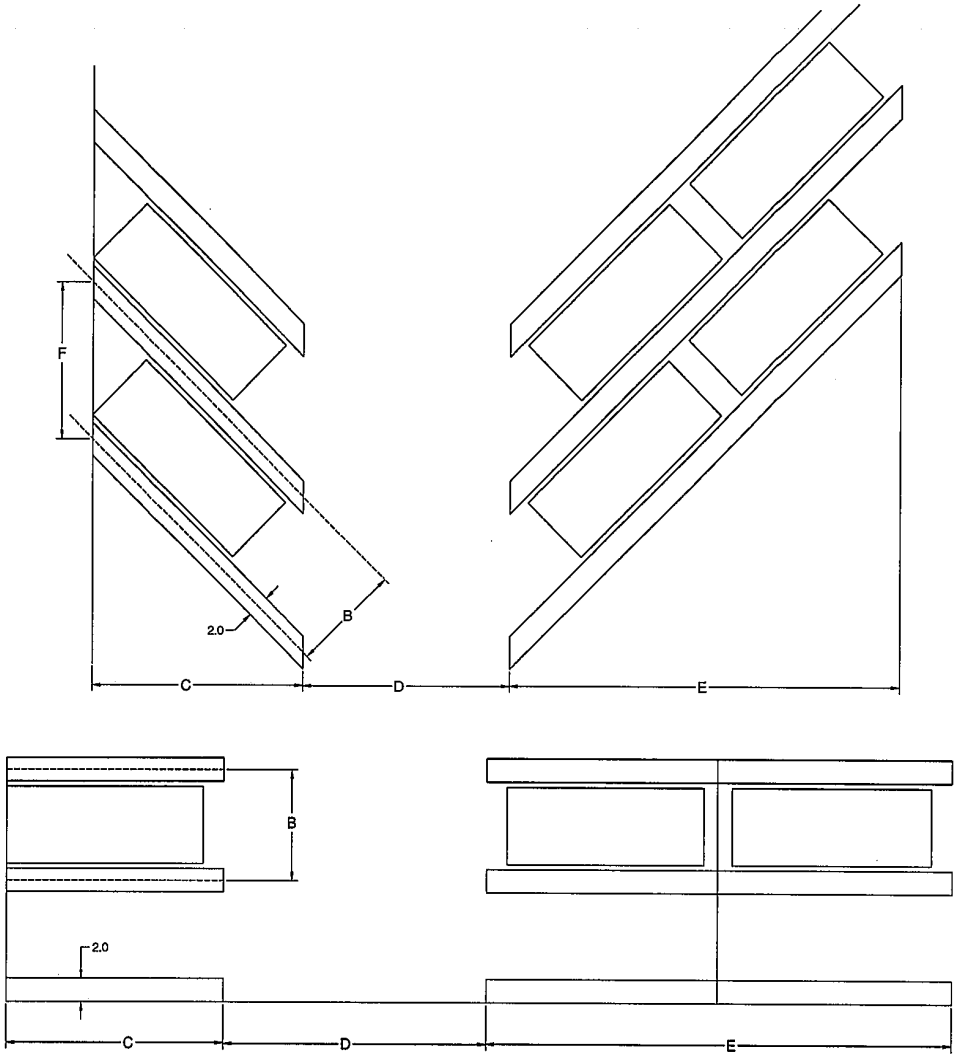

FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
Space Dimensions in feet	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	334	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.

B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

C. **Long Term Parking.** Long term bicycle parking requirements are only for new development of group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.

D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.

E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;

F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.

G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board or Community Development Director may waive or modify the bicycle parking requirements.

10-3-11: LOADING AREAS:

A. **Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. **Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

C. **Location.**

1. All necessary loading spaces for commercial and industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces.
2. Vehicles in the berth shall not protrude into a public right of way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
3. A school having a capacity greater than twenty five (25) students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

D. **Number of Loading Spaces.**

1. **Residential buildings.** Buildings where all of the floor area is in residential use shall meet the following standards:

a. Fewer than fifty (50) dwelling units on a site that abuts a local street: No loading spaces are required.

b. All other buildings: One (1) space.

2. **Non-residential and mixed-use buildings.** Buildings where any floor area is in non-residential uses shall meet the following standards:

a. Less than 20,000 square feet total floor area: No loading spaces required.

b. 20,000 to 50,000 square feet of total floor area: One (1) loading space.

c. More than 50,000 square feet of total floor area: Two (2) loading spaces.

E. **Size of Spaces.** Required loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

F. **Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

The following ordinances were repealed and replaced by:
Ord. No. 7, Series 2008 – effective 4/3/2008
Ord. No. 9, Series 2008 – effective 5/9/2008 - lighting

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 12, Series 1994
Amended by Ordinance No. 19, Series 1994
Amended by Ordinance No. 14, Series 1995
Amended by Ordinance No. 2, Series 2000
Section 10-3-8 amended by Ordinance No. 9, Series 2009
Sections 10-3-4-C, and 10-3-11-F amended by Ordinance No. 4, Series 2011 effective 4-22-11
Section 10-3-2-I added, and Section 10-3-9 amended by Ordinance No. 18, Series 2011 effective 9-16-11
Section 10-3-3 and 10-3-10 amended by Ordinance No. 5, Series 2012 effective 1-16-13
Section 10-3-8 and 10-3-9 amended by Ordinance No. 3, Series 2013 effective 7-31-13
Section 10-3-8-G and 10-3-10-F amended by Ord. No. 12, Series 2014, effective 12-31-14

TITLE 10
CHAPTER 4

CONDITIONAL USES

SECTION:

10-4-1: Description and Purpose
10-4-2: General Applicability
10-4-3: Use Permit Prerequisite to Construction
10-4-4: Applications
10-4-5: Public Hearing and Notice
10-4-6: Action
10-4-7: Effective Date
10-4-8: Expiration of Conditional Use Permit
10-4-9: Revocation
10-4-10: General Criteria
10-4-11: General Conditions
10-4-12: Additional Conditions

10-4-1: DESCRIPTION AND PURPOSE: Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things:

A. The size of the area required for development of such uses;

B. The effect such uses have on the public utility systems;

C. The nature of traffic problems incidental to operation of the use;

D. The effect such uses have on any adjoining land uses; and

E. The effect such uses have on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this Title. The authority for the location and operation of certain uses shall be subject to review by the Planning Commission and issuance of a conditional use permit. The purpose of review shall be to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of this Title shall be served. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82).

10-4-2: GENERAL APPLICABILITY: Remodels and expansions of up to 25% of the floor area are allowed without a new conditional use permit as long as the remodel or expansion is consistent with the original approval.

10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-4: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.

C. Existing and proposed utility lines and easements.

D. Operational data explaining how the buildings and uses will function.

E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

10-4-5: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.

10-4-6: ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

10-4-7: EFFECTIVE DATE: A conditional use permit shall become effective at the close of the appeal period.

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

10-4-9: REVOCATION: The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

A. Failure to comply with any prescribed requirement of the conditional use permit.

B. Violation of any of the provisions of this Title.

C. The use for which the permit was granted has ceased to exist or has been suspended for six (6) consecutive months or for eighteen (18) months during any three (3) year period.

D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance. (Ord. 625, 6-30-80).

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

A. Conformity with the Florence Comprehensive Plan.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses

may be determined through projections contained in the Florence Comprehensive Plan or other special studies.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).

A. Regulation of uses, special yard setbacks, coverage and height.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

C. Regulation and control of points of vehicular ingress and egress.

D. Regulation of noise, vibration, odors, and sightliness.

E. Requiring surfacing of parking areas.

F. Requiring rehabilitation plans.

G. Regulation of hours of operation and duration of use or operation.

H. Requiring a time period within which the proposed use shall be developed.

I. Requiring bonds to insure performance of special conditions.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

A. Churches: Any building used for church purposes in a residential district, except freestanding parsonages, shall provide and maintain a minimum setback of twenty feet (20') from any property line which is under a different ownership and is zoned for residential use.

B. Hospitals: Any building used for hospital purposes shall provide and maintain a minimum setback of fifty feet (50') from rear and side property lines, except on the street side of a corner lot. Alleys contiguous to or within the property being used for hospital purposes may be included as part of the required setback.

C. Public or Parochial Schools: Any building used for school purposes shall provide and maintain a minimum setback of fifty feet (50') from rear and side property lines, except on the street side of a corner lot. Alleys contiguous to or within the property being used for school purposes may be included as part of the required setback.

D. Service Stations: as used herein, service station means a facility designed to provide fuel and automotive services for passenger-type vehicles. Truck stops or service centers will be treated separately and distinctly from service stations.

1. Location: Service stations shall be located adjacent to and integrated with other commercial uses, but not allowed in "spot" locations. They shall be located adjacent to an arterial street.

2. Site Dimensions: The minimum size for a service station shall be one hundred fifty foot (150') frontage and one hundred foot (100') depth. They shall not abut existing residential districts and there shall be a minimum distance of four hundred feet (400') between service stations except at intersections. No more than two (2) service stations will be allowed at any intersection.

3. Landscaping: Shall be installed in accordance with the standards set forth in FCC 10-34 Landscaping.

4. Curb Cuts: No more than two (2) curb cuts will be allowed off any arterial street and these shall be located a distance no less than thirty feet (30') from any point of intersection with a public right of way.

5. Signs: Signs shall be in accordance with the sign regulations of Title 4 Chapter 7 of this code.

6. Hazards and Nuisances: Noise shall be controlled so as not to exceed the normal ground level of adjacent uses. Lighting shall be in accordance with Section 10-37 of this Title.

7. Operations:

   a. Only vehicles awaiting service will be stored on the premises.

   b. Operations outside permanent structures shall be limited to dispensing gasoline, oil and water, changing tires, adjusting tire pressure, attaching and detaching trailers and washing vehicles.

   c. Rental vehicles or utility trailer, not exceeding ten (10) in number, may be stored for rental, provided that any screening required by the City is in place and maintained.

   d. No merchandise shall be displayed or stored outside, except for oil in racks adjacent to the pumps.

8. Discontinuance of Operations:

   a. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the conditional use permit for the service station may be revoked.

   b. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the buildings and structures may be removed at the expense of the property owner(s).

   c. If the property owner fails to remove the buildings and structures within six (6) months of the revocation of the conditional use permit, the City may remove such buildings and structures at the expense of the owner(s).

9. Design: An architectural rendering of the proposed service station shall be submitted in addition to the other information required for a conditional use permit. (Ord. 625, 6-30-80)

E. Temporary Mobile Building Space:

1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:

   a. Temporary offices accessible to the general public for use during construction or remodeling.

   b. Temporary building space for education, nonprofit and government agencies.

2. Conditional Use Permits for Mobile Homes: A conditional use permit may be issued to an applicant showing an undue medical hardship. The applicant must demonstrate to the Commission with supporting factual information that this action is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile home is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permit shall be submitted to the Planning Commission and shall contain:

   a. A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;

   b. A property plan showing in detail the proposed location and site of the mobile home with respect to the surrounding area, setbacks, existing structures and improvements to be made.

   c. Conditions of approval:

      1. There shall be no change in occupancy under the permit.

      2. The mobile home shall not be expanded or attached to a permanent structure.

      3. The mobile home shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.

      4. The mobile home shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.

      5. The owner agrees that the mobile home shall be removed from the property when the temporary need allowed by this permit ceases. (Ord. 8, Series 1985, 5-28-85).

F. Bed and Breakfast Facility:

1. A bed and breakfast facility must be in a one-family dwelling.

2. A maximum of three bedrooms shall be rented.

3. The bed and breakfast shall be an owner occupied residence. No separate structures shall be utilized.

4. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.

5. The exterior of the building and the yard shall maintain a residential appearance.

6. A morning meal must be served on premise and included within the room charge for guests of the facility and shall be the only meal provided.

7. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.

8. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.

9. One sign shall be permitted on the premises with a maximum area of four (4) square feet.

10. The city, upon receipt of a citizen complaint, will review a conditional use permit approved for a bed and breakfast facility. The planning commission may withdraw the permit, at any time if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the planning commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.

11. An increase in the number of rooms rented, over those previously permitted and not to exceed 3 rooms, will require a new conditional use permit with the conditional use fee reduced to one-half.

12. The applicant must have written approval from the Board of Directors of any applicable Homeowner's Association. (Amended by Ord. No. 13, Series 2002)

G. Waste Related Industrial Use:

1. Any waste related industrial use shall provide and maintain a minimum vegetated buffer of twenty feet (20') from any property line which is under a different ownership and/or zoned for residential use.

2. A solid fence and/or wall a minimum of six feet (6') to a maximum of eight feet (8') in height shall be provided and located along side and rear property lines (except corner lots), behind the front yard landscaped setback and behind the side yard landscaped setback on corner lots.

3. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

4. All necessary State and County permits shall be obtained to ensure the environmental health and safety of the public.

H. Residential Caretaker Unit;

1. Residential caretaker unit must be located a minimum of twenty feet (20') from any property line abutting a street.

2. Provision of a residential caretaker unit must be necessary to ensure adequate security and monitoring of the site and/or viable business operations (e.g. on-call persons, emergency maintenance).

I. Medical Marijuana Facilities

1. A medical marijuana facility is only permitted conditionally. Where the medical marijuana facility use is not listed among the uses permitted conditionally in a particular zoning district, the medical marijuana facility is not permitted in that zoning district.

2. Prior to submitting an application for a medical marijuana facility conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed

development site complies with the necessary setback requirements for a medical marijuana facilities use.

3. A medical marijuana facility must be separated from the following by a minimum of the listed distance:

   a. 175 feet from residential zones

   b. 500 feet from public libraries.

   c. 200 feet from public parks, except Miller Park which shall be 400 feet.

   d. 500 feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).

   e. 1,000 feet from public or private elementary, secondary or career school attended primarily by minors.

   School buffers listed in "3.e." above shall be measured in accordance with state methodology. For all other buffers, distance is measured in a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for medical marijuana facility use. The distance limitations are based upon the uses surrounding the proposed medical marijuana facility location at the time the facility's conditional use application is deemed complete.

4. A medical marijuana facility shall:

   a. Not be a home occupation.

   b. Not locate in a building that also contains a dwelling.

   c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a trailer, cargo container or motor vehicle.

   d. Not have a drive-up window or walk-up window.

   e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.

   f. Provide overhead lighting after sunset during business hours for any on-site parking area.

   g. Have only one public entrance and the single public entrance shall face a public street.

   h. Not share an air circulation system with another use.

5. A medical marijuana facility must have a current and active registration to conduct business as a facility from the Oregon Health Authority and must have a current City business license.

Sections: 10-4-4; 10-4-6; 10-4-7 Amended by Ord. 26, 2008
Section: 10-4-11-F: July, 2009 (housekeeping)
Section 10-4-11 amended by Ord. No. 9, Series 2009
Section 10-4-11 amended by Ord. No. 4, Series 2010 (effective 4/5/10)
Sections 10-4-3-B, 10-4-11-D-3, and 10-4-11-D-5 amended, AND Section 10-4-10-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section10-7-7 amended; sections 10-4-2 and 10-4-7-B added; and subsequent sections renumbered by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Section 10-4-12-D-6 amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-4-12-I added by Ord. No. 1, Series 2015 (effective 3-15-14)

TITLE 10
CHAPTER 5

ZONING VARIANCES

SECTION:

10-5-1: Purpose
10-5-2: Limitations
10-5-3: Application
10-5-4: Conditions
10-5-5: Public Hearing
10-5-6: Effective Date
10-5-7: Expiration of Variance

10-5-1: PURPOSE: The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this Title. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

A. Fences, hedges, walls or landscaping.

B. Site area, width, depth, square footage, frontage and building coverage.

C. Front, side or rear yards.

D. Height of structures.

E. Distance between structures.

F. Accessory buildings.

G. Parking requirements.

H. Width of rights of way and roadways.

I. Grant only the minimum variance necessary to meet the hardship or practical difficulties.

J. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.

10-5-3: APPLICATION: The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing. The applicant shall set forth in detail:

A. The practical difficulties and physical hardships involved.

B. Existing conditions on the site.

C. Reasons for a variance being the most practicable solution to the problem.

D. Any other pertinent information requested by the Planning Commission.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

10-5-5: PUBLIC HEARING: Upon receipt of a complete application for a variance, a public hearing will be scheduled in accordance with the requirements of Section 10-1-1-5 of this Title. (Ord 26, 2008)

10-5-6: EFFECTIVE DATE: A variance shall become effective at the close of the appeal period.

10-5-7: EXPIRATION OF VARIANCE: Authorization of a variance shall be void one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval
B. There are special or unusual circumstances that exist which warrant an extension
C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 8, Series 1997
Sections 10-5-5; 10-5-6; 10-5-7 Amended by Ordinance No. 26, Series 2008
Sections 10-5-2-I and 10-5-4-E deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Sections 10-5-7 amended by Ordinance No. 3, Series 2013, see Exhibit B (effective 7-31-13)

TITLE 10
CHAPTER 6

DESIGN REVIEW

SECTION:

10-6-1 Purpose
10-6-2: Design Review Board
10-6-3: General Applicability
10-6-4: Drawings to be Approved
10-6-5: General Criteria
10-6-6: Drawing Submittal
10-6-7: Drawings Submitted to Design Review Board
10-6-8: Appeal
10-6-9: Lapse of Design Review Approval

10-6-1: PURPOSE: The design review process is intended to:

A. Create an attractive appearance that will enhance the City and promote the general welfare of its citizens.

B. Provide property owner the means to protect and conserve the architectural tone of their neighborhood.

C. Recognize areas of existing or potential scenic value.

D. Protect and preserve buildings and sites that are of significant architectural or historic merit. (Ord. 625, 6- 30-80)

10-6-2: DESIGN REVIEW BOARD: The Planning Commission shall act as the Design Review Board. Planning Commission and Design Review action may take place simultaneously.

10-6-3: GENERAL APPLICABILITY:

A. The Design Review Board shall:
   1. When required by the zoning district, review new construction, alterations to the exterior of structures or additions involving twenty-five percent (25%) or more of the floor area of a building, and changes of use from less intensive to greater intensive use not eligible for administrative review (see Chapter 1-1-6-B). This review shall be completed prior to the issuance of a building permit;

   2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Section 10-6-5;

   3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,

   4. The Design Review Board shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Board may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure. (Ord. 680, 1-11-83)

B. The requirements of individual zoning districts shall prevail where the applicability of this chapter and individual zoning districts conflict.

10-6-4: DRAWINGS TO BE APPROVED: No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall

be issued until the drawings required by this Chapter have been approved by the Design Review Board. (Ord. 625, 6-30-80)

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.

B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.

C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.

D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.

G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.

H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.

I. Exterior lighting and security.

J. Public health, safety and general welfare.

K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

L. Requiring a time period within which the proposed use or portions thereof shall be developed.

M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)

N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

10-6-6: DRAWING SUBMITTAL: The owner or authorized agent shall submit the following drawings to the City for review:

A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exists, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.

B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.

C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.

D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.

10-6-7: DRAWINGS SUBMITTED TO DESIGN REVIEW BOARD: The City shall record and check all drawings submitted. If it is found that the plans meet all the other requirements of this Chapter, the drawings shall be submitted to the appropriate City staff departments for comments prior to submittal to the Design Review Board. If the City determines that a permit could not be issued without the granting of a conditional use permit, the granting of a variance, or the enactment of an amendment to this Chapter, the applicant shall be informed and the drawings shall not be submitted to the Board. (Ord. 625, 6-30-80; amd. Ord. 625-A, 10- 28-80)

10-6-8: APPEALS: See Code Section 10-1-1-7.

10-6-9: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval.
B. There are special or unusual circumstances that exist which warrant an extension.
C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

Amended by Ordinance No. 15, Series 1988
Section 10-6-9, Amended by Ordinance No. 26, Series 2008
Section 10-6-5 and 10-6-6 Amended by Ord. No. 9, Series 2009
Section 10-6-3 amended by Ordinance No. 4, Series 2010 (effective 4/5/10)
Sections 10-6-3-A, and 10-6-3-D amended, AND Sections 10-6-5-G, and 10-6-6-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Sections10-6-3 and 10-6-6 amended by Ordinance No. 3, Series 2013, Exhibit B (effective 7/31/13)

TITLE 10
CHAPTER 7

SPECIAL DEVELOPMENT STANDARDS

SECTION:

10-7-1: Purpose
10-7-2: Identification of Wetlands and Riparian Areas and Potential Problem Areas
10-7-3: Development Standards for Potential Problem Areas
10-7-4: Development Standards for Wetlands and Riparian Areas
10-7-5: Site Investigation
10-7-6: Review and Use of Site Investigation Reports (Amended Ord. 10, Series 2009)

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

A. "Hazards Map", Florence Comprehensive Plan Appendix 7.

B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)

C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.

D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.

B. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.

C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to

nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. (Ord. 24, Series 2008)

E. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).

F. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

G. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

H. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

I. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82) (Amended Ord. 10, Series 2009)

10-7-4: DEVELOPMENT STANDARDS FOR WETLANDS AND RIPARAIN AREAS:

A. Purpose: Significant wetlands, and their related wetland buffer zones, and significant riparian corridors provide hydrologic control of floodwaters; protect groundwater and surface water quality; provide valuable fish and wildlife habitat, including habitat for andromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

The purpose of this Subsection (FCC 10-7-4) is to protect significant wetlands, wetland buffer zones, and significant riparian corridors in order to:

1. Implement the goals and policies of the Comprehensive Plan;

2. Satisfy the requirements of Statewide Planning Goal 5 and ensure consistency with adopted City Stormwater requirements in Florence City Code Title 9 Chapter 5;

3. Safeguard the City's locally significant wetland and riparian areas, especially the flood control and water quality functions these areas provide for the community;

4. Safeguard fish and wildlife habitat;

5. Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;

6. Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and

7. Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

B. Applicability:

1. Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:

a. Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 1. Significant Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive Plan Appendix 5, which is adopted into this Code by reference.

b. Apply in addition to the stormwater standards in FCC 9-5-3-3-F (incorporated herein) and the standards of the property's zoning district, except that the required setbacks in this subsection are not in addition to the required setbacks in the underlying zone. Where conflicts exist between this subsection and the underlying zoning district, this subsection shall apply.

2. Applicability to properties adjacent to the side channel of Munsel Creek (Reach RMC-Cs in the 2013 Inventory). These properties are subject to special setback reductions and provisions, as set out below, due to the unique development patterns and history of the area. These special provisions are supported by, and explained in, the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program (ESEE Analysis) in Chapter 3 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan in Appendix 5 of the Comprehensive Plan. The ESEE Analysis is adopted as part of the Comprehensive Plan and is incorporated herein by reference.

3. Applicability to public facilities in significant wetlands. Public facilities (transportation, water, wastewater, and stormwater) that are included in the City's Public Facility Plan, as amended, are exempt from the requirements of this subsection provided that permitted uses are designed and constructed to minimize intrusion into the riparian area; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained. This exemption is authorized by the ESEE Analysis in Appendix 5 of the Comprehensive Plan. See Section, "Exemptions," below.

C. Activities Subject to Standards and Requirements: Activities subject to the Special Development Standards in this subsection shall include the following, unless specifically exempted by Code:

1. Partitioning and subdividing of land;

2.. New structural development;

3. Exterior expansion of any building or structure, or increase in impervious surfaces or storage areas;

4. Site modifications including grading, excavation or fill (as regulated by the Oregon Department of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways, or paths, except as specifically exempted in the section "exemptions" below;

5. The cutting of trees and the clearing of any native vegetation within a Significant Wetland, Wetland Buffer Zone, or Riparian Corridor beyond that required to maintain landscaping on individual lots existing on the effective date of this title.

D. Exemptions:

1. Only the following uses and activities in significant riparian corridors or wetland buffer zones are exempt from these Significant Wetland and Riparian Area Standards, provided: the uses and activities are designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained:

   a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as "lawfully created existing structures" for purposes of this subsection. This provision supersedes the provisions for non-conforming structures in FCC 10-8.

   b. Installation or maintenance of public and private facilities and utilities (such as transportation, water, wastewater, and stormwater, electric, gas, etc.) in riparian areas.

   c. The sale of property.

   d. Temporary emergency procedures necessary for the safety or protection of property.

   e. All water-related and water-dependent uses as defined in the Definitions in the Florence Code Title 10.

   f. Removal of non-native vegetation and replacement with native plant species.

   g. Removal of vegetation necessary for the development of water-related or water-dependent uses.

   h. Public facilities identified in the City's Public Facility Plan, in Appendix 11 of the Comprehensive Plan, as amended, that are installed in significant wetlands, provided that the facilities are designed and constructed to minimize intrusion into the wetland; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

E. Agency Review: Decisions made by the City of Florence under this title do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the land owner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

F. General Development Standards and Requirements: When development is proposed that is subject to these standards, the property owner is responsible for the following. Figure 1 below is a cross section illustrating terms used in the discussion of wetland and riparian setbacks defined in Oregon Statewide Planning Goal 5.

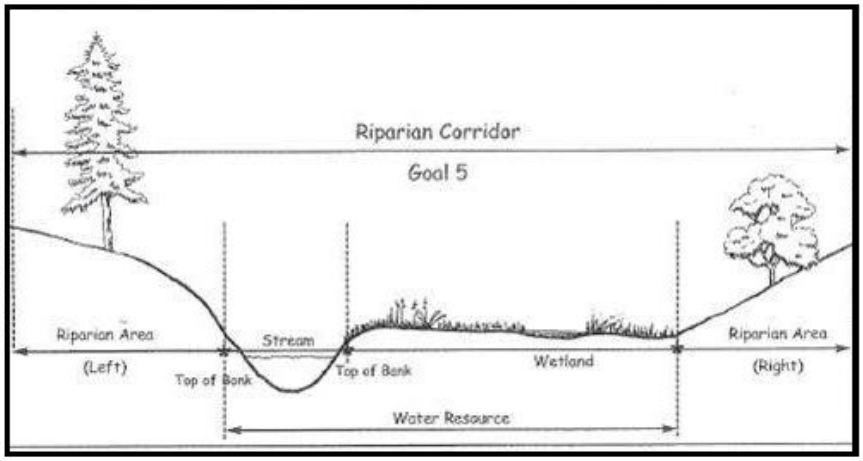

Figure 1: Downstream cross section illustrating terms used in Statewide Planning Goal 5. Source: *Urban Riparian Inventory and Assessment Guide,* Oregon Department of State Lands, 1998.

1. Determination of Significant Wetland and Riparian Area Boundaries.

   a. For the purpose of showing the boundary of a significant wetland on a site plan, property owners may choose one of the following options:

      i. Hire a Qualified Professional to do the delineation and have the delineation approved by the Oregon Department of State Lands (DSL); or

      ii. Hire a Qualified Professional to do the delineation but do not request DSL approval of the delineation. The Qualified Professional must have performed prior wetland delineations that were approved by DSL; or

      iii. If the site plan shows the proposed development is outside the 50 foot Stormwater Buffer Zone, the wetland boundaries shown on the adopted Local Wetland Inventory (LWI) Map can be used to determine the wetland boundary for this purpose.

   b. For significant riparian corridors, the width of the corridor boundary is the "significant riparian width" in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridor Plan in Comprehensive Appendix 5.

   c. For significant riparian corridors, the boundaries of the riparian corridor will be measured and shown on an approved site plan. The City shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps, photos, and Lane County aerial photos showing the location and species of vegetation growing in the disputed area) that the city's maps are in error. For purposes of making these measurements, the following shall apply:

      i. Riparian buffer zones are measured horizontally from the top of bank. The top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of bank.

ii. If the top of bank is not identifiable, the riparian buffer zones are measured horizontally from the line of ordinary high water. In a given stream, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually and identified in the field by physical characteristics that include one or more of the following:

a. A clear, natural line impressed on the bank

b. Changes in the characteristics of soils

c. The presence of water-borne litter and debris

d. Destruction of terrestrial vegetation

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data are available.

2. Preparation and submission of a site plan (vegetation clearing permits are also subject to the submission requirements in FCC Title 4 Chapter 6) that shows:

a. The wetland boundary or the top of bank of the riparian corridor,

b. The significant riparian corridor width or the wetland buffer zone,

c. The footprint of the proposed structure measured from the riparian corridor boundary or wetland buffer zone edges,

d. Any requested setback adjustments as measured from the edge of the wetland or riparian corridor boundary,

e. The type and location of dominant existing native plants that would be displaced, and

f. The type of native plants to be planted and the location where they will be replanted.

3. It is prohibited to permanently alter a significant wetland by: the placement of structures or impervious surfaces; or by the removal of native vegetation; or by grading, excavation, placement of fill, or vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention), except as follows:

a. Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter 1 of this Code; or

b. Public facilities identified in the City's Public Facility Plan, Appendix 11 of the Comprehensive Plan, as amended, may be installed in significant wetlands or riparian areas, provided that the facilities are designed and constructed to minimize intrusion into the wetland or riparian are; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

G. Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-1, significant wetlands over ½ acre and significant streams are "sensitive areas" that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-feet setback from the edge of the significant

wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory and 2013 City of Florence Significant Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

1. Roads, pedestrian, or bike paths crossing the buffer from one side to the other in order to provide access to or across the sensitive area.

2. A pedestrian or bike path constructed within a buffer and parallel to a sensitive area shall have the buffer widened by the width of the path if the path is constructed of impervious material.

3. Pedestrian or bike paths shall not exceed 10-feet in width.

4. Utility/service infrastructure construction (i.e., storm, sanitary sewer, water, phone, gas, cable, etc.) If approved by the City Manager or his/her designee.

5. Measures to remove or abate hazards, nuisance, or fire and life safety violations as approved by the City.

6. Enhancement of the riparian corridor for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.

7. Water quality facilities planted with appropriate native vegetation may encroach into the buffer area as approved by the City and other appropriate authorities.

H. Additional Statewide Planning Goal 5 exceptions: The following exceptions are in addition to the exceptions in G, above. Consistent with Statewide Planning Goal 5 [OAR 660-023-0090 (8) (a)], the permanent alteration of significant riparian areas by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Water-related and water-dependent uses and removal of vegetation necessary for the development of water-related or water-dependent uses;

2. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

3. Removal of non-native vegetation and replacement with native plant species.

I. Removal of native vegetation: In accordance with Goal 5, removal of vegetation from a significant riparian corridor is prohibited, except as otherwise provided in these Wetland and Riparian Standards and in FCC 4-6-3 and for the following:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.

2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.

3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Planning Director. If no hazard will be created, the Planning Department may require these trees, once felled, to be left in place in the Significant Wetland or Riparian Area.

4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that can be used in a Significant Riparian Corridor. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during wind-less periods at least 4 hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

J. Special Provisions for the Munsel Creek Side Channel: The following special provisions apply to properties in the significant riparian corridor of the Munsel Creek Side Channel (Reach RMC-Cs in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan). These provisions are in addition to, or provide relief from, the other standards in this subsection, and where conflicts exist, this section shall prevail.

1. In addition to the other setback adjustments and Variances allowed by this subsection, a 50% setback adjustment to the required 50-foot significant riparian width for properties along the Munsel Creek Side Channel will be permitted in order to allow new or expanded development to build up to 25 feet from the top of bank of the creek, as long as any native plants disturbed by the development are replaced elsewhere in the buffer zone, subject to the following exceptions and procedures:

   a. Properties in Florentine Estates PUD that were granted a reduced setback by the Planning Commission prior to October 5, 2013 are deemed to comply with the standards in this subsection and do not need to apply for this setback adjustment.

   b. The setback adjustment for other affected properties shall be granted through the Administrative Review process in 10-1-1-6.

   c. The applicant shall be granted the setback reduction upon demonstration that any native vegetation displaced by the development shall be replanted in the remaining buffer zone (shrub for shrub, tree for tree, etc.)

   d. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide. Staff from the Siuslaw Watershed Council and Soil and Water Conservation District are available to provide property owners with technical assistance with native plant identification and guidance on replanting.

K. Setback Adjustments: The following reductions in setbacks shall be allowed for properties affected by the significant wetland and riparian area standards as set out below:

1. Eligibility for setback adjustment. Property owners affected by these significant wetland and riparian corridor standards shall be eligible for setback adjustments as follows:

   a. Single family dwellings: when the significant wetland or significant riparian corridor standard or requirement is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet.

b. For the Munsel Creek side channel: the "required setback" for the purpose of eligibility for the setback adjustment is the reduced setback allowed in subsection "J" above.

2. If the required setback or standard for the significant wetland or riparian corridor is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet, then a primary dwelling, this size or less, shall be permitted to intrude into the setback area in accordance with the standards of this subsection. Any Code requirements of the applicable zoning district (such as required garages) that would necessitate intrusion into additional riparian area shall not apply.

3. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the Administrative Review process in FCC 10-1-1-6.

4. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter 4.

L. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter 4 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.

1. Eligibility. An application for a hardship variance from the provisions of this subsection shall be available upon demonstration of the following conditions:

a. Siting of a primary dwelling 50 feet by 27 feet or less requires intrusion into the significant wetland buffer zone or significant riparian corridor within 20 feet of a significant wetland or stream; or

b. Strict adherence to the applicable standards or requirements of this subsection would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

c. Due to unique circumstances and historic development patterns outside the control of the property owners, the Variance fee for this application shall be waived for affected Coast Village properties.

2. The following additional standards shall apply:

a. Demonstration that the intrusion into the setback must be the minimum necessary;

b. Demonstration that any native vegetation displaced by the development will be replanted in the remaining significant wetland buffer zone or riparian corridor. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide; staff from the Siuslaw Watershed Council and Soil and Water Conservation Service are also available to provide property owners with technical assistance with native plant identification and guidance on replanting.

c. Permanent alteration of the Significant Wetland or Riparian Area by an action requiring a variance is subject any mitigation requirements imposed by federal and state permitting authorities.

d. In granting a Variance, the Planning Commission shall impose conditions of approval that address all of the following criteria:

i. The site plan and application shall document the location of the impact, the existing conditions of the resource prior to the impact, and detailed planting plan for the approved setback area with dominant native plant species and density, and a narrative describing how the impacted resource will be replaced and approved setback area restored.

ii. Invasive vegetation shall be removed from, and native vegetation planted in, the approved setback area, with a minimum replacement ratio of 1:1 for the impacted area.

iii. Herbicides and pesticides not approved for use in buffer zones or riparian areas is prohibited in the approved setback area.

iv. All vegetation planted within the approved setback area shall be native to the region. In general, species to be planted shall replace those impacted by the development activity, i.e. trees must replace trees, brush must replace brush, and, within reason, like plants must replace like plants (i.e., dominant plant species).

v. Trees shall be planted at a density not less than the density in place prior to development.

vi. The property owners will work with available federal, state, and local agencies, such as the Siuslaw Watershed Council, the Siuslaw Soil and Water Conservation District, Oregon Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), Salmon Trout Enhancement Program (STEP) to implement practices and programs to restore and protect the riparian area.

M. <u>Significant wetland and riparian corridor enhancement incentives:</u>

1. Enhancement of Significant Wetland Buffer Zones or Riparian Corridors is encouraged, including: riparian or in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Wetland or Riparian Area; however, no enhancement activity requiring the excavation or filling of material in a wetland or jurisdictional stream shall be allowed unless all applicable State and Federal permits have been granted.

2. Incentives shall be provided to improve the continuity of Significant Riparian Corridors in situations where lots would be rendered unbuildable by the setback, as defined in the Definitions in FCC Title 10 Chapter 1. Such incentives may include: reducing the required front yard setback, alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights (if feasible), and density bonuses, among others. The resulting development will conform, to the maximum extent practical, to the general development patterns in the vicinity of the affected lot.

3. These incentives may also be provided to properties that are severely impacted by the setback when doing so will result in enhancement of the significant wetland, wetland buffer zone, or significant riparian corridor.

N. Inventory Map Corrections: The Planning Director may correct the location of a wetland or riparian boundary shown on the Local Wetland and Riparian Areas Inventory Maps when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL shall be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application shall be required for map corrections where approved delineations are provided.

10-7-5: SITE INVESTIGATION REPORTS (SIR):

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's *Beaches and Dunes Handbook for the Oregon Coast* (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

B. Permit Fee: A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.

C. General Requirements for Phase II Site Investigation Reports shall include at least the following information. Additional information, commensurate with the level of hazard and site conditions shall be submitted.

1. Identification of potential hazards to life, proposed development, adjacent property, and the natural environment which may be caused by the proposed development.

2. Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.

3. Acceptable development density.

4. Identification of soils and bedrock types.

5. Identification of soil depth.

6. Water drainage patterns.

7. Identification of visible landslide activity in the immediate area.

8. History of mud and debris flow.

9. In areas prone to landslide, mudflow and where slopes exceed 25%, reports shall

identify the orientation of bedding planes in relation to the dip of the surface slope.

10. Recommendations for removal, retention, and placement of trees and vegetation.

11. Recommendations for placement of all structures, on site drives, and roads.

12. Recommendations for protecting the surrounding area from any adverse effects of the development. (Amended by Ord. No. 10, Series 2009)

D. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1 The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:

a. An explanation of the site and scope of the study area (e.g. subdivision, by lot specific, or for public improvements)

b. An explanation of the degree the condition affects the property use in question;

c. An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

d. An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

2 SIR Phase II dealing with Beach or Dune areas shall include the items as listed in the OCZMA Handbook, Implementation Techniques, Section III that begins on page 7.

a. Due to the sandy soils and the fragile nature of the vegetative covering, care shall be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other native vegetation in order to insure the stability of the soils.

b. All open sand area (pre-existing or newly created) shall be planted or stabilized as soon as practicable after construction is completed.

c. Using accepted re-vegetation techniques, sand areas shall be returned to their previous level of stability or to at least a conditionally stable level, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

d. During extended construction periods, temporary sand stabilization measures shall be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

3 Slopes in the 12% to 25% range: Determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering recommendations shall be provided. If conditions require recommendations for foundation construction outside of the Building Code (IBC), those recommendations shall be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional.

4. Slopes greater than 25%:

   a. Subsurface exploration of areas above, below, and alongside known or suspected slides

   b. Accurate identification and measurement of the limits of the slide mass

   c. Identification of the stability of the slide mass and the mechanics of slide movement.

   d. Identification of the orientation of bedding planes in relation to the dip of the surface slope

   e. A site specific grading and erosion control plan for site stabilization and construction

   f. The methodology for determining the site stabilization plan

   g. Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.

5. Foredunes:

   a. Identification of a surveyed mean high tide line

   b. Determination of the ocean shore vegetation line

   c. Average annual rate that the shoreline is projected to migrate landward due to climate change (sea level rise, feet/year and increased storm intensity) and methodology used.

   d. Historic stability of beaches in the general area

   e. Life expectance of the structure

   f. Elevation of the structure

   g. Projected dune stabilization to protect site from wave action and methodology

   h. History and projection of ocean flooding and methodology

6. Properties along the Siuslaw River Estuary:

   a. Angle of repose for bluff material

   b. Mean high tide, and highest measured tide

   c. Extent of recent and historical cutbank, length of area and height of cut

   d. Area of wave overtopping and furnishing photographs or other evidence

   e. Current and historic stability of riverbank and rates of erosion in general area

   f. Projected rate of erosion and methodology

   g. Environmental resources present

   h. Impacts to be expected

   i. Description and photographs of current vegetation

7. Riprap or other Shoreland protective structures:

a. Signed certification by the engineer or geologist that the protective structure shall withstand the life of the development that it is protecting; or with the property maintenance plan, the structure shall withstand the life of the development.

b. Once the protective structure is competed the engineer or geologist shall provide a final summary that the protective structure was built according to the submitted plan.

8. Soils: The Site Investigation Report shall address the following development constraints for the soil types.

a. Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.

b. Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.

c. Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.

d. Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed.

Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

b. Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.

c. Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope. (Amended by Ord. No. 10, Series 2009)

10-7-6: REVIEW AND USE OF SITE INVESTIGATION REPORTS

A. The Phase I Site Investigation Report shall be reviewed administratively. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

B. Required Certifications and Inspections:

For any Phase II SIR submitted, the registered professional of record shall be required to:

1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.

2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.

3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.

C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.

D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."

E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)

Amended by Ordinance No. 15, Series 1988
Section 10-7-3-D corrected from the reference to C-2 to 10-7-3-B. (12/11/07) Section 10-7-3-E and H amended by Ord. No. 24, Series 2008
Amended by Ord. No. 10, Series 2009
Section 10-7-1 amended by Ord. No. 3, Series 2013, Exhibit B (effective 7-31-13)
Section 10-7-4 added with Ordinance No. 2, Series 2013 (effective 10-5-13) and all subsequent sections renumbered

TITLE 10
CHAPTER 8

NONCONFORMING LOTS AND USES

SECTION:

10-8-1: Purpose
10-8-2: Expansion of Pre-Existing, Nonconforming Use
10-8-3: Undersized Lots of Record
10-8-4: Destruction of Nonconforming Buildings
10-8-5: Abandonment of Nonconforming Use
10-8-6: Change of Nonconforming Uses
10-8-7: Removal of Nonconforming Uses
10-8-8: Repairs and Maintenance
10-8-9: Definition of Replace

10-8-1: PURPOSE: There were lots, structures and uses that were lawful before the effective date hereof, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Title. They shall hereafter be referred to as pre-existing, nonconforming uses or buildings.

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such uses and structures and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, esthetics and functional aspects of the community.

It is therefore the intent of this Chapter to allow these structures and uses that existed prior to the effective date hereof to continue, including normal maintenance, repair or replacement in case of damage due to fire or other disaster.

10-8-2: EXPANSION OF PRE-EXISTING, NONCONFORMING USE: A pre- existing nonconforming use may make a normal expansion of the existing structure for the same use up to twenty five percent (25%) of the existing square footage of floor area. Expansions larger than twenty five percent (25%) require a conditional use permit issued by the Planning Commission under the terms and conditions of Chapter 4 of this Title. Any expansion of a pre- existing, nonconforming use shall be subject to design review under the provisions of Chapter 6 of this Title.

10-8-3: UNDERSIZED LOTS OF RECORD:

A. Any lot having an area or dimension less than the minimum shall be designated a building site, provided the following criteria are met:

1. The lot is shown on an officially approved and recorded subdivision map.

2. A deed or a valid contract of sale is recorded with the Lane County Clerk.

3. The lot was of legal area and dimension for a building site at the time the sale was recorded.

B. No lot or combination of contiguous lots, either vacant or containing a single-family or multiple-family dwelling, shall be replatted so that an undersized lot is created, nor shall a lot be replatted if setbacks or dimensions less than the minimum would result.

10-8-4: DESTRUCTION OF NONCONFORMING BUILDINGS: In the event of damage or destruction due to fire or other disaster, a nonconforming building or structure may be replaced in accordance with the Building Codes and use which existed at the time of such damage or destruction.

Replacement shall be commenced within one year from the date of destruction and shall be diligently followed to completion. The Planning Commission, with a written request of the applicant, may extend the period an additional one year.

10-8-5: ABANDONMENT OF NONCONFORMING USE: The discontinuance of a nonconforming use for any six (6) consecutive months shall constitute abandonment. The pre-existing use shall be deemed to have been terminated and every building, structure and use occupying the premises thereafter shall conform to the regulations of the zoning district in which is located.

10-8-6: CHANGE OF NONCONFORMING USES: A change from one nonconforming use to another nonconforming use requires a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

10-8-7: REMOVAL OF NONCONFORMING USES: If, after holding public hearings, the Planning Commission determines that the continuance of a nonconforming use is detrimental to the health, safety or welfare of a neighborhood, the nonconforming use shall be completely removed or converted to a conforming use within an amortization period prescribed by the City Council. The Planning Commission shall establish conditions for the operation of the nonconforming use during the amortization period (not less than 5 years nor more than 40 years, depending upon the impact the nonconforming use has on the surrounding neighborhood). The Planning Commission shall then grant a conditional use permit subject to the procedures set forth in Chapter 4 of this Title.

10-8-8: REPAIRS AND MAINTENANCE: Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety. (Ord. 625, 6-30-80).

10-8-9: DEFINITION OF REPLACE: To rebuild a structure such that it is brought back to its original use. In replacing a damaged nonconforming structure, the structure does not need to conform to the prior design, but the design may not be altered in a manner that increased its nonconformity.

Amended by Ordinance No. 15, Series 1988
Sections 10-8-4 and 10-8-5 amended and section 10-8-9 added by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)

TITLE 10
CHAPTER 9

MOVING BUILDINGS OR STRUCTURES

SECTION:

10-9-1: Requirements

10-9-1: REQUIREMENTS: Before a permit is issued for a building or structure to be moved to a location within the City limits, the Building Official shall determine that the building or structure will meet the following requirements:

A. The use for which the building was designed and the intended use are permitted within the zoning district into which it is being moved.

B. The building shall meet all the requirements of the City building, fire and sanitation codes.

C. The appearance of the building or structure is not detrimental to the welfare, character and harmony of the area into which it is being moved. (Ord. 625, 6-30-80)

TITLE 10
CHAPTER 10

RESTRICTED RESIDENTIAL DISTRICT (RR)

SECTION:

10-10-1: Purpose
10-10-2: Permitted Buildings and Uses
10-10-3: Buildings and Uses Permitted Conditionally
10-10-4: Lot and Yard Provisions
10-10-5: Site Development Provisions

10-10-1: PURPOSE: The Restricted Residential District is intended to provide a quality environment for low density, urban single-family residential use and other single or multifamily Planned Unit Development as determined to be necessary and/or desirable. (Ord. 709, 12-27-83)

10-10-2: PERMITTED BUILDINGS AND USES:

A. Single-Family dwellings.

B. Planned Unit Developments (Chapter 23 of this Title).

C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use.

D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.

E. Home occupations. (Ord. 709, 12-27-83)

10-10-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

A. Public and semi-public buildings and uses such as fire stations, pumping stations, reservoirs, etc. that are essential for the physical, social and economic welfare of the community.

B. Public and private parks, playgrounds, community centers and recreation facilities. (Ord. 625, 6-30-80)

C. Churches, except rescue missions or temporary revivals. (Ord. 664, 5-11-82)

D. Mobile home placement - medical hardship. (Ord. 8, Series 1985, 5-28-85)

E. Child care centers, as defined by OAR 414-300-1998(8) (Ord 3, 1999)

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must be at least fifty feet (50') wide and at least eighty feet (80') in depth. For new subdivisions and newly platted lots, the minimum width shall be eighty feet (80') and the minimum depth shall be eight five feet (85').

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least nine thousand (9,000) square feet.

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').

2. Side Yards: A yard of not less than ten feet (10') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.

4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').

2. Accessory Buildings: The maximum building height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building height shall not exceed twenty-eight feet (28') in height.

B. Fences: See Code Section 10-34-5 of this Title

C. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 3 , Series 1999
Section 10-10-5 B,C,E - Amended by Ordinance No. 26, Series 2008
Section 10-10-5 amended by Ordinance No. 9, Series 2009
Section 10-10-3 B – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-10-5-D-E – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-10-5-D amended by Ord. No. 3, Series 2013 – effective 7-31-13
Section 10-10-5-I amended by Ord. No. 12, Series 2014 – effective 12-31-14

TITLE 10
CHAPTER 11

SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)

SECTION:

10-11-1: Purpose
10-11-2: Permitted Buildings and Uses
10-11-3: Buildings and Uses Permitted Conditionally
10-11-4: Lot and Yard Provisions
10-11-5: Site Development Provisions
10-11-6: Mobile Home Design Standards
10-11-7: Manufactured Homes within the Urban Service Area

10-11-1: PURPOSE: The Single-Family Residential District is intended to provide a quality environment for medium density, urban, single-family residential uses and other compatible land uses determined to be desirable and/or necessary.

10-11-2: PERMITTED BUILDINGS AND USES:

A. Single-family dwellings.

B. Planned Unit Developments (Chapter 22 of this Title).

C. Home occupations.

D. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for noncommercial use.

E. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.

10-11-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

A. Duplexes.

B. Neighborhood Commercial.

C. Agricultural uses.

D. Hospitals.

E. Nursing homes.

F. Group care homes.

G. Day nurseries provided the residential character of the building is maintained.

H. Public or parochial schools.

I. Churches, except rescue missions or temporary revivals.

J. Public and private parks, playgrounds, community centers and recreation facilities.

K. Public and semi-public buildings and uses such as fire stations, reservoirs, pumping stations, etc., that are essential for the physical, social and economic welfare of the community.

L. Mobile home subdivisions.

M. Cemeteries.

N. Mobile homes - medical hardship. (Ord. 8, Series 1985, 5- 28-85)

O. Bed and Breakfast Facility (Ord. 13, Series 2002)

10-11-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty-five feet (65').

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6500).

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be indicated below:

1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20') in new subdivisions and twenty feet (20') in older, established neighborhoods.

2. Side Yards: A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-11-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty-eight feet (28').

B. Fences: See Code Section 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

10-11-6: MOBILE HOME/ MANUFACTURED HOME DESIGN STANDARDS: Design standards from Chapter 12 of this Title shall be applied to mobile home/ manufactured home subdivisions. (Ord. 625, 6-30-80)

10-11-7: MANUFACTURED HOMES WITHIN THE URBAN SERVICE AREA:

A. When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single family dwellings, in addition to any other requirements that would be imposed were the structure constructed on site, the manufactured home shall comply with the following placement standards:

1. Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

2. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.

3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve fee (12') in width.

4. Siding and Roofing Requirements: The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.

5. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

B. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a historic landmark or other property with a historic designation for tax or assessment purposes. (Ord. No. 7 Series 1994 - 6-7-94)

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 7, Series 1994
Amended by Ordinance No. 13, Series 2002
Section 10-11-5 B, C, E - Amended by Ordinance No. 26, Series 2008
Section 10-11-5 Amended by Ordinance No. 9, Series 2009
Section 10-11-3 J – Amended by Ordinance No. 2, Series 2011 – effective March 11, 2011
Section 10-11-5-E – Amended by Ordinance No. 4, Series 2011 – effective April 22, 2011
Section 10-11-5-D – Amended by Ordinance No. 3, Series 2013 – effective 7-31-13
Section 10-11-5-I added by Ordinance No. 12, Series 2014 – effective 12-31-14

TITLE 10
CHAPTER 12

MOBILE HOME/MANUFACTURED HOME REGULATIONS

SECTION:

10-12-1: Mobile Home/Manufactured Home Residential District (RMH)
10-12-1-1: Administrative Provisions
10-12-1-2: Design Standards
10-12-1-3: Building and Uses Permitted Conditionally
10-12-1-4: Lot and Yard Requirements
10-12-1-5: Site and Development Provisions
10-12-2: Mobile Home/Manufactured Home Regulation
10-12-2-1: Administrative Provisions
10-12-2-2: Definitions
10-12-3: Mobile Home/Manufactured Home Parks
10-12-3-1: Administrative Provisions
10-12-3-2: Design Standards
10-12-3-3: Site and Development Plan
10-12-3-4: Development Plan Procedure
10-12-3-5: Mobile Home/Manufactured Home Park License
10-12-3-6: Basic Regulations and Provisions
10-12-3-7: Park Administration

10-12-1: MOBILE HOME/MANUFACTURED HOME RESIDENTIAL DISTRICT (RMH):

10-12-1-1: ADMINISTRATIVE PROVISIONS:

A. Intent: It is the intent of this Section to provide mobile home/manufactured home owners and owners of other pre-manufactured homes an alternative to renting space in a mobile home/manufactured home park. It is further the intent of this Section to establish areas within the City for permanent installations of mobile homes/manufactured homes, primarily for resident owners, and to establish certain design features enabling mobile homes/manufactured homes to blend with conventional housing.

B. Compliance Required: No land within the City shall be developed for use as a Mobile Home/Manufactured Home Residential District and no plan for such a District shall be filed or recorded until submitted to and approved by the Planning Commission.

C. Minimum Standards: The requirements and standards set forth in this Section are the minimum ones to which a Mobile Home/Manufactured Home Residential District must conform before approval by the Planning Commission.

D. Conformity to the Comprehensive Plan: The creation of a Mobile Home/Manufactured Home Residential District shall conform to and be in harmony with the City Comprehensive Plan for that portion of the City within which the District is located.

E. Permits: Prior to the placement of a unit on a lot or parcel of land, the owner of the unit shall obtain from the City Building Official an application for the installation and occupancy permit. At the time of application, the owner shall furnish the City Building Official with a copy of specifications and a drawing of the proposed footing and foundation for such a unit, and the method for anchoring the unit. No unit shall be occupied until the placement of the unit has been inspected and approved by the City Building Official.

F. Authority to Inspect and Proof of Inspection:

1. The Building Official shall inspect the unit and placement thereof to determine if the unit complies with all the requirements of this Section.

2. When all requirements are met, final approval of the application will be granted and the unit can be occupied as a permanent family dwelling.

10-12-1-2: DESIGN STANDARDS: The following standards and requirements shall govern the application of a Mobile Home/Manufactured Home Residential District in an area in which it is permitted:

A. A Mobile Home/Manufactured Home Residential District shall not be less than five (5) acres of contiguous land.

B. Each mobile home/manufactured home unit or other allowable living unit must have a total gross area of not less than five hundred (500) square feet.

C. No building, structure or land within the boundaries of a Mobile Home/Manufactured Home Residential District shall be used for any purpose except for the uses permitted as follows:

1. Mobile homes/manufactured homes, modular homes or other pre-manufactured homes for residential purposes only, together with the normal accessory uses such as ramada, patio slab, carport or garage and storage buildings. Accessory storage buildings shall not be permitted in the front yard.

2. Single-family dwellings.

3. Planned Unit Developments (Chapter 23 of this Title)

4. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

5. Recreation facilities for use of residents or guests. (Ord. 625, 6-30-80)

6. Home occupations. (Ord. 669, 5-17-82; Ord. 709, 12-27- 83)

10-12-1-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Duplexes.

Neighborhood Commercial.

Agricultural uses.

Hospitals.

Nursing Homes.

Group care homes.

Day nurseries, provided the residential character of the building is maintained.

Public or parochial schools.

Churches, except rescue missions or temporary revivals.

Public and private parks, playgrounds, community centers and recreation facilities.

Public and semi-public buildings and uses such as fire stations, reservoirs, pumping stations, etc., that are essential for the physical, social and economic welfare of the community.

Mobile home/Manufactured Home, RV Parks.

Cemeteries.

10-12-1-4: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Dimensions: To be designated a building site a lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet (65')

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least six thousand (6,000)square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Minimum setbacks and yard regulations shall be as indicated below:

1. Front Yard: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').

2. Side Yards: A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.

4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-12-1-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty eight feet (28').

B. Fences: See Code Section 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

E. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

F. Running Gear: The tongue and running gear of any unit shall be removed.

G. Structural Compliance: A unit shall be allowed as a permanent family dwelling only if there is on such unit the insignia of compliance issued by the State of Oregon, which shows the unit complies with the minimum safety standards required for such unit by the State of Oregon. All construction and all installation of plumbing, gas piping, electrical equipment and wiring to the unit shall be in

compliance with the State of Oregon Statutes and regulations, presently in effect at the time of construction or installation, and shall be maintained to such standards.

H. Perimeter and Foundation Treatment: Each unit shall have a foundation slab or foundation pads of concrete, and shall be skirted with moisture resistant, noncombustible material. Skirting shall be held securely in place and shall provide a minimum of one ventilation opening for each twenty five (25) lineal feet. Ventilation openings shall be a minimum of thirty six (36) square inches (3" x 12") and shall be located within two feet (2') of the corners of the home. An access door eighteen inches by twenty four inches (18" x 24") shall be provided. All skirting and foundations shall be subject to inspection and approval by the Building Official. (Ord. 625, 6-30-80)

I. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

J. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

L. Lighting: Refer to Section 10-37 of this Title for requirements.

10-12-2: MOBILE HOME/MANUFACTURED HOME REGULATION:

10-12-2-1: ADMINISTRATIVE PROVISIONS:

A. Purpose: The regulations contained herein are intended to provide a suitable living environment for the residents of mobile homes/manufactured homes within the City, and to set forth standards of development that will be compatible with adjacent land uses.

B. Applicability: It is the policy of the City to conform its regulations to Federal and State laws and regulations. This Section is based on facts as given by the Department of Commerce Administrative Rules, as now or hereafter adopted. This Section is also a supplement to Federal and State Statutes, rules and regulations governing the manufacture and installation of mobile homes/manufactured homes and mobile home/manufactured home accessory structures, and the design and development of mobile home/manufactured home parks, mobile home/manufactured home subdivisions and Mobile Home/Manufactured Home Residential Districts.

C. Penalty: Any person who violates any provisions of this Section 10-12-2 or Section 10-12-3 of this Chapter shall be punished, upon conviction, by a fine not to exceed five hundred dollars ($500.00). A separate offense shall be committed for each day that the violation persists.

10-12-2-2: DEFINITIONS: For the purpose of this Section, certain words and terms are defined below. Terms not defined in this Code 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.

ACCESSORY	Any structural addition to a mobile home/manufactured home, including awnings, carports, cabanas, porches, ramadas and similar structures.
AWNING	Any stationary structure, permanent or demountable, used in conjunction with a mobile home/manufactured home, or trailer, other than window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
BUILDING LINE	A line on a plat indicating the limit beyond which buildings or structures may not be erected.

CABANA	A stationary, lightweight structure which may be prefabricated, or demountable, with two (2) or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.
COMMON AREA	Any area or space designed for joint use of tenants occupying mobile home developments. Not to include off-street parking areas.
CORNER LOT	A lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135).
DENSITY	The number of mobile homes/manufactured homes or mobile home/manufactured home stands per gross acre.
DRIVEWAY	A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.
EXPANDO	An expando is defined as a room or rooms that folds, collapses or telescopes into a mobile home during transport and which can be expanded at the site to provide additional living space.
LICENSE	A certificate for operation issued by the City pursuant to this Section.
LOT AREA	The total area reserved for exclusive use of the occupants of a mobile home/manufactured home.
LOT LINE	A line bounding the lot as shown on the accepted plot plan.
MOBILE HOME/ MANUFACTURED HOME COMMUNITY	A mobile home development and related utilities and facilities, including the mobile homes/manufactured homes and all of the people living within the development.
MOBILE HOME/ MANUFACTURED HOME LOT	A parcel of land for the placement of a mobile home/manufactured home and the exclusive use of its occupants.
MOBILE HOME/- MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)	A zone, the boundaries of which shall be defined and approved by the Planning Commission and the City Council, which allows for the placement of mobile homes/manufactured homes for residential uses.
MOBILE HOME/ MANUFACTURED HOME STAND	That part of an individual lot or parcel reserved for the placement of a mobile home/manufactured home.
MOBILE HOME/ MANUFACTURED HOME SUBDIVISION	Not less than five (5) acres of contiguous land, unless otherwise determined by the Planning Commission, which allows for the placement of mobile homes/manufactured homes for residential uses.
OCCUPIED AREA	That area of an individual mobile home/manufactured home lot which has been covered by a mobile home/manufactured home and its accessory structures.
OPEN SPACE	See Common Area
OWNER	The person having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.

PAD	A minimum foundation treatment for a permanent mobile home/manufactured home installation, the construction of which is in compliance with City policy. Commonly but not necessarily constructed of concrete two feet wide by six inches thick (2' x 6") and extending the length of the mobile home/manufactured home unit or units.
PERSON	Any individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.
RAMADA	A stationary structure having a roof extending over a mobile home/manufactured home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.
RECREATIONAL VEHICLE	A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet room.
TIE DOWN	Any device designed to anchor a mobile home/manufactured home securely to the ground.
UNIT	Relocatable family housing. (See Mobile Home/Manufactured Home definition)

10-12-3: MOBILE HOME/MANUFACTURED HOME PARKS:

10-12-3-1: ADMINISTRATIVE PROVISIONS:

A. Compliance Required: No land within the City shall be developed for use as a mobile home/manufactured home park and no plan for such park shall be filed or recorded until submitted to an approved by the Planning Commission.

B. Minimum Standards: The requirements and standards set forth in this Section are the minimum ones to which a mobile home/manufactured home park must conform before approval of the Planning Commission.

C. Conformity to the Comprehensive Plan: The mobile home/manufactured home park development shall conform to and be in harmony with the City Comprehensive Plan of that portion of the City with which the development is located.

10-12-3-2: DESIGN STANDARDS: The following standards and requirements shall govern the application of a mobile home/manufactured home park development in an area in which it is permitted:

A. A mobile home/manufactured home park shall not be less than one and one-half (1 1/2) acres in area, nor contain less than fifteen (15) rental spaces.

B. Lots or spaces within the park shall contain a minimum of two thousand four hundred fifty (2,450) square feet, with a width of no less than thirty five feet (35').

C. Only one living unit shall be permitted on a lot or space.

D. No building, structure or land within the boundaries of a mobile home/manufactured home park shall be used for any purpose except for the uses permitted as follows:

1. Mobile homes/manufactured homes for residential uses only, together with the normal accessory buildings such as cabana, ramada, patio slab, carport or garage and storage or washroom building.

2. Private and public utilities and services on approval of the Planning Commission.

3. Community recreation facilities, including swimming pools, for residents of the park and guests only.

4. Residences for the use of a caretaker and/or managers responsible for maintaining or operating the property.

5. One small store for the convenience of the residents of the park and guests and/or other appropriate businesses subject to approval by the Planning Commission.

E. All mobile homes/manufactured homes shall be set back at least twenty feet (20') from mobile home/manufactured home park boundary lines abutting upon public streets or highways, one hundred feet (100') from the center line of a State highway, and at least ten feet (10') from other park boundary lines.

F. All mobile homes/manufactured homes shall be provided with a foundation stand, which shall be improved to provide adequate support for the placement and tie down of the mobile home/manufactured home. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and must be at least as large as the mobile home placed upon it. The stand shall be constructed so that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the City Building Official.

G. All single-wide mobile homes/manufactured homes shall be tied down, thereby securing the structure against uplift, sliding, rotation and overturning. Anchors and tie downs or other devices to be used to stabilize the mobile home/manufactured home shall be of an approved type and shall be able to sustain a minimum load of four thousand seven hundred twenty five (4,725) pounds each. All such devices for anchoring and securing the structure must be approved by the City Building Official.

H. All mobile homes/manufactured homes shall be required to provide minimum exterior finishing and construction of accessories as follows:

1. All mobile homes/manufactured homes shall have compatible skirting of a moisture resistant, noncombustible material or fire- retardant wood, which must be installed within sixty (60) days from placement of home. This skirting material must be maintained in perpetuity as long as the unit is habitable.

2. Pedestals or supports shall be installed to insure adequate support for all mobile homes/manufactured home. However, no mobile home/manufactured home shall be permanently attached to a foundation.

3. All awnings, carports, cabanas, etc., shall comply with the City's Building Code.

I. All mobile home/manufactured home parks over ten (10) acres in size shall be located so as to have access on a street designated by the City as a collector street.

J. Street lighting shall be provided within the park in accordance with Section 10-36. All other lighting in the park to include that provided for and on residential and accessory structures shall be provided in accordance with Section 10-37 of this Title.

K. All utilities shall be installed underground.

L. If a master TV cable is installed, the owner of the park shall see that a coordinated plan is prepared and executed.

M. Buffering or screening, as required by the Planning Commission, shall be a sight obscuring fence, wall, evergreen or other suitable planting at least six feet (6') high, or higher if deemed necessary by the Planning Commission.

N. Fences or windbreaks exceeding forty two inches(42") in height shall be no closer than three feet (3') to any structure or mobile home/manufactured home. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six feet (6').

O. The condition of soil, sand, groundwater level, drainage and topography shall not create hazards to the property or the safety of the occupants. The site shall be located so as not to be exposed to objectionable smoke, noise, odors or other adverse influence, which would subject persons or property to hazards.

P. There shall be landscaping within the front and side setback area, and in all open areas of the mobile home park not otherwise used for mobile home park purposes. The method of landscaping shall be included in the park plan for approval by the Planning Commission. Prominent aspects such as trees over six inches (6") or more in diameter and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of the open spaces is necessary to continue renewal of the park license.

Q. The condition of soil, sand, groundwater level, drainage and topography shall not create hazards to the property or the safety of the occupants. The site shall be located so as not to be exposed to objectionable smoke, noise, odors or other adverse influence, which would subject persons or property to hazards.

R. Utilities and street standards within a mobile home/manufactured home park should be set by the Public Works Department and staff on a finding of soil condition, drainage and traffic flow.

S. All other conditions listed in the State Code for Mobile Home/Manufactured Home Parks must be complied with.

10-12-3-3: SITE AND DEVELOPMENT PLAN:

A. All applications submitted for approval of a mobile home/manufactured home park development shall consist of four (4) copies of a development plan. Such plan shall be submitted at least six (6) days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:

1. Name of person who prepared plan.

2. Name(s) of person(s) owning and/or controlling the land proposed for a park.

3. Name of mobile home/manufactured home park and address.

4. Scale and north point of the plan.

5. Boundaries and dimensions of the mobile home/manufactured home park.

6. Vicinity map showing relationship of mobile home/manufactured home park to adjacent properties and surrounding zoning.

7. Location and dimensions of each mobile home/manufactured home site, with each site designated by number, letter or name.

8. Location and dimensions of each existing or proposed building.

9. Location and width of mobile home/manufactured home park streets and pedestrian ways.

10. Location of each lighting fixture for lighting the area.

11. Location of recreational areas and buildings and common area.

12. Location and type of landscaping plantings, fences, walls or combination of any of these, or other screening materials.

13. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.

14. Location of fire hydrants.

15. Enlarged plot plan of a typical mobile home/manufactured home space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping.

16. The plan shall indicate positions of the mobile homes/manufactured homes on their stands, so that the Planning Commission may determine entrances, setbacks, etc.

17. The plan shall show the topography of the park site with contour intervals of not more than five feet (5'), except that the Building Official or Planning Director may require closer contour intervals.

18. A drainage plan.

B. At the time of application to construct a new mobile home/manufactured home park, the applicant shall submit, in addition to the above and as part of the development plan, four (4) copies of the following plans:

1. A survey and plat of the property.

2. New structures.

3. Public water systems approved by the appropriate governmental agency, and a certificate of connection to the City water system.

4. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon, and certification of approval to connect to City sewer system.

5. Method of garbage disposal.

6. If, in the judgment of the Planning Commission, the proposed project could have a detrimental effect on the City or surrounding properties, it shall require an impact statement from the developer.

This statement shall cover runoff, air and water quality, potential noise generation, ground cover, social and economic impact and any other matters required by the Planning Commission.

10-12-3-4: DEVELOPMENT PLAN PROCEDURE:

A. Decision Upon Development Plan:

1. Reject the plan, providing the developer with a list of their reasons for taking such action.

2. Deny or withhold approval subject to specified conditions, providing the developer with a list thereof.

3. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the City Council.

4. Approval will expire in one year unless the plan is substantially implemented.

B. Conditions of Plan Approval: If it appears to the Planning Commission and the City Council that, for the protection of public health, safety and welfare, the economic stability of the City, or the proper utilization of land resources, it is necessary or prudent to deny approval of a development plan for a

mobile home/manufactured home park, such denial shall be made until specified conditions are met by the developer or by the landowners involved in the development.

C. Appeal to the City Council: Any landowner or developer or any interested person may appeal a decision of the Planning Commission to the City Council in accordance with Section 10-1-1-7. (Ord. 26, Series 2008).

10-12-3-5: MOBILE HOME/MANUFACTURED HOME PARK LICENSE:

A. No use or occupancy of any mobile home/manufactured home park, or building or facility covered hereunder will be allowed until the license is issued.

B. The project as approved by the Planning Commission shall be completed before first occupancy is permitted.

C. Licenses issued hereunder shall be valid for a period of one year, and renewable thereafter, unless a shorter or longer time is noted and approved by the Planning Commission and City Council on the signed approved copies of the development plan.

Deviations from the approved plan must be submitted to the Planning Commission for approval as revisions of the plan.

10-12-3-6: BASIC REGULATIONS AND PROVISIONS:

A. Alterations and Additions: The management shall be held responsible for all alterations and additions to a mobile home/manufactured home park and shall make certain that all permits and inspections are obtained from the proper authorities.

B. Electrical Connections: All electrical connections shall comply with the State Electrical Code and be duly inspected.

C. Fire Extinguishers: Portable fire extinguishers rated Classes A, B and C shall be kept in service buildings and be maintained in good operating condition.

D. Fire Hazards: The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between mobile homes and other buildings in the park.

E. Fire Hydrants: Approved fire hydrants shall be installed so that all mobile homes/manufactured homes and other structures are within three hundred feet (300') down the center line of a street of an approved fire hydrant.

F. Fire Protection: Fire protection requirements for mobile homes/manufactured homes shall be the same as for a Group I occupancy under the Uniform Building Code as regards sire detection devices. These devices are the responsibility of the mobile home/manufactured home owner.

G. Insignia of Compliance: All mobile homes/manufactured homes installed in mobile home/manufactured home parks after the effective date hereof shall meet State Mobile Home/Manufactured Home Building Code requirements and bear the insignia of compliance or be able to prove their mobile home/manufactured home meets or exceeds those standards within six (6) months.

H. Inspections: The Building Official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If not in compliance, the owner must make whatever repairs are required before a license or license of renewal for the park will be issued.

An extension of time to make repairs may be allowed by the Planning Commission, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.

I. Mail Boxes: The owner or operator of a mobile home/manufactured home park shall provide facilities for individual mail boxes or distribution facilities for incoming mail, and shall provide at least one collection box for outgoing mail which shall be dispatched daily.

J. Management Responsibility: Either the owner, an operator or resident manager or similar supervisor or representative of the owner, shall be available and responsible for the direct management of the mobile home/manufactured home park while it is in use.

K. Plot Plans: A plot plan must be provided by the park administration to the City, including the space and sizes of units permitted, on both pre-existing and newly established parks.

L. Pre-Existing Mobile Home/Manufactured Home Park: A pre-existing mobile home/manufactured home park must file a plan which provides for improvements of the park to minimum standards for sanitation and electrical so as not to endanger the health or safety of occupants. Minimum standards would be in compliance with State codes for sanitation, fire and electrical safety standards, with a time period not to exceed twelve (12) months from the effective date hereof or upon annexation to the City.

M. Refuse Burning: Burning of refuse will not be permitted except in an approved device at a designated site as directed by the Fire Department.

N. Refuse and Debris Control: All mobile home/manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. All units shall have an adequate garbage container, as determined by the County Health Officer or his designate.

O. Signs: All signs within the park shall be located so as to not be hazardous to passers-by. Sufficient signs for proper traffic direction shall be required. Signs advertising the park must comply with Title 4, Chapter 7 of this Code.

P. Storage of Materials: Storage of decomposing, combustible or other unhealthy or unsafe materials inside or beneath any mobile home/manufactured home is not permitted, but may be allowed in an outside accessory building if such installation is approved by the City Building Official.

Q. Telephone: At least one public telephone for the use of the park residents shall be provided for use at all times, if available.

R. Water and Sewer Connections: All mobile homes/manufactured home, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City.

10-12-3-7: PARK ADMINISTRATION:

A. It shall be the responsibility of the park owners and manager to see that the provisions of this Section are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this Section.

B. No mobile home/manufactured home shall be installed in any mobile home/manufactured home park until an installation permit has been issued by the Building Department.

C. The project shall be completed or, a minimum of fifteen (15) spaces must be available for occupancy before first occupancy is permitted.

D. An accurate record book shall be maintained for the purpose of public health, safety and welfare containing the current names and location address of all residents, along with the dates of entry and departure from the park for a period of one year. Such record shall be available to any person authorized by the City Council to inspect the mobile home/manufactured home park. (Ord. 614, 9-10-79)

Amended by Ord. No. 18, Series 1990
Section 10-12-3-4 C, Amended by Ord. No. 26, Series 2008
Sections 10-12-1-5 and 10-12-2-2 Amended by Ord. No. 9, Series 2009
Section 10-12-1-3 Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Sections 10-11-5-E and 10-12-3-6-O Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-12-2-3 deleted by Ord. No. 21, Series 2011 – effective Jan. 5, 2012
Section 10-12-1-5-D amended by Ordinance No. 3, Series 2013 – effective 7-31-13
Section 10-12-1-5-L and 10-12-3-2-J amended by Ord. No. 12, Series 2014 – effective 12-31-14

TITLE 10
CHAPTER 13

MULTI-FAMILY RESIDENTIAL DISTRICT (RM)

SECTION:

10-13-1: Purpose
10-13-2: Permitted Buildings and Uses
10-13-3: Buildings and Uses Permitted Conditionally
10-13-4: Lot and Yard Provisions
10-13-5: Site and Development Provisions

10-13-1: PURPOSE: The Multiple-Family Residential District is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. (Ord. 625,6-30-80)

10-13-2: PERMITTED BUILDINGS AND USES;

Duplexes

Multiple-family dwellings, including townhouses, apartments, clusters and condominiums.

Planned unit developments (Chapter 23 of this Title).

Home occupations.

Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard of single-family or duplex dwellings. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

10-13-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following buildings and uses:

Single-family dwellings.

Mobile home/manufactured home subdivisions.

Mobile homes/manufactured homes - medical hardship.

Mobile home/manufactured home parks.

Professional offices.

Neighborhood commercial.

Public parking areas.

Hospitals.

Nursing homes.

Group care homes.

Day nurseries, provided the residential character of the building is maintained.

Public or parochial schools.

Churches, except rescue missions or temporary revivals.

Public and semi-public buildings such as fire stations, reservoirs, pump stations, etc., that are essential to the physical, social and economic welfare of an area.

Public and private parks, playgrounds, community centers and recreational facilities. (Ord. 8, Series 1985, 5-28-85)

10-13-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, an existing lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet and the depth shall be eighty feet (65' x 80').

B. Minimum Lot Area: To be designated a building site, an existing lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

C. Lot Coverage:

1. For single-family and duplex dwellings, the maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

2. For multiple-family dwellings and other uses, the maximum coverage by all enclosed buildings shall not exceed fifty percent (50%) of the lot area. The maximum coverage by all storage structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

D. Yard Regulations:

1. For single-family and duplex dwellings, front, side and rear yard regulations shall be the same as those in the Single-Family Residential District (Chapter 11 of this Title).

2. For multiple-family dwellings and other uses, the front, side and rear setback shall be five feet (5'). When a multiple use adjoins a single-family use, the multiple use shall be set back from all lot lines one additional foot for each foot of height over twenty eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.

3. The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles.

10-13-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty eight feet (28').

B. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') unless the buildings are arranged end to end. In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

C. Fences: See Chapter 10-34-5 of this Title.

D. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

E. Off-Street Parking: Refer to Chapter 3 of this Title (Off- Street Parking and Loading).

F. Access and Circulation: Refer to Section 10-35 of this Title for requirements. Additionally, vehicle ingress or egress to a multiple-family dwelling shall not be allowed from less than a fifty foot (50') right of way and thirty two foot (32') paved street. Multiple-family dwellings shall not have vehicle access to and from a cul-de-sac.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements. The developer of a multiple-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

H. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

I. Open Space: Multiple-family developments of four (4) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

1. Not less than ten feet (10') in width or depth at any point.

2. Located on land with less than a five percent (5%) slope.

3. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.

4. Not used for temporary or regular parking of automobiles or other vehicles.

5. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)

J. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

K. Lighting: Refer to Section 10-37 of this Title for requirements.

Section 10-13-5 C, D, H - Amended by Ord. 26, Series 2008
Sections 10-13-2, 10-13-4 and 10-13-5 Amended by Ord. No.9 Series 2009
Sections 10-13-3, 10-13-5-I, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-13-5-H Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-13-5-K added by Ord. No. 12, Series 2014 – effective December 31, 2014

TITLE 10
CHAPTER 14

NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

SECTION:

10-14-1: Purpose
10-14-2: Permitted Buildings and Uses
10-14-3: Buildings and Uses Permitted Conditionally
10-14-4: Lot and Yard Provisions
10-14-5: Site Development Provisions

10-14-1: PURPOSE: The Neighborhood Commercial District is intended to enhance the livability of residential areas by providing for small neighborhood businesses to serve the frequently recurring needs of residents. In general, Neighborhood Commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single, multi-purpose convenience store would also qualify. Neighborhood Commercial is not intended to be combined with a residence or to be located in a converted residence or garage.

10-14-2: PERMITTED BUILDINGS AND USES: Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

Banks

Barber shops

Beauty shops

Day nurseries

Drug Stores

Grocery stores or markets

Restaurants (except drive-ins or walk-ups)

Small specialty stores (such as florist or bicycle shops)

Variety stores

10-14-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for other buildings and uses determined to be similar to those permitted outright and which do not have a different or more detrimental effect upon the adjoining areas than those buildings and uses specifically permitted.

10-14-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: The minimum lot width shall be one hundred feet (100').

B. Minimum Lot Area: The minimum lot area shall be twelve thousand (12,000) square feet.

C. Yard Regulations:

1. Front yards and street side yards shall be a minimum of twenty feet (20').

2. Side yards and rear yards abutting a residential district shall be fifteen feet (15').

10-14-5: SITE AND DEVELOPMENT PROVISIONS:

A. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

1. At least thirty inches (30") high along entire street frontage except at points of ingress and egress.

2. In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen along side or near property lines abutting a residential district.

B. Parking: Shall be in accordance with Chapter 3 of this Title.

C. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

D. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

E. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

F. Vision Clearance: Refer to Section 10-1-4 and 10-2-15 of this Title for definitions, and requirements. (Ord. 26, 2008)

G. General Provisions:

1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

2. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance. (Ord. 669, 5-17-82).

H. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-14-5 C, D, F - Amended by Ordinance No. 26, Series 2008
Section 10-14-5-C – amended by Ordinance No. 4, Series 2011 – effective 4/22/11
Section 10-14-5-H amended by Ord. No. 12, Series 2014 – effective 12/31/14

TITLE 10
CHAPTER 15

COMMERCIAL DISTRICT (C)

SECTION:

10-15-1: Purpose
10-15-2: Permitted Buildings and Uses
10-15-3: Buildings and Uses Permitted Conditionally
10-15-4: Lot and Yard Requirements
10-15-5: Site and Development Provisions
10-15-6: General Provisions

10-15-1: PURPOSE: The Commercial District is intended to preserve and enhance areas within which a wide range of retail sales and businesses will occur.

10-15-2: PERMITTED BUILDINGS AND USES: The following uses shall be permitted only upon affirmative findings by the Planned Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

Ambulance services

Animal clinics or grooming facilities (not abutting a residential use or district)

Antique shops

Appliance sales and service

Art supplies

Artist studios

Auction sales, excluding livestock

Automobile parts and accessories stores

Bakeries, retail

Banks

Barber and beauty shops

Bars or night clubs, including entertainment and sale of alcoholic beverages

Bicycle shops

Billiard and pool halls

Blood banks

Blueprinting

Book stores

Building maintenance service

Building material yards

Bus depots

Camera and supplies shops
Catering services

Clinics

Clothing, apparel shops

Clubs, lodges and meeting halls

Cocktail lounges

Confectionery stores with fountains

Curio shops

Dairy processing center

Data processing center

Day nurseries

Delicatessen stores

Department stores

Drapery stores

Dress and millinery shops

Dry cleaning establishments, coin-operated, custom and self- service

Electrical and electronic supplies, retail

Floor covering stores

Florist shops

Furniture stores

Garden supplies stores
Gift shops

Grocery stores, markets and supermarkets

Hardware stores

Health Studios, (Ord. 625, 6-30-80)

Home occupations, (Ord. 669, 5-17-82)

Hobby shops

Hotel, motel, motor motel or tourist courts

Interior decorator studios

Jewelry stores

Laboratories, medical and dental

Laundromats, hand laundries and self-service laundries
Leather goods stores

Liquor stores, package

Lockers, cold storage, retail

Locksmith shops

Movie theaters

Museums

Music stores

Newspaper printing establishments

Offices for the following:

- Accountants
- Attorneys
- Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the State of Oregon to practice the healing arts.
- Engineers, architects, landscape architects, surveyors, and those engaged in the practice of drafting or graphics.
- General administration
  Insurance brokers
- Lumber brokers
- Real estate sales
- Savings and loans
- Stockbrokers
- Telephone answering services
- Offices similar to the above but not specifically listed

Office supplies and equipment stores

Paint and wallpaper stores

Parking areas, public or private

Parking garages, public or private

Pawnshops

Pet shops

Pharmacy and drug stores

Photographers' studios

Photographic film processing, photoengraving, photocopying and/or Photostatting
Planned unit developments (Chapter 23 of this Title)

Post offices

Printing shops

Radio and television broadcasting studios

Radio and television sales and services

Reducing salons

Restaurants, drive-ins and walk-ups (including drive-thrus and drive-ups)

Secondhand stores, if conducted within a wholly enclosed building

Sewing machine sales and service

Shoe repair shops
Sporting goods stores

Tailor shops

Taverns

Telephone and telegraph exchanges

Theaters

Tobacco shops

Toy stores

Travel agencies

Upholstery, automobile and furniture

Variety stores

Other buildings and uses determined to be similar to those listed in this Section and which do not have a different or more detrimental effect upon the adjoining areas than those buildings and uses specifically permitted.

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Amusement establishments

Churches, excluding rescue missions or temporary revivals

Funeral homes

Greenhouses and nurseries, retail

Service stations

Automobile repair garage

Automobile sales, new and used
Mobile home/manufactured home sales and service

Truck repair garage

Public buildings and facilities

Residential units, provided that the building contains a commercial business and that the dwelling shall not occupy the front twenty five feet (25') facing the commercial area; if access to the dwelling is from the principal commercial street, it shall be a separate entrance and not more than six feet (6') wide.

Single-family dwellings. (Ord. 625, 6-30-80)

Woodworking and cabinet shops, provided that the business includes retail sales of product(s) produced on the premises. (Ord. 659, 11-24-81)

Public and private elementary or secondary schools. (Ord. 723, 8-14-84)

Medical Marijuana Facilities (Ord. 1, 2015, 3-17-15)

10-15-4: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Dimensions: The minimum lot width shall be twenty five feet (25').

B. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.

C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Yard Regulations:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side and rear yards are not required except:

a. Where setbacks have been established for road widening or other purposes.

b. Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.

10-15-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.

C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

D. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definitions, and requirements.

E. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

F. Access and circulation: Refer to Section 10-35 of this Title for requirements.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements.

H. Open Space is required for multi-family housing developments of 4 or more units as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved as common open space.

2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').

4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

10-15-6: GENERAL PROVISIONS:

A. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

B. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.

C. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance. (Ord. 625, 6-30-80)

Amended by Ordinance No. 15, Series 1988
Section 10-15-5 D, E - Amended by Ordinance No. 26, Series 2008
Sections 10-15-4 and 10-15-5 Amended by Ordinance No. 9, Series 2009
Section 10-15-5-H added by Ordinance No. 2, Series 2011
Section 10-15-5 amended by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section 10-15-2 and 10-15-3 amended by Ordinance No. 3, Series 2013, See Exhibit B (effective 7-31-13)
Section 10-15-5-I added by Ord. No. 12, Series 2014 (effective 12/31/14)
Section 10-15-3 amended by Ord. No. 1, Series 2015 (effective 3/17/15)

TITLE 10
CHAPTER 16

HIGHWAY DISTRICT (H)

SECTION:

10-16-1: Purpose
10-16-2: Permitted Buildings and Uses
10-16-3: Buildings and Uses Permitted Conditionally
10-16-4: General Criteria
10-16-5: Development Standards
10-16-6: Rehabilitation of Existing Buildings and Uses
10-16-7: Design Specifications

10-16-1: PURPOSE: The Highway District includes the area adjacent to Highways 101 and 126. Highway frontage is recognized as an item of major concern that needs individual attention in order to serve the public interest and deal with its special nature and character. The principal concerns are:

A. The need to create an attractive community appearance.

B. The need to restrain the linear pattern of commercial development.

C. The need to provide for a safe, efficient traffic flow with minimum congestion.

D. The need to provide adequate area for new commercial, limited industrial and multiple-family development.

E. The need to recognize that a pattern of land valuation and subsequent taxation has evolved over many years which has anticipated a high intensity of use.

F. The need to recognize that there are activities and uses whose survival is dependent upon highway access and visibility.

G. To recognize the pre-existing development pattern of highway property and to insure it has continued use and value whenever possible and consistent with other concerns.

These concerns are addressed in the Highway District with a multiple use concept that can enlist the personal and financial energies of a broad diversity of interests. The multiple use concept requires careful restraint and employs a design review procedure that encourages highway enterprises to blend harmoniously with the scenic and aesthetic features at the entrances to the City.

It is intended that the economic potential of this District should be developed, but in a manner than enhances our coastal village atmosphere and is consistent with the Florence Comprehensive Plan. (Ord. 625, 6-30-80)

10-16-2: PERMITTED BUILDINGS AND USES:

The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, and single-family residential PUD's.

B. Multiple-family residential.

C. Planned unit developments, excluding single-family residential developments.

D. Mini storage units

Any use proposed to locate within this District shall be subject to review by the Planning Commission according to the general criteria listed in Section 10-16-4 herein. Buildings and uses proposed to be established within the Highway District shall be presented for design review in accordance with Chapter 6 of this Title.

10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein, with conditions to be required by the Planning Commission through the provisions of Chapter 4 of this Title.

A. All uses permitted outright or conditionally in the Limited Industrial District.

B. Public buildings and facilities.

C. Single-family residences.

D. Home occupations. (Ord. 669, 5-17-82)

E. Mobile Home/Manufactured Home/RV Parks

F. Medical Marijuana Facilities (Ord. 1, 2015, 3-17-15)

10-16-4: GENERAL CRITERIA: Before a building or use is established within the Highway District, the petitioner must demonstrate to the City that the proposed development will meet the following criteria:

A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.

B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.

C. The location of the site can accommodate energy efficient traffic circulation routes.

D. The vehicle and pedestrian access to the site can be safely and efficiently provided.

E. The necessary utility systems and public facilities are available with sufficient capacity.

F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.

10-16-5: DEVELOPMENT STANDARDS: The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:

A. Setbacks, yards, height, density and similar design features.

B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.

C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.

D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.

E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.

F. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

G. Architectural quality and aesthetic appearance.

H. Public health and safety.

I. Security.

J. Lot area, dimensions and percent of coverage.

K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

10-16-6: REHABILITATION OF EXISTING BUILDINGS AND USES: The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter.

In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

10-16-7: DESIGN SPECIFICATIONS:

A. Highway Setback (Minimum Allowed Without a Variance; Measured From the Center Line of the Highway Right of Way):

1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.

2. Multiple Residential: One hundred feet (100').

3. Light Industrial: One hundred feet (100').

4. All Other Uses: As determined by the City.

B. Setback from Side Streets and Abutting Property: Minimum of five feet (5') unless otherwise determined by the City with consideration given to the existing and proposed uses on the abutting properties.

C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.

2. Multiple Residential: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

   In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

3. Light Industrial: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

D. Highway Access: For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:

1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or

2. The City specifically authorizes the highway curb cuts.

E. Parking: Shall be in accordance with Chapter 3 of this Title.

F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code.

G. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

H. General Provisions:

1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

2. Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.

3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

I. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

J. Minimum Lot Area: The minimum lot area shall be six thousand (6,000) square feet.

K. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

L. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definitions, and requirements. (Ord. 26, 2008)

M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

N. Open Space is required for multi-family housing developments of 4 or more units as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designed and permanently reserved as common open space.

2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g. trees or bank vegetation preserved), play fields , outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').

4. Any common areas shall be owned as common property and maintained by a homeowners associations or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

O. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15 Series 1988
Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008
Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009
Section 10-16-7-N added by Ord. No. 2, Series 2011
Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)
Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-16-3 amended by Ord. 1, Series 2015 (effective 3-17-15)

TITLE 10
CHAPTER 17

OLD TOWN DISTRICT

SECTION

10-17-1	General Purpose for Old Town
10-17-2	Definitions
10-17A-1	Purpose for Area A
10-17A-2	Land Uses for Area A
10-17A-3	Lot and Yard Provisions for Area A
10-17A-4	Site and Development Provisions for Area A
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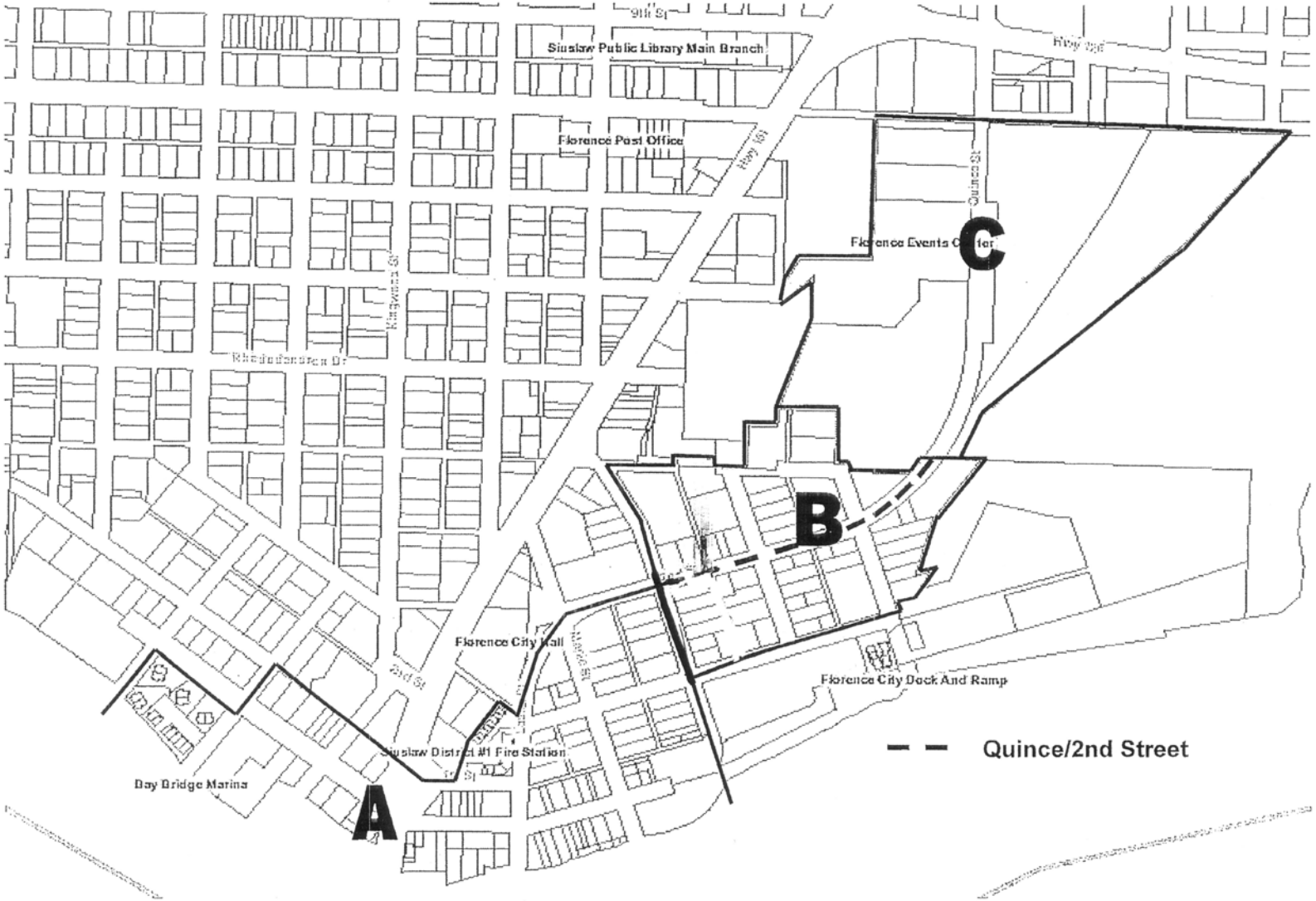
10-17B-3	Lot and Yard Provisions for Area B
10-17B-4	Site and Development Provisions for Area B
10-17C-1	Purpose for Area C
10-17C-2	Land Uses for Area C
10-17C-3	Lot and Yard Provisions for Area C
10-17C-4	Site and Development Provisions for Area C

10-17-1 GENERAL PURPOSE FOR OLD TOWN: The Old Town District is intended to provide an area for pedestrian oriented, mixed land uses. Areas A and B are located near or along the waterfront and comprise the historic old town with generally smaller scale structures than Area C. The Old Town District is also intended to encourage restoration, revitalization and preservation of the District.

The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with Figure 17.1. The purpose of these sub-areas is described in each subsection.

City of Florence Proposed Zoning District for Old Town Area A, Area B and Area C
Figure 17.1



10-17-2 **DEFINITIONS:** As used in this Chapter, the following definitions apply, instead of the general definitions in Chapter 1:

ACCESSORY BUILDING

A building of secondary importance on a site, detached from the principal building. The accessory building must be (1) subordinate in size (area and height) to the principal building; (2) contribute to the comfort, convenience, or necessity of occupants of the principal building; and (3) located on the same lot as the principal building; (4) under the same ownership and control as the principal structure; (5) in compliance with all applicable zoning regulations including building setbacks; and (6) shall not be constructed or maintained prior to the construction of the principal use. (Building permits for an accessory structure may be obtained as part of or at the same time as a permit for the principal structure). Examples of accessory buildings include but are not limited to: garages, carports, decks, gazebos, storage sheds, play houses, patios, and terraces.

ACCESSORY USE

A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. It shall (1) be subordinate to and serve a primary use in function and time; (2) be subordinate in area, extent, or purpose to primary use; (3) contribute to the comfort, convenience, or necessity of those occupying, working at, or being served by the primary use; (4) be located on the same lot as the primary use; (5) be under the same ownership and control as the primary use; (6) comply with the use limitations applicable in the zoning district in which it is located; and (7) no accessory use shall be established prior to the primary use.

BUILDING HEIGHT

The "building height" dimension is defined as the vertical distance from the average level of the undisturbed natural grade around the building's outer foundation line to the highest point of the roof or the roof parapet, if present. If fill has been or will be added or removed in accordance with a City-approved grading plan (as for drainage, access, or compatibility with surrounding topography), the approved grade shall be used in lieu of the undisturbed natural grade. Stories located entirely below the average grade level or occupying no more than three feet above the average grade level are not counted. The dimensional limit is normally adequate to allow a pitched or gable roof style over the maximum allowed number of above-grade stories.

VISUAL AID

Visualization aids may be of three general types:

Type I: "Story poles" with connecting ribbons that are physically erected on the site to accurately represent the full extent of the proposed structure. Accuracy of critical story pole dimensions shall be checked and certified by a licensed surveyor after erection. Type I aids shall be installed twenty (20) days before the public hearing and removed within twenty (20) days after the final land use decision.

Type II: Virtual computer images which depict the proposed structure and its relation to the surroundings. Such images shall be accurately scaled and shall portray detailed 3-D perspectives of the structure/surroundings in color from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type II aids shall be available to the City and the public twenty (20) days before the

public hearing.

Type III: Colorized architectural renderings which depict the proposed structure and its relation to the surroundings. Such renderings shall be at least two feet (2') in the smaller dimension, shall be accurately scaled, and shall portray detailed 3-D perspectives of the structure/surroundings from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type III aids shall be available to the City and the public twenty (20) days before the public hearing. At least two (2) copies shall be provided; one set of copies shall be "weatherproofed" and displayed for public view at the site.

OLD TOWN DISTRICT AREA A

10-17A-1 **PURPOSE FOR AREA A:** Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence.

10-17A-2 **LAND USES FOR AREA A:** The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

A. **Permitted Uses:** Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

Residential: above ground floor commercial

Restaurants and cafes, without drive-thru

Taverns and bars

Offices, professional and administrative

Recreational facilities (facility must be outdoor, water-related, and non-motorized)

Commercial and public marinas, piers, and docks

Educational services (accessory only, not school)

Parks and open space

Basic utilities (water, sewage, electrical, and communication facilities - not staffed)

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential units: provided that any building facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five feet (25') of the building(s) that face(s) a street. If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Lodging, motels and hotels

Bed and Breakfast inns

Entertainment and recreational facilities (indoor)

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Taxi stands

Commercial & public parking lots (ground level)

Public safety facilities (police and fire stations)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

C. **Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Residential: multi-family, townhouses, duplexes (unless part of mixed use development as listed in permitted or conditional uses)

Residential, single family (unless part of mixed uses as listed in permitted or conditional uses)

Group living

RV parks and campgrounds

Daycare, adult and child

Restaurants, with drive-thru (includes drive-up and drive-thru)

Religious Institutions

Commercial & public parking structures

Vehicle short-term rental

Vehicle sales or leasing

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels, animal clinics, or grooming facilities

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

D. **Existing Single-family Residences:** Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17A-3 LOT AND YARD PROVISIONS FOR AREA A

A. **Lot Area:** The lot area shall be a minimum of 1,500 square feet.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The Design Review Board may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

D. **Yard Regulations:**

1. For Area A, yards shall be as follows:

   Front Yards: Building fronts may vary from zero to ten feet (0' to 10)' setback from the front property line. Upper story windows and balconies may encroach into the sidewalk area as long as a minimum eight feet (8') wide and ten feet (10') high pedestrian way is maintained within the sidewalk area. Benches and tables may encroach into the sidewalk area as long as the minimum eight feet (8') wide pedestrian way is maintained within the sidewalk area. Ten percent (10%) of the lot frontage, or a maximum of six feet (6'), may be utilized for pedestrian walkways connecting to interior parking lots or for river viewing areas.

   Side and Rear Yards: Buildings may be zero lot line, provided that all Building Code requirements are met.

2. In each block, there will be at least one opening for Americans with Disabilities Act (ADA) accessible public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River.

10-17A-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA A

A. **Building or Structural Height Limitations:** The maximum height for buildings or other structures in the Old Town District Area A shall be two (2) stories above grade with a maximum of thirty feet (30').

For any building two (2) stories above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.

2. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.

3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.

4. A public plaza may be provided between the building and the street right-of-way. The plaza shall be a minimum of four feet (4') in depth (in addition to the 8 feet wide sidewalk), with a minimum of 100 square feet in size for seating, landscaping, and weather protection such as awnings, canopies, overhangs, or similar features.

B. **Building Size Limitation:** No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. **Access:** Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the Building Codes.

D. **Sidewalks:** Public sidewalks shall be a minimum of eight feet (8') wide.

E. **Parking and Loading Spaces:**

1. Non-residential parking spaces may be located on-street in front of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. Individual parking areas or lots will not be approved unless no other alternative exists. Parking may not be located between the building and the street.

2. Residential parking spaces may be specifically designated within any on-site parking area. Individual parking areas or lots located off-site will not be approved unless no other alternative exists; such off-site parking assigned to specific residential buildings in Area A shall be located on the same block or not more than 300 feet from the residential building entrance.

3. Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required eight feet (8') minimum pedestrian walkway.

4. Parking requirements listed in Table 10-3-1 of Section 10-3-4 of this Code are waived for all changes of use in any structures in Old Town Rea A which existed prior to October 15, 2014.

   a. No increase in provided parking spaces shall be required for any change of use in Old Town Area A.

   b. All current structures and uses shall maintain the number of parking spaces provided for those uses as of October 15, 2014.

   c. The number of parking spaces provided by a business or residence shall be retained for all subsequent businesses or residences housed within that space, regardless of the intensity of use.

   d. Changes of use in buildings which have not had a previous Planning Commission / Design Review Board or staff approval or an amount of required parking set shall have proposed parking reviewed at the time of building permit submittal.

   e. Required parking may be provided off-site, pursuant to Section 10-3-7 of this Code.

5. All new construction (structures and additions built after October 15, 2014), not including residential, lodging, motel, or inn uses, are allowed a waiver of up to 50% of parking required by Section 10-3-4 of this Code, to be determined with Planning Commission / Design Review Board or Administrative Review approval. The waiver of required parking is not to exceed the minimum number of two (2) parking spaces required by Section 10-3-4.

F. **Vision Clearance:** Refer to Sections 10-1-4 and 10-35-2-13 of this Title for definition and requirements.

G. **Signs:** Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the ten percent (10%) calculation must be installed and maintained by the applicant or his/her successors.

2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area A.

I. **Lighting:** Street lighting, building lighting, and lighting of parking lots and walkways shall conform to the following lighting standards:

1. Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See Figure 17.2)

2. In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)

3. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.

4. Lighting shall be pedestrian scaled.

5. Refer to Section 10-37 of this Title for additional requirements.

6. Wiring for historic light fixtures shall be placed underground.

7. Other overhead wiring shall be placed underground, where possible.

City of Florence Proposed Old Town District Lighting Map
Figure 17.2

J. **Trash Enclosures:** At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. **Design Review:** All uses in Area A of Old Town District whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

i. Property lines

ii. Easements

iii. 2' Contours

iv. Existing structures (including height of sea-wall, if appropriate)

v. Floodplain

vi. Highest observed tide

b. **New Construction or Story Additions**: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). The following visual aides are required for all buildings or story additions in Area A:

i. Projects located on the riverside of Bay Street shall provide visual aid type I and visual aid type II or III.

ii. Projects located in Area A other than the riverside of Bay Street shall provide visual aid type I, II or III.

OLD TOWN DISTRICT AREA B

10-17B-1 **PURPOSE FOR AREA B:** Old Town Area B is an area of mixed use residential intended to provide a transition between the waterfront visitor attractions and the Events Center campus, with Quince/2nd Street as the pedestrian-friendly link between these key areas.

10-17B-2 **LAND USES FOR AREA B:** The following establishes permitted, conditional, and prohibited uses for the Old Town District Area B:

A. **Permitted Uses:** Uses which are administratively determined to have an impact similar to or less than Permitted listed uses below:

- Residential, single family
- Residential: above ground floor commercial
- Residential: multi-family, townhouses, duplexes
- Restaurants and cafes, without drive-thru
- Offices, professional and administrative
- Educational services (accessory only, not school)
- Parks and open space
- Basic utilities (water, sewage, electrical, and communication facilities – not staffed)
- Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking
- Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than the Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- Group living
- Lodging, motels and hotels
- Bed and breakfast inns
- Daycare, adult and child
- Taverns and bars
- Office, vehicle short-term rental (no outdoor storage of cars, bicycles, or watercraft)
- Entertainment and recreational facilities (indoor)
- Recreational facilities (facility must be outdoor, water-related, and non-motorized)
- Religious Institutions
- Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)
- Taxi stands

Commercial & public parking lots (ground level)

Commercial & public parking structures

Public safety facilities (police and fire stations)

C. **Prohibited Use**s: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below is prohibited in this area. The following uses are specifically prohibited:

Restaurants, with drive-thru

RV parks and campgrounds

Vehicle sales or leasing

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels, animal clinics, or grooming facilites

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

10-17B-3 LOT AND YARD PROVISIONS FOR AREA B

A. **Lot Area:** The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The maximum lot coverage allowed shall be seventy percent (70%) for buildings and structures and a total of eighty percent (80%) for all buildings and other impervious surfaces.

D. **Yard Regulations:**

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20').

2. **Front Yard:** Front yard setback shall be a minimum of ten feet (10') and up to five feet (5') with approval by the Planning Commission.

3. **Side Yard:** Zero lot line spacing is allowed for row-house (townhouse) development between the interior and exterior units. All other development is required to have a minimum of a five foot (5') sideyard, unless zero lot line spacing is approved by the Planning Commission.

4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5'). For single family dwellings, the rear yard shall have a minimum setback of ten feet (10').

5. The Planning Commission/Design Review Board may allow reduction of any Area B setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. **Common Open Space:** Common open space is required for multi-family housing developments of four (4) or more units as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved as common open space.

2. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than twenty feet (20').

4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17B-4 **SITE AND DEVELOPMENT PROVISIONS FOR AREA B**

A. **Building or Structural Height Limitations.**

1. **South of Quince/2nd Street:** The maximum height for buildings or other structures in the Old Town District Area B south of Quince/2nd Street shall be two (2) stories above grade with a maximum of thirty feet (30').

2. **North of Quince/2nd Street:** The maximum height for buildings or other structures in the Old Town District Area B north of Quince/2nd Street may be three (3) stories above grade with a maximum of forty feet (40') when approved by a conditional use permit.

   a. If the property includes a Scenic Resource identified as Site 7 on Map 5H-1 in the Comprehensive Plan and is therefore undevelopable, the remainder of the property may be developed with three stories.

   b. If the property includes natural features such as mature trees, sand banks, and/or bank vegetation (outside of Site 7), three stories may be allowed if those features are preserved with an easement as approved by the Planning Commission; or

   c. Three stories may also be allowed if design elements are incorporated into the roof-line such as stepping back the third story a minimum of 10 feet (10') from the wall plane of the floor below if it faces a street, using a mansard roof design, or by

incorporating living space within the attic of a pitched roof via a dormer(s) and/or partition-wall.

3. For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

   a. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.

   b. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.

   c. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.

   d. A public plaza may be provided between the building and the street right-way. The plaza shall be a minimum of four feet (4') in depth (in addition to any required sidewalk), with a minimum of 100 square feet wide for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. **Building Size Limitation:** No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. **Access:** Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by Building Codes.

D. **Sidewalks:** Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. **Parking and Loading Spaces:** All required residential parking spaces must be located on-site, but may not be located within the front yard.

Every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

Non-residential parking spaces may be located on-street in front of the front yard of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. The number of parking spaces as provided in Chapter 3, Title 10 shall be used as guideline when determining parking needs. For non-residential uses, off-street parking shall not be located between the building and street

Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required pedestrian walkway.

F. **Vision Clearance:** Refer to Sections 10-1-4 and 10-35-2-13 of this Title for definition and requirements.

G. **Signs:** Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area B.

I. **Lighting:** Street lighting, building lighting, and lighting of parking lots and walkways shall conform to the following lighting standards:

1. Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See Figure 17.2)

2. In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)

3. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.

4. Lighting shall be pedestrian scaled.

5. Refer to Section 10-37 of this Title for additional requirements.

6. Wiring for historic light fixtures shall be placed underground.

7. Other overhead wiring shall be placed underground, where possible.

J. **Trash Enclosures:** At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. **Design Review:** All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

   a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

      i. Property lines

      ii. Easements

      iii. 2' Contours

iv. Existing structures

v. Floodplain

b. **New Construction or Story Additions**: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area B.

L. **Development Prohibition:** Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

OLD TOWN DISTRICT AREA C

10-17C-1 **PURPOSE FOR AREA C: Old Town Area C is intended for mixed uses which provide a range of housing and hospitality options around the Events Center that take advantage of the surrounding natural features and views of the river.**

10-17C-2 **LAND USES FOR AREA C:** The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

A. **Permitted Uses:** Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Lodging, motels and hotels

Restaurants and cafes, without drive-thru

Offices, professional and administrative

Entertainment and recreational facilities (indoor)

Educational services (accessory only, not school)

Taxi stands

Parks and open space

Basic utilities (water, sewage, electrical, and communication facilities - not staffed)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The

retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Group living

Bed and breakfast inns

Daycare, adult and child

Taverns and bars

Office, vehicle short-term rental (no outdoor storage)

Recreational facilities (must be outdoor, water-related, and non-motorized such as canoeing or kayaking)

Religious Institutions

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Commercial and public marinas, piers, and docks

Commercial & public parking lots (ground level)

Commercial & public parking structures

Public safety facilities (police and fire stations)

C. **Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than Prohibited uses listed below are prohibited. The following uses are specifically prohibited:

Residential, single family

RV parks and campgrounds

Restaurants, with drive-thru

Vehicle sales or leasing (except short-term car, bicycle, or watercraft rental)

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels, animal clinics, or grooming facilities

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

D. **Existing Single-family Residences:** Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17C-3 **LOT AND YARD PROVISIONS FOR AREA C**

A. **Lot Area:** The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The Design Review Board may allow up to eighty percent (80%) lot coverage by buildings and other impervious surfaces.

D. **Yard Regulations:**

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20'), with all parking to have access from side or rear of property.

2. **Front Yards:** Front yard setback shall be a minimum of fifteen feet (15').

3. **Side Yard:** No side yard shall be less than five feet (5') unless zero lot line spacing is approved.

4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5').

5. The Planning Commission/Design Review Board may allow reduction of any Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. **Common Open Space:** Common open space is required for multi-family housing developments of four (4) or more units, as follows:

1. An area on the site measuring a minimum of 100 sq ft per dwelling unit shall be designated and permanently reserved as common open space.

2. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than 20 feet.

4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C

A. **Building or Structural Height Limitations:** The maximum height for buildings or other structures in the Old Town District Area C shall be four (4) stories above grade with a maximum height of fifty-five feet (55').

For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.

2. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set. Any third or fourth story shall be set back a minimum of 10 feet from the wall plane of the floor below if it faces a street.

3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.

4. A public plaza may be provided between the buildings and the street right-of-way. The plaza shall be a 1,000 square feet in size for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. **Building Size Limitation:** No structure designed solely for non-residential use shall have a building footprint that exceeds 15,000 square feet. Mixed use buildings may have greater building footprints, subject to Design Review for compatibility with surrounding structures and uses.

C. **Access:** Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the building codes.

D. **Sidewalks:** Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. **Parking and Loading Spaces:** Off-street parking shall not be located between the building and the street, unless mitigation measures are approved by the Planning Commission that include each of the following: pedestrian pathways from the street to the building, landscaped berms and professionally designed landscaping. All required parking shall be on site unless otherwise provided in Chapter 3.

Every building of three (3) stories or more above grade and every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required pedestrian walkway.

F. **Vision Clearance:** Refer to Sections 10-1-4 and 10-35-2-13 of this Title for definition and requirements.

G. **Signs:** Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

1. **Landscaping:** A minimum of fifteen percent (15%) landscaping is required unless a preservation credit is achieved in accordance with 10-34-2-4. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All required landscaping must be installed and maintained by the applicant or his/her successors.

2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area C.

I. **Lighting:** Street lighting, building lighting, and lighting of parking lots and walkways shall conform to the following lighting standards:

1. The light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)

2. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.

3. Lighting shall be pedestrian scaled.

4. Refer to Section 10-37 of this Title for additional requirements.

5. Wiring for historic light fixtures shall be placed underground.

6. Other overhead wiring shall be placed underground, where possible.

J. **Trash Enclosures:** At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than five feet (5') in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. **Design Review:** All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

   a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

      i. Property lines

      ii. Easements

      iii. 2' Contours

      iv. Existing structures (including height of sea-wall, if appropriate)

      v. Floodplain

vi. Highest observed tide

b. **New Construction or Story Addition**: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area C.

L. **Development Prohibition:** Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

Established by Ord. No 1, Series 2008 – effective Feb. 4, 2008
Sections 10-17A-2, 10-17B-2, 10-17C-2,10-17A-4, 10-17B-4 and 10-17C-4 Amended by Ord. No. 9, Series 2009
Sections 10-17B-3-E and 10-17C-3-E, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Sections 10-17-A-4-G, 10-17-B-4-G, and 10-17-C-4-G amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Sections 10-17A-2, 10-17A-4, 10-17B2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)
Section 10-17A-4-E amended by Ordinance No. 4, Series 2014 – effective October 15, 2014
Section 10-17-A-4-I-5, 10-17-B-4-I-5, and 10-17-C-4-I-4 amended by Ord. No. 12, Series 2014 – effective December 31, 2014

TITLE 10
CHAPTER 18

MARINE DISTRICT

SECTION:

10-18-1: Administrative Provisions
10-18-2: Permitted Buildings and Uses
10-18-3: Buildings and Uses Permitted Conditionally
10-18-4: Specific Approval Criteria
10-18-5: Property Development Standards

10-18-1: ADMINISTRATIVE PROVISIONS:

A. Purpose: The Marine District is primarily intended to provide for water dependent commercial, recreational and industrial uses. In addition, this District provides for certain water related uses which are most appropriately located near a water dependent use or in areas near the estuary. Such water related uses may not be directly dependent upon access to a water body, but do provide or use goods or services that are directly associated with water dependent uses. It is intended that this District be developed to benefit the economy of the Florence area, consistent with the Florence Comprehensive Plan and other plans which may be adopted by the City and the Port of Siuslaw.

B. Evidence of Compliance: Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, appropriate permit and rule requirements of:

1. Port of Siuslaw.

2. Oregon State Department of Environmental Quality.

3. Division of State Lands.

4. United States Army Corps of Engineers.

5. All other State and Federal agencies having interest applicable to the proposed use. (Amended by Ord. No. 10, Series 2009)

10-18-2: PERMITTED BUILDINGS AND USES: None of the uses intended for this District are permitted outright; all are conditional uses.

10-18-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following uses. The requirements of the adjacent Estuary District shall supersede the requirements in this section; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply.

A. Water Dependent Uses

Dredge or fill activities, consistent with the adjacent Estuary District provisions.

Wharves, docks, and piers, consistent with the adjacent Estuary District provisions.

Other water dependent buildings and uses as those are defined in the definition of Water Dependent Uses in this Code.

B. Water Related Uses

C. Temporary Uses

10-18-4: SPECIFIC APPROVAL CRITERIA:

A. Conditional Use Permit: In addition to the general approval criteria set forth in Section 10-4-9 of this Title, the following criteria shall apply to the consideration of a conditional use permit in this District in addition to applicable criteria in the adjacent Estuary District:

1. The proposed use must be a Water Dependent or Water Related Use, as defined in Chapter 1 of this Title.

2. Where the proposed location is within a management unit as defined in the Comprehensive Plan, approval is subject to the "allowed uses and priorities" listed for that management unit. Where competition for limited land area exists, uses higher on the list have priority.

3. In the case of water related uses, approval must be based on findings that:

a. Water Related Uses must be in conjunction with and incidental and subordinate to water-dependent uses on the site and there are no alternative upland locations in other districts which would be suitable for the proposed use;

b. There are sufficient sites available to meet projected needs for water dependent uses, especially sites adjacent to the estuary.

c. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.

d. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).

e. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

f. For temporary non-water-dependent uses: the use must involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

B. Special Conditions: In addition to the general conditions listed in Sections 10-4-10 and 10-4-11, special conditions may be required.

1. State and/or Federal permits for any dredge, fill or installation of pilings must be obtained, if applicable.

2. Structures or vegetative plantings may be required to prevent riverbank erosion.

10-18-5: PROPERTY DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.

B. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Setback Requirements:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side yards are not required except:

a. Where setbacks have been established for road widening or other purposes;

b. Where the use abuts a residential district. In such instances a buffer may be required; and

c. Where required to preserve a visual corridor or public access to the river.

3. Shorefront setback requirements will be required for permanent structures in those instances where sound engineering practices require setback:

a. To comply with the National Flood Insurance Program;

b. To provide for shoreland stabilization or protection measures; and

c. To allow a buffer strip for areas of geological instability.

E. Building and Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

F. Fences, Hedges, Walls and Landscaping: The City may require that a fence, hedge, wall or landscaping be maintained within the Marine District or with abutting districts. Refer to Section 10-34 of this Title for requirements. (Ord. 625, 6-30-80)

G. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

H. Visual Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition and requirements.

I. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

J. Vegetative Strip: A vegetative strip adjacent to the estuary shall be maintained, insofar as possible, consistent with permitted uses.

K. Utility Systems and Public Facilities: The necessary utility systems and public facilities must be available with sufficient capacity to serve the proposed use. Refer to Section 10-36 of this Title for requirements.

L. Access and Circulation: Refer to Section 10-34 of this Title for requirements.

M. Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title. (Ord. 625,6- 30-80)

N. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-18-5, H, I - Amended by Ordinance No. 26, Series 2008
Section 10-18-5 amended by Ord. No. 9, Series 2009
Section 10-18-3 and 10-18-4 amended by Ord. No. 10, Series 2009
Section 10-18-5-I amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-18-5-N added by Ord. No. 12, Series 2014 (effective 12/31/14)

TITLE 10
CHAPTER 19

ESTUARY, SHORELANDS, AND BEACHES AND DUNES

SECTION:

10-19-1: Estuary District Administration
10-19-2: Natural Estuary District (NE)
10-19-3: Conservation Estuary District (CE)
10-19-4: Development Estuary District (DE)
10-19-5: Coastal Shorelands Overlay Districts Administration
10-19-6: Shoreland Residential Overlay District (/SR)
10-19-7: Mixed Development Overlay District (/MD)
10-19-8: Dredge Material/Mitigation Site Overlay District (/DMS)
10-19-9: Prime Wildlife Overlay District (/PW)
10-19-10: Natural Resource Conservation Overlay District (/NRC)
10-19-11: Beaches and Dunes Overlay District Administration
10-19-12: Beaches and Dunes Overlay District (/BD)

10-19-1: ESTUARY DISTRICT ADMINISTRATION

A. Applicability

1. The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding "management units." In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.

2. Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.

B. Resource Capability Assessment:

1. Purpose: Uses Requiring a Special Use Permit (Administrative Review) or Conditional Uses in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

2. Definition of Resource Capability Assessment: An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

a. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources,

natural biologic productivity, recreational and aesthetic values and aquaculture.

3. Identification of Resources and Impacts: The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.

   a. The type and extent of alterations expected.

   b. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.

   c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.

   d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit or Conditional Use Permit procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

5. Resource Capability Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:

   a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

   b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

   c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

   d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a

manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

6. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

   a. U.S. Fish and Wildlife Service

   b. U.S. Environmental Protection Agency

   c. U.S. Army Corps of Engineers

   d. National Marine Fisheries

   e. Oregon Dept. of Fish and Wildlife

   f. Oregon Dept. of Land Conservation and Development

   g. Oregon Department of State Lands

   h. Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

C. Estuarine Impact Assessment:

1. Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. Uses in Estuary Districts requiring a Special Use Permit or a Conditional Use Permit will require an Estuarine Impact Assessment only when an Environmental Impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

2. Information to be presented in the Estuarine Impact Assessment: Information contained in an Estuarine Impact Assessment shall be used in the evaluation of a use or activity during a Special Use Permit or Conditional Use Permit procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the City and other agencies will be utilized so long as necessary information is adequately analyzed. Information contained in the Estuarine Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw River estuary, other published studies pertaining to the Siuslaw River estuary or more current information provided by application.

   The Estuarine Impact Assessment shall apply available information to the following general areas of analysis: the type and extent of alterations expected; the type of resources affected; the expected extent of the impact of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and the methods which could be employed to avoid or minimize adverse impacts, and specifically detailed below. The Planning Director may waive inapplicable items for any particular use or project.

   a. Aquatic life forms and habitat, including information on: habitat type and use (e.g., rearing, spawning, feeding/resting, migration), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of

alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

b. Shoreland life forms and habitat, including information on: habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal abundance, soil types and characteristics, and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

c. Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

d. Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water sources.

e. Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

f. Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.

g. Demonstration of public need to warrant such a modification to the estuary.

h. Demonstration that non-water-dependent uses will not preempt existing or future water-dependent use of the area.

i. Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.

j. Presentation of upland alternatives and methods to minimize preventable adverse impacts.

k. Determination of need for mitigation.

3. Estuarine Impact Assessment Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:

a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

b. The use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

4. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

a. U.S. Fish and Wildlife Service

b. U.S. Environmental Protection Agency

c. U.S. Army Corps of Engineers

d. National Marine Fisheries

e. Oregon Dept. of Fish and Wildlife

f. Oregon Dept. of Land Conservation and Development

g. Oregon Department of State Lands

h. Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the application may be required to submit a supplementary report containing findings prepared by an environmental scientist, hydrologist, engineer, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits:

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.

2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

F. Emergencies: Estuarine alterations performed under emergency conditions for which the Department of State Lands or other agency with such authority has issued an emergency permit, shall not be deemed to violate this Chapter. The party performing work must submit a copy of

written confirmation of such an emergency permit to the city.

10-19-2: NATURAL ESTUARY DISTRICT (NE):

A. Purpose and Extent: The purpose of the Natural Estuary District (NE) is to assure the protection of significant fish and wildlife habitats and continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE District are determined by the natural estuarine features. The NE District includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the City Zoning Map as specified by this Title.

B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:

1. Undeveloped low-intensity water-dependent recreation

2. Research and educational observations

3. Navigational aids, such as beacons and buoys

4. Protection of habitat, nutrient, fish, wildlife and aesthetic resources;

5. Passive restoration measures;

6. Maintenance of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance shall not increase the size, extent, or scope of the riprap or otherwise alter the estuary.

7. Bridge crossings.

C. Special Uses Approved by Administrative Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.

1. Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.

2. Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District, and upon satisfaction of all of the applicable criteria in F and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.

2. Communication facilities.

3. Active restoration of fish and wildlife habitat or water quality and estuarine management.

4. Boat ramps for public use where no dredging or fill for navigational access is needed

5. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.

6. Temporary alterations, subject to the requirements in d and the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition.

7. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this MU.

8. Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities.

E. A use or activity is consistent with the resource capabilities of Natural Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit or Conditional Use Permit in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

1. no feasible alternative upland locations exist;

2. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in C and D above;

3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

4. dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by 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; and

5. all federal and state requirements, including mitigation requirements, are met as a condition of approval.

10-19-3: CONSERVATION ESTUARY DISTRICT (CE):

A. Purpose and Extent: The purpose of the Conservation Estuary District (CE) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE District are defined by natural features. The CE District includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary District (NE). This District also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the City Zoning Map as specified by this Title.

B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:

1. All uses permitted outright in the Natural Estuary District Section B.

2. Maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.

3. Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary.

C. Special Uses Approved by Administrative Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.

1. All uses permitted through a Special Use Permit in the Natural Estuary District Section C.

2. Expansion of existing riprap, provided the riprap shall be necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District, and upon satisfaction of all of the applicable criteria in F and G, and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

1. All Conditional Uses in Natural Estuary District Section D.

2. Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.

3. High-intensity water-dependent recreation, including public beaches, boat ramps, marinas

and new dredging for boat ramps and marinas.

4. Minor navigational improvements.

5. Aquaculture requiring dredge or fill or other alteration of the estuary.

6. Active restoration for purposes other than those listed above.

7. Installation of new riprap, provided the riprap shall be necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval.

E. A use or activity is consistent with the resource capabilities of Conservation Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit or Conditional Use Permit in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

1. no feasible alternative upland locations exist;

2. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in B, C, and D above;

3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

4. dredge or fill activities must be mitigated, if found to be subject to the mitigation requirement in state law, by 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; and

5. all federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

G. Public and private piers and docks, shall meet the following additional criteria:

1. The size and shape shall be limited to that required for the intended use.

2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

3. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

10-19-4: DEVELOPMENT ESTUARY DISTRICT (DE):

A. Purpose and Extent: The primary purpose of the Development Estuary District (DE) is to provide for navigational needs and public, commercial and industrial water-dependent uses which require an estuarine location. Uses which are not water dependent which do not damage the overall integrity or estuarine resources and values should be considered, provided they do not conflict with the primary purpose of the District. The DE District is designed to apply to navigation channels, sub-tidal areas for in-water disposal of dredged material, major navigational appurtenances, deep-water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the City Zoning Map as specified by this Title.

B. Permitted Uses: Activities and uses permitted outright in the estuary throughout all portions of Development Estuary Districts are as follows, provided that these specific uses and activities do not involve dredge or fill:

1. Maintenance of existing riprap and other erosion control structures which are currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the structure or otherwise alter the estuary.

2. Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing dock or pier or otherwise alter the estuary.

C. Permitted Uses in Areas Managed for Water Dependent Activities. In addition to the activities specifically permitted in B, the following uses and no others are permitted outright in the estuary in Areas Managed for Water Dependent Activities:

1. Navigation, provided no dredging or fill is involved.

2. Maintenance dredging and maintenance of the north jetty are permitted outright where they have been established as appropriate in the Florence Comprehensive Plan for specific Management Units. Maintenance dredging must also meet the following additional criteria: 1) the footprint of the area to be dredged shall be the same as the area that has been dredged in the past; and 2) the dredging shall be approved by all applicable federal and state permitting agencies. For example, maintenance dredging of the Federal Navigation Channel, as authorized in the Siuslaw River Dredge Material Disposal Plan, is automatically approved and need not go through a local permit process for each individual project.

D. Special Uses Approved by Administrative Review: The following specified uses and no others require a Special Use Permit throughout all portions of Development Estuary Districts. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. All uses permitted through a Special Use Permit in Natural and Conservation Estuary Districts.

E. Conditional Uses in Areas Managed for Water Dependent Activities: The following uses are allowed in the estuary in Areas Managed for Water Dependent Activities with approval of a Conditional Use Permit, subject to the applicable criteria. A Conditional Use Permit may be

approved according to the procedures set forth in Chapter 4 of this Title upon affirmative findings that the use is consistent with the purposes of the DE District and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. Navigation where dredging is involved.

2. Water-dependent commercial and industrial uses, and dredging and fill necessary to support these uses, subject to the applicable criteria below. Examples of water-dependent commercial and industrial uses include, but are not limited to, the following (for additional water-dependent commercial and industrial uses, see the Definition of this term in FCC 10-1):
   a) Docks and piers, provided they are necessary to support water-dependent commercial and industrial uses

   b) Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect water-dependent commercial and industrial uses

   c) Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation MUs

   d) Water storage areas where needed for products used in or resulting from industry, commerce, and recreation

   e) Marinas

   f) Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition

   g) Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill.

F. Conditional Uses: <u>Outside of Areas Managed for Water Dependent Activities</u>, the following uses and activities are allowed in the estuary with a Conditional Use Permit, subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapter 4 of this Title upon affirmative findings that: the use or activity is consistent with the purposes of the DE District; it must not be detrimental to natural characteristics or values in the adjacent estuary; and it must comply with the specific criteria below, and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. Dredge or fill.

2. Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect existing uses or uses specifically allowed in this Code section

3. Navigation and water-dependent commercial enterprises and activities, including docks and piers to support existing uses or uses specifically permitted in this Code section.

4. Water transport channels where dredging may be necessary.

5. Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation Districts.

6. Water storage areas where needed for products used in or resulting from industry, commerce, and recreation

7. Marinas.

8. Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition.

9. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill.

10. Water-related uses, non-water-dependent uses, and non-water-related uses, provided no dredge or fill is involved. In approving these uses, the City shall consider the potential for using upland sites to reduce or limit the commitment of the estuarine surface area for surface uses. Non-water-dependent and non-water-related uses that existed as of July 7, 2009 will retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code not withstanding.

G. Dredging projects, other than maintenance dredging as permitted in C, above, and any project which requires fill in the estuary, shall be allowed only if the project or activity complies with all of the following criteria:

1. The dredging or fill is expressly permitted in sections D, E, or F, above, or is necessary to support a use expressly permitted in D, E or F, above;

2. A substantial public benefit is demonstrated and the activity does not unreasonably interfere with public trust rights;

3. No alternative upland locations are feasible;

4. Adverse impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary allowed in D, E, or F, above, are minimized;

5. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in B through F, above, erosion control structures such as jetties, bulkheads, seawalls, groin construction and riprap; and fill, whether located in the waterways or on shorelands above the ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

6. Dredge or fill activities, as otherwise approved, must be mitigated, if found to be subject to the mitigation requirement in state law, by 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.

7. All federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

H. Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria:

1. the activity or use is expressly permitted in sections D, E, or F, above;

2. no feasible alternative upland locations are feasible;

3. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in B through F, above;

4. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in B through F, above, erosion control structures such as jetties, bulkheads, seawalls, groin construction and riprap shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

I. Public and private piers and docks, shall meet the following additional criteria:

1. The size and shape shall be limited to that required for the intended use.

2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

3. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

10-19-5: COASTAL SHORELANDS OVERLAY DISTRICT ADMINISTRATION

A. Coastal Shorelands Overlay Districts are applied to Coastal Shorelands within city limits as classified on the City of Florence Coastal Overlay Zoning Map.

B. As lands are annexed over time, Coastal Shorelands shall include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. Upon annexation, Coastal Shorelands Overlay Zoning Districts are applied to the properties depicted on the Map 17-1 *Estuary and Coastal Shoreland Management Units in the Florence* UGB in the Comprehensive Plan. In addition, the Comprehensive Plan designates two sites in the UGB "Water Dependent," which are zoned Marine (Code Chapter 18) and Waterfront Marine (Code Chapter 24).

C. These overlay districts implement policies in the Florence Comprehensive Plan and corresponding "management units." In addition to findings of consistency with this Code, findings are required for

consistency with the Florence Comprehensive Plan Chapter 17, Coastal Shorelands: Ocean, Estuary, and Lake Shorelands. Where there are conflicts between the two, the stricter requirements shall apply.

The requirements of the adjacent Estuary District shall supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland District. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.

2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

4. Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department.

F. The requirements imposed by the overlay districts shall be in addition to those imposed by the base zoning district, or, if the overlay district conflicts with the requirements of the base zoning district, the more restrictive requirements apply.

10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR

A. Purpose: The Shoreland Residential Overlay District (/SR) is applied to residential development management units in the Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /SR Overlay District to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

The /SR District is specifically designed to carry out the following purposes:

1. Protection of such natural resources as soil and such natural systems as drainage courses and waterways.

2. Enhancement of renewable resources such as the coastal fisheries.

3. Allow for recreation and public access to coastal water.

B. Permitted Uses: In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F:

1. Harvesting of wild crops.

2. Low intensity recreational activities.

3. Uses and buildings permitted outright in the base zoning district.

4. In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

5. In or adjacent to lake: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Florence City Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

6. In or adjacent to lake: maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the riprap, and shall not otherwise alter the lake. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

7. In lake: Mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

8. Public boat launching ramps in lake. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

C. Special Uses Approved by Administrative Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. Uses and buildings permitted in the base zoning district where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in subsections E and F, subject to the following additional criteria:

a. The said parcel existed prior to July 24, 1980.

b. The structures shall not occupy more than thirty percent (30%) of lot area.

c. All applicable height restrictions are observed.

d. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance is minimized.

e. All otherwise applicable requirements of this Section are met.

2. Dredged material disposal when the /SR is used in conjunction with the /DMS Overlay District.

D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted, subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. All buildings and uses allowed conditionally or by special permit in the base zoning district, except where expressly prohibited by this Section, subject to the following criteria:

a. All applicable criteria provided within the base district are met.

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b. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

2. In Coastal Lakes, public and private docks and piers, provided the following criteria are met and the use does not conflict with other requirements of this Code. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

a. The size and shape shall be limited to that required for the intended use;

b. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

c. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

d. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed use shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory."

3. In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

a. The stabilization is necessary to protect uses allowed in the base zoning district.

b. They are necessary because land use management practices and non-structural solutions cannot be used.

c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

4. Fill in coastal lakes adjacent to the /SR District is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed fill shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

E. Site Development Requirements: The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section F only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

2. Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, and fire safety requirements.

3. In all cases, vegetative cover shall be retained on lands within the shoreland area.

Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of native vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.

4. A minimum fifty foot (50') buffer zone of native vegetation shall be maintained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).

5. The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:

   a) Foot paths

   b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

   c) Replanting of the area or other areas which have been previously cleared.

6. All mature trees must be retained in the 50' buffer zone, unless they are an obvious hazard or determined by an arborist to be diseased or damaged beyond repair. If a mature tree is removed, it shall be replaced with a tree from the City's suggested tree list.

F. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional setback requirements specified herein.

1. In addition to the yard setbacks required in the Base zoning district, a 50 foot buffer zone is required along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water). Use of this 50 foot buffer zone shall be as specified in 10-19-6-E.

10-19-7: MIXED DEVELOPMENT OVERLAY DISTRICT (/MD):

A. Purpose: The Mixed Development Overlay District (/MD) is applied to those coastal shorelands which are recognized in the City Comprehensive Plan and supportive technical data as being all or partially committed to commercial, industrial and public uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that opportunities shall be provided to preserve and expand existing water-dependent and water- related commercial, industrial or public uses. . If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

In addition, the /MD District is specifically intended to carry out the following purposes:

1. Provision, adjacent to deep water environments, of shorelands sites for use by water-dependent and water- related commercial and industrial uses.

2. Protection of previously-existing water-dependent and water-related commercial and industrial sites in shorelands areas.

3. Provision of opportunities for non-water-dependent and non-water-related uses where designated in the Comprehensive Plan.

4. Protection of coastal waters and avoidance of geographic and hydrologic hazards.

B. Permitted Uses: In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright, provided they are consistent with the requirements of the adjacent Estuary District.

1. Dryland storage.

2. Shore-secured floating moorage facilities, mooring buoys, and launch ramps.

C. Special Uses Approved by Administrative Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:

1. All permitted buildings and uses permitted outright in the base zoning district, provided the requirements of the base zoning district are met.

2. Water-dependent and water-related commercial, industrial and public uses, subject to the following criteria and conditions:

a. The site has the potential for water-dependent and water-related uses.

b. Maintain or encourage riparian vegetation for erosion control and temperature and general aesthetics where feasible.

D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:

1. All buildings and uses permitted Conditionally or by Special Use Permit in the base zoning district, provided the requirements of the base zoning district are met..

E. Determination of Land Suitable for Water-Dependent Uses: Land suitable for water –dependent uses has been designated in the Florence Comprehensive Plan and classified on the Zoning Map as the sites zoned Waterfront Marine and Marine. The zoning provisions in these districts protect these sites for water-dependent uses.

F. Site and Development Requirements for Special and Conditional Uses: The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7, Special Development Standards for any applicable requirements.

1. A 50 foot buffer of riparian vegetation measured from the mean high tide shall be maintained to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water-dependent or water-related use.

2. The applicant must submit an analysis of all physical and biological impacts upon the

shorelands area and upon coastal waters and water resources. The report shall consider at a minimum the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards.

3. The benefits of the proposed activity to the long term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature and resources, bank stabilization, erosion control and general aesthetics.

4. For existing lots which are too small to accommodate the buffer zone, development will be allowed within the buffer zone only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

10-19-8: DREDGE MATERIAL/MITIGATION SITE OVERLAY DISTRICT /DMS

A. PURPOSE: The Dredge Material/Mitigation Site Overlay District (/DMS) is intended for application to both dredge material disposal sites and dredge mitigation sites on Siuslaw Estuary Shorelands as identified in the Florence Coastal Overlay Zoning Map. The purpose of the (/DMS) District is to protect designated dredged material disposal sites and mitigation sites. In addition to the requirements in this section, the requirements of the Comprehensive Plan, the base zoning district, the Coastal Overlay District, and the adjacent Estuary District apply. Where there are conflicts among provisions of this Code and between this Code and the Comprehensive Plan, the stricter requirements shall apply. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code.

B. PERMITTED USES AND BUILDINGS. In addition to uses specifically allowed in an adjacent Estuary District, the following uses are permitted outright, provided they are consistent with the requirements of the adjacent Estuary District, the Coastal Overlay District, and subject to the criteria below and in Section C and D:

1. Dredged Material Deposition. Dredge disposal is limited to those sites specifically identified for dredged material disposal in the Lane County Dredged Materials Disposal Plan, as amended and co-adopted by the City of Florence.

2. The use of Mitigation Sites for disposal of dredged materials is expressly prohibited.

3. Mitigation. Mitigation is limited to those sites specifically identified as mitigation sites in the Lane County Dredged Materials Disposal Plan, as amended and co-adopted by the City of Florence. Mitigation shall comply with the criteria in Section C.

C. Dredging and Mitigation Site Criteria:

1. Dredge and fill activities, if found to be subject to the mitigation requirement in state law, must be mitigated by 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.

2. When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effect shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained or findings shall be adopted demonstrating that it is not possible to do so.

3. Responsibility to Acquire Mitigation/Restoration Sites: It shall not be the responsibility of the City to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

D. Dredged Material Disposal Site Criteria:

1. In order to protect the navigability of the river, sites (with the exception of designated "stockpile" sites) included in the adopted Siuslaw River Dredged Material Disposal Plan shall be retained for that use until such time as the filling capacity has been reached, such determination to be based upon recommendation of the Army Corps of Engineers and other interested agencies and persons, or the site is removed from the adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material shall continue to be retained. A determination that fill capacity has been reached shall be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

2. The re-classification of any applicable dredge material disposal site protection overlay zoning shall require positive findings that one or both of the conditions in Criteria #1 are met, following public hearing. Following removal of the overlay zone, the permitted uses on the site will be the same as those allowed in the base zoning district. Rezoning of the base zoning district may be considered at the same time as removal

3. Stabilization of Dredged Materials: It shall be the responsibility of the Port of Siuslaw, the Corps of Engineers or other lead agency to stabilize any dredged materials deposited on a site. Stabilization shall be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

4. Sites designated for "stockpile" use, where the spoils will be hauled away and the site used again for spoils, shall be retained and zoned as a disposal site until such time as an appropriate alternative for disposal is zoned and the "stockpile" site is deleted in the adopted, revised Siuslaw River Dredged Material Disposal Plan for the estuary.

5. Temporary use of dredged material disposal sites shall be permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Comprehensive Plan and Florence City Code.

6. Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water.

E. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District and in the Coastal Overlay District, the Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following when found to be consistent with the requirements of the Coastal Overlay District and adjacent Estuary District and the criteria below.

1. Temporary uses permitted outright or conditionally in the base district, provided they meet the following additional criteria:

a. No use shall be permitted which would interfere with the timely availability of sites for deposition of dredged materials.

b. Stock pile sites shall remain open and available for removal as well as deposition

of dredged material.

c. Recommendations of the Port of Siuslaw shall be weighed heavily in consideration of proposed use.

F. Notification of Port of Siuslaw: Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration shall require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following shall require notification:

1. Land division.

2. Conditional use permit.

3. Special use.

4. Building permit.

5. Rezoning.

G. Responsibility to Acquire Mitigation/Restoration Sites: It shall not be the responsibility of the City to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

H. Stabilization of Dredged Materials: It shall be the responsibility of the Port of Siuslaw, the Corps of Engineers or other lead agency to stabilize any dredged materials deposited on a site. Stabilization shall be done with appropriate vegetation after the materials are appropriately drained. (Ord. 669, 5-17-82)

10-19-9: PRIME WILDLIFE OVERLAY DISTRICT /PW

A. Purpose and Application:

Purpose: The purpose of the /PW District is to protect areas in and adjacent to the North Jetty Lake and the South Heceta Junction Seasonal Lakes that have native vegetation and habitats of specific species of concern and to protect wildlife habitat, water quality, bank stability and provide flood control. The requirements imposed by the /PW District shall be in addition to those imposed by the base zoning district. Where the requirements of the /PW District conflict with the requirements of the base zoning district or the Comprehensive Plan, the more restrictive requirements shall apply.

Application: The Prime Wildlife Overlay District (/PW) is applied within the Florence city limits to Coastal Lake Shorelands identified in inventory information and designated in the Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species. The /PW Overlay applies to the North Jetty Lake Shorelands as shown on the Florence Coastal Overlay Zoning Map. The extent of the /PW Overlay application for the South Heceta Junction Seasonal Lakes shall be determined through a Preliminary Investigation as specified below.

Preliminary Investigation: Any land use or building permit application within the /PW District as it applies to the South Heceta Junction Seasonal Lakes shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the district shall apply. The requirements of the district shall apply in an area generally identified on the Florence Coastal Overlay Zoning Map and the 2013 Local Wetland Inventory, as amended, and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species, or function to provide or affect water quality, bank stability or flood control, as

identified in the Lane County Coastal Resources Inventory or the wetland functions and values in the 2013 Florence Area Local Wetlands and Riparian Inventory, as amended.

B. Permitted Uses. The following structures and uses and no others are permitted outright, as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of vegetation adjacent to the lakes shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "significant wildlife habitat." These areas will be specially evaluated prior to approval of vegetation removal plans to ensure the habitat has been adequately considered.

1. Harvesting of wild crops.

2. Low-intensity recreation.

3. Shore-secured floating moorages, mooring buoys, and other moorage facilities not physically anchored in adjacent lakes.

C. Special Uses Approved by Administrative Review: The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be given 14 days to review and comment on the impact of development on critical habitats and shall be requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

1. Single family homes, mobile homes and such accessory buildings as allowed in the base zoning district.

2. Single family dwelling units and mobile homes as allowed in the base zoning district where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in City Code Section 10-19-9-F, G, & H, subject to the following criteria and conditions:

   a. The said parcel existed prior to July 24, 1980.

   b. The structures shall not occupy more than 30% of the lot area.

   c. The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

   d. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

   e. All otherwise applicable requirements of this section are met.

3. All buildings and uses permitted outright in the respective base zoning district, except as expressly prohibited by 10-19-9-E, and subject to meeting all of the following criteria:

   a. Maintain the natural quality of surface and subsurface waters.

   b. Maintain bank stability.

   c. Avoid sedimentation of coastal waters including the lakes.

   d. Maintain a buffer zone at least comparable to that required in Code Section 10-19-

9 F through H, below or greater if necessary to provide flood control and preserve important wildlife habitat.

e. Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

f. Any other applicable criteria provided within the base District.

g. All requirements set forth in Code Section 10-19-9-F, G, & H.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be give 14-days to review and comment on the impact of development on critical habitats and should requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

1. Riprap and other erosion control structures, provided the following additional criteria are met.

a. The stabilization is necessary to protect uses allowed in the base zoning district.

b. They are necessary because land use management practices and non-structural solutions cannot be used.

c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

2. All buildings and uses permitted conditionally or by Special Use Permit in the base zoning district, except as expressly prohibited by 10-19-9-E below, and subject to the following criteria and the criteria in sections F, G, and H:

a. Maintain the natural quality of surface and subsurface waters.

b. Maintain bank stability.

c. Avoid sedimentation of coastal waters including lakes.

d. Maintain a buffer zone at least comparable to that required in 10-19-9-F, G, & H below or greater if necessary to provide flood control and preserve important wildlife habitat.

e. Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.

f. Any other applicable criteria provided within the base zoning district.

g. All requirements set forth in 10-19-9-F, G, & H.

E. Prohibited Uses: the following uses are specifically prohibited:

1. Fill in coastal lakes.

2. Fill in freshwater marsh areas.

3. Dredged material disposal.

F. Site and Development Requirements: The below specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. Existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone and the construction of a residence and other development requirements will be allowed to build in this total setback providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and other requirements are met and hazard to life and property is minimal and acceptable.

2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.

3. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

4. Outside the setback area, construction activities shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for public facilities. Where vegetation removal beyond that allowed in 10-18-9-F cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal lakes. The vegetation shall be of native species in order to maintain the natural character of the area.

5. No topographic modification is permitted within 100-foot of the shore.

6. A 100 foot minimum buffer zone must be left in native vegetation, except where unsurfaced trails are provided.

7. All mature trees must be retained within buffer zone except where removal is subject to requirements of Code Section 4-6.

8. Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

9. The exterior building materials shall blend in color, hue and texture to the maximum among feasible with the surrounding vegetation and landscape.

G. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.

1. In addition to the yard setbacks required in the base zoning district, a 100 foot buffer zone shall be required. Use of this 100 feet shall be as specified in 10-19-9-F.

H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /PW District. These criteria are in addition to minimum area requirements of any base zoning district.

1. Land divisions must be consistent with shoreland values as identified in the Comprehensive Plan, not adversely impact water quality, and not increase hazard to life or property.

2. The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Comprehensive Plan.

3. Minimum area requirements for the division of land shall be five acres.

10-19-10: Natural Resource Conservation Overlay District (/NRC)

A. Purpose: The Natural Resource Conservation Overlay District (/NRC) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resources Management Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

Intent. The requirements imposed by the /NRC District shall be in addition to those imposed by the base zoning district. Where the requirements of the /NRC District conflict with the requirements of the base zoning district the more restrictive requirements shall apply. The requirements of the adjacent Estuary District shall supersede the requirements of this Section of the Code.

B. Permitted Uses: In addition to the uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright as specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary District.

1. Harvesting of wild crops.

2. Low intensity recreation.

3. In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary District.

4. In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Florence City Code, unique natural resources, historical and archaeological values, and public facilities,

provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in section D. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary District requirements.

5. In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

C. Special Uses Approved by Administrative Review: In addition to the Special Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title upon satisfaction of the applicable criteria set forth in 10-19-10 F, G, & H, except as expressly exempted below and except as expressly prohibited by 10-19-10-E, and provided they are consistent with the requirements of the adjacent Estuary District.

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1. Single family homes, mobile homes, and such accessory buildings as allowed in the base zoning district.

2. Single family dwelling units and mobile homes as allowed in the base zoning district where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in 10-19-10-F, G, & H, provided the following criteria are met:

   a. The said parcel existed prior to July 24, 1980.

   b. The structures shall not occupy more than 30% of the lot area.

   c. All applicable height restrictions are observed.

   d. The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.

   e. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.

   f. All otherwise applicable requirements of this section are met.

3. All buildings and uses allowed as permitted uses in the base zoning district, except as expressly prohibited by 10-19-10-E, and subject to the following additional criteria:

   a. The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Comprehensive Plan.

   b. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

4. Dredged material disposal when the /NRC District is used in conjunction with the /DMS Overlay District, subject to the requirements of the /DMS Overlay District.

D. Conditional Uses: In addition to the Conditional Uses specifically allowed in the adjacent Estuary District, the Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in 10-19-10-F, G, & H are met and they are found to be are consistent with the requirements of the adjacent Estuary District.

1. All buildings and uses permitted conditionally or by Special Use Permit in the base zoning district, except as expressly prohibited by 10-19-10-E, and subject to the following criteria:

   a. All applicable criteria provided within the base district are met.

   b. The use will not adversely affect the aesthetic and biological characteristics of the site as identified in the Comprehensive Plan.

   c. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

2. In Coastal Lakes: public and private docks and piers, provided the following criteria are met and the use does not conflict with other requirements of this Code. For this use in or adjacent to the estuary, the requirements of the Estuary Districts shall apply.

   a. The size and shape shall be limited to that required for the intended use.

   b. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.

   c. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

   d. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

      1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use by a person or team of persons qualified by education and experience to conduct such studies.

      2) Impacts on water quality and fish and wildlife habitat must be minimized.

      3) The benefits of the proposed use shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

3. Fill in coastal lakes adjacent to the /NRC District is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

   a. The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

   b. Cumulative and direct impacts on water quality and fish and wildlife must be minimized.

   c. The benefits of the proposed fill shall outweigh the negative impacts on water quality and fish and wildlife and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

4. In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

a. The stabilization is necessary to protect uses allowed in the base zoning district.

b. They are necessary because land use management practices and non-structural solutions cannot be used.

c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

E. Prohibited Uses: The following uses are specifically prohibited:

1. Fill in freshwater marsh areas.

F. Site and Development Requirements. The following specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section G only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.

3. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

4. Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in 10-19-10-F, where vegetation removal beyond that allowed above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of native species in order to maintain the natural character of the area.

5. The requirements for parking and vision clearance shall be as provided by the respective base zoning district.

6. No topographic modification is permitted within the 50 foot buffer zone specified by 10-19-10-G.

7. The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowable:

   a) Foot paths

   b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.

   c) Replanting of the area or other areas which have been previously cleared.

8. All mature trees must be retained within the setback area specified by 10-19-G, except where removal is subject to requirements of the Oregon Forest Practices Act.

9. Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

10. The exterior building materials shall blend in color, hue and texture to the maximum amount feasible with the surrounding vegetation and landscape.

G. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.

1. In addition to the yard setbacks required in the base zoning district, a 50 foot buffer zone shall be required. The buffer zone is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer zone shall be as specified in 10-19-10-F.

2. Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean higher high tide at least 100 feet measured horizontally.

H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /NRC District. These criteria are in addition to minimum area requirements of any base zoning district.

1. Land divisions must be consistent with shoreland values as identified in the Comprehensive Plan, not adversely impact water quality, and not increase hazard to life or property.

Code Section 10-19-11: Beaches and Dunes Overlay District

FCC 10-19-11: BEACHES AND DUNES OVERLAY DISTRICT ADMINISTRATION

A. Coastal areas within the Florence city limits subject to this Section of Florence City Code shall include beaches, active foredunes, and other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Florence city limits are

shown on the City of Florence Coastal Overlay Zoning Map.

B. The City of Florence Beaches and Dunes Overlay District implements policies in the Florence Comprehensive Plan. In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 18, Beaches and Dunes.

C. Site Investigation Report: All land use and development permit reviews in an area where the Beaches and Dunes Overlay District applies shall meet the requirements for a Site Investigation Report in FCC Chapter 7 and the requirements in the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast, Appendix 18 of the Florence Comprehensive Plan, unless specifically exempted in this code.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the application may be required to submit a supplementary report containing findings prepared by engineer, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.

2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary.

3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

4. Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department

F. The requirements of the Beaches and Dunes Overlay District shall be in addition to those imposed by the base zoning district. If the overlay district conflicts with the requirements of the base zoning district, the more restrictive requirements shall apply.

10-19-12: BEACHES AND DUNES OVERLAY DISTRICT (/BD)

A. Purpose: The Beaches and Dunes Overlay District (/BD) is intended to:

1. Ensure the protection and conservation of coastal beach and dune resources.

2. Prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

3. Provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

4. Prevent cumulative damage to coastal dune resources due to the incremental effects of development.

5. Provide for such protection of beach and dune resources above and beyond that provided by the base zoning District.

B. Prohibited Development:

1. Residential, commercial, and industrial development shall be prohibited on beaches, active foredunes, on other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding identified on the Coastal Overlay Zoning Map and as further defined determined through a Phase I Site Investigation Report. “Development,” in this context, refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through constructioin of streets and provsion of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1 has been approved.

2. All development on slopes in excess of 25%;

3. Buried fuel tanks.

C. Permitted Uses: No uses are permitted outright in this Overlay District.

D. Conditional Uses Approved by the Planning Commission: Development other than that identified in Section B shall be allowed that is permitted in the base zoning district, subject to approval by the Planning Commission, upon satisfaction of all of the following criteria.

1. Affirmative findings are adopted demonstrating that the proposed development is:

   a. adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and

   b. designed to minimize adverse environmental effects.

2. The type of use is consistent with the requirements in the Florence Comprehensive Plan and the purpose of this Overlay District;

3. The use will have minimal adverse effects on the site and adjacent areas;

4. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation meet the requirements of this Code and the Florence Comprehensive Plan;

5. The proposal includes proven methods for protecting the surrounding area from any adverse effects of the development; and

6. No hazards to life, public and private property, and the natural environment may be caused by the proposed use.

7. Archaeological resources and other resources identified in Comprehensive Plan Chapters 5, 16, and 17, and respective inventories and studies shall be protected.

8. Erosion shall be minimized that is caused by the destruction of desirable vegetation, including inadvertent destruction by moisture loss or root damage; the exposure of stable and conditionally stable areas to erosion; and construction of shore structures which modify current or wave patterns leading to beach erosion.

9. Groundwater shall be protected from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

10. Sand removal shall be prohibited in the foredune area of the beach except that foredunes may be breached only to replenish sand supply in interdune areas, or, on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

11. Due to the sandy soils and the fragile nature of the vegetative covering, care shall be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other vegetation in order to insure the stability of the soils. All open sand area (pre-existing or newly created) shall be planted or stabilized as soon as practicable after construction is completed. Using accepted re-vegetation techniques, sand areas shall be returned to their previous level of stability, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

12. During extended construction periods, temporary sand stabilization measures shall be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

13. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. "Development" in this context refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1. has been approved. The proposed use must meet all of the following additional criteria:

    a. Visual impacts are minimized

    b. Necessary access to the beach is maintained

    c. Negative impacts on adjacent property are minimized

    d. Long-term or recurring costs to the public area avoided.

E. Coastal Shore Setback Requirements: Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean high tide line at least 100 feet measured horizontally.

F. Additional Site and Development Requirements: The following additional requirements apply to all development:

1. Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, and fire safety requirements.

2. Vegetation-free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

3. Areas cleared of vegetation during construction shall be replanted within nine months of the termination of major construction activity.

4. Sand stabilization shall be required during all phases of construction

5. Development shall result in the least topographic modification of the site as is possible.

6. Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

7. The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the base zoning district unless specifically provided otherwise by the provision of the /BD District.

Amended 2-9-88 Ord. 3, Series 1988
Amended 12-16-88 Ord. 19, Series 1988
Amended 6-17-91 Ord. 9, Series 1991
Amended 1-6-98 Ord. 1, Series 1999
Entire Chapter replaced per Ord. 10, Series 2009
Sections 10-19-6, 10-19-7, and 10-19-10 amended by Ord. 18, Series 2011 effective September 19, 2011
Sections 10-19-6 amended by Ord. 3, Series 2013, see Exhibit B, effective 7-31-13
Sections 10-19-4 and 10-19-9 amended by Ord. 2, Series 2013 effective 10-5-13

TITLE 10
CHAPTER 20

LIMITED INDUSTRIAL DISTRICT (LI)

SECTION:

10-20-1: Purpose
10-20-2: Permitted Buildings and Uses
10-20-3: Buildings and Uses Permitted Conditionally
10-20-4: Lot and Yard Provisions
10-20-5: Site and Development Provisions

10-20-1: PURPOSE: The Limited Industrial District is intended to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.

10-20-2: PERMITTED BUILDINGS AND USES: For the purpose of this Title, terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions". If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Industrial Uses:

Industrial Service

Manufacturing and Production

Plant Nurseries and similar Horticulture

Warehouse, Freight Movement and Distribution

Wholesale Sales

Commercial Uses:

Animal Clinic or Grooming Facility

Offices

Parking Facility (when not an accessory use)

Quick Vehicle Servicing

Restaurants, Cafes or Delicatessens, only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Service and Repair

Vehicle Repair

Industrial and Civic Uses:

Basic Utilities
Parks and Open Areas, accessory only

Public Buildings and Facilities, other than City-owned (no schools allowed in this district)

Other Uses:

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Section.

Radio Frequency Transmission Facilities, if approved by the FAA.

Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed; provided, that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses.

10-20-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Animal Daycare and Overnight Boarding Facility (excludes breeding kennels)

City-owned Public Buildings (no schools allowed in this district)

Liquid fuel storage.

Residential unit, maximum of 1,000 square feet, for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.

Municipal Waste-Related Industrial Use

Regional Utility Corridors and Rail Lines

10-20-4: LOT AND YARD PROVISIONS:

A. **Minimum Lot Area**: The minimum lot area shall be seven thousand five hundred (7,500) square feet.

B. **Minimum Lot Dimensions**: The minimum lot width shall be fifty feet (50').

C. **Maximum Lot Coverage**: Up to eighty-five percent (85%) coverage by buildings and impervious surface, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. **Yard Regulations**:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side and rear yards are not required except:

a. Where setbacks have been established for road widening or other purposes.

b. Where the commercial or industrial use abuts a residential district, see FCC 10-34-3-7-D.

c. Where a building is not constructed on the property line, a three foot (3') minimum setback is required.

10-20-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

1. The maximum building height shall be thirty eight feet (38').

2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height, only if

approved by the FAA and shall not be used for any commercial, residential or advertising purpose.

B. Fences, Hedges, Walls or Landscaping: Refer to 10-34 of this Title for general requirements. Landscaping and trees shall not obstruct the airport's approach path.

C. Outdoor Storage: All outdoor storage shall be enclosed within a sight-obscuring fence or wall.

D. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

E. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition and requirements.

F. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a sight-obscuring fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

J. Administrative Review: All permitted uses in the Limited Industrial District shall be subject to administrative review, Section 10-1-1-6 of this Title.

K. Airport Overlay Zone: Refer to Section 10-21-2 of this Title for specific requirements of the Public Use Airport Safety and Compatibility Overlay Zone.

L. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-20-5, D, E - Amended by Ordinance No. 26, Series 2008
Sections 10-20-4 and 10-20-5 Amended by Ord. No. 9, Series 2009
Sections 10-20-2, 10-20-3, 10-20-4, and 10-20-5 amended by Ord. 4, Series 2010 (effective 4/5/10)
Sections 10-20-5-F amended by Ord. 4, Series 2011 (effective 4/22/11)
Section 10-20-5-L amended by Ord. No. 12, Series 2014 (effective 12/31/14)

TITLE 10
CHAPTER 21

PUBLIC USE AIRPORT ZONE

SECTION:

10-21-1: Airport Development District (AD)
10-21-1-1: Purpose
10-21-1-2: Application
10-21-1-3: Conformance with Airport Overlay Zones
10-21-1-4: Definitions
10-21-1-5: Uses Permitted Outright
10-21-1-6: Uses Permitted Subject to the Acceptance of the Airport Sponsor
10-21-1-7: Uses Permitted Under Prescribed Conditions
10-21-2: Public use Airport Safety and Compatibility Overlay Zone
10-21-2-1: Purpose
10-21-2-2: Definitions
10-21-2-3: Imaginary Surface and Noise Impact Boundary Delineation
10-21-2-4: Notice of Land Use and Permit Applications within Overlay Zone Area
10-21-2-5: Height Limitations on Allowed Uses in Underlying Zone
10-21-2-6: Procedures
10-21-2-7: Land Use Compatibility Requirements
10-21-2-8: Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries
10-21-2-9: Wetland Mitigation, Creation, Enhancement and Restoration within Approach Surfaces and Airport Direct and Secondary Impact Boundaries
10-21-2-10: Nonconforming Uses
10-21-2-11: Avigation Easement

10-21-1: PUBLIC USE AIRPORT ZONE:

10-21-1-1: PURPOSE: The purpose of the Public Use Airport Zone is to encourage and support the continued operation and vitality of the Florence Municipal Airport by allowing certain airport-related commercial and recreational uses in accordance with state law.

10-21-1-2: APPLICATION: This zoning district applies to the Florence Municipal Airport, a publicly owned airport that was registered, licensed or otherwise recognized by the Oregon Department of Transportation on or before December 31, 1994, and that, in 1994, were the base for three or more aircraft.

10-21-1-3: CONFORMANCE WITH AIRPORT OVERLAY ZONES: All uses, activities, facilities and structures allowed in the Public Use Airport Zone shall comply with the requirements of the Public Use Airport Safety and Compatibility Overlay Zone. In the event of a conflict between the requirements of this zone and those of the PUASC Overlay Zone, the requirements of the Overlay Zone shall control.

10-21-1-4: DEFINITIONS:

A. Aircraft: Includes airplanes and helicopters, but not hot air balloons or ultralights.

B. Airport Sponsor: The owner, manager, person or entity designated to represent the interests of an airport, in this case, the City of Florence.

10-21-1-5: USES PERMITTED OUTRIGHT: The following uses and activities are permitted outright in the Public Use Airport District. Such uses should be in conformance with the Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010. All structures require Design Review approval by the Planning Commission/Design Review Board, with the exception of aircraft hangars which may be approved by the Planning Director. Applicant shall complete FAA Form 7460 -1 – Notice of Proposed Construction or Alteration prior to approval of ground lease.

A. Customary and usual aviation-related activities, including but not limited to takeoffs and landings, aircraft hangars and tie-downs, construction and maintenance of airport facilities, fixed base operator facilities, a residence for an airport manager, caretaker or security officer, hangars and other activities incidental to the normal operation of an airport. Except as provided in this zone, "customary and usual aviation-related activities" do not include non-aviation related residential, commercial, industrial, manufacturing and other uses.

B. Air passenger and air freight services and facilities, at levels consistent with the classification and needs identified in the Oregon Department of Aviation Airport System Plan.

C. Emergency medical flight services, including activities, aircraft. Accessory structures and other facilities necessary to support emergency transportation for medical purposes. Emergency medical flight services do not include hospitals, medical offices, medical labs, medical equipment sales, and other similar uses.

D. Law enforcement and firefighting activities, including aircraft and ground based activities, facilities and accessory structures necessary to support federal, state or local law enforcement or land management agencies engaged in law enforcement or firefighting activities. Law enforcement and firefighting activities include transport of personnel, aerial observation, and transport of equipment, water, fire retardant and supplies. Search and rescue operations, including aircraft and ground based activities that promote the orderly and efficient conduct of search or rescue related activities.

E. Flight instruction, including activities, facilities and accessory structures located at airport sites that provide education and training directly related to aeronautical activities. Flight instruction includes ground training and aeronautic skills training, but does not include schools for flight attendants, ticket agents or similar personnel.

F. Aircraft service, maintenance and training, including activities, facilities and accessory structures provided to teach aircraft service and maintenance skills and to maintain, service, refuel or repair aircraft or aircraft components. "Aircraft service, maintenance and training" includes the construction and assembly of aircraft and aircraft components for personal use, but does not include activities, structures or facilities for the manufacturing of aircraft or aircraft-related products for sale to the public.

G. Aircraft rental, including activities, facilities and accessory structures that support the provision of aircraft for rent or lease to the public.

H. Aircraft sales and the sale of aeronautic equipment and supplies, including activities, facilities and accessory structures for the storage, display, demonstration and sales of aircraft and aeronautic equipment and supplies to the public but not including activities, facilities or structures for the manufacturing or aircraft or aircraft-related products for sale to the public.

I. Crop dusting activities, including activities, facilities and structures accessory to crop dusting operations. Crop dusting activities include, but are not limited to, aerial application of chemicals, seed, fertilizer, defoliant and other chemicals or products used in a commercial agricultural, forestry or rangeland management setting.

J. Agricultural and forestry activities, including activities, facilities and accessory structures that qualify as "farm use" as defined in ORS 215.203 or "farming practices" as defined in ORS 30.930.

10-21-1-6: Uses Permitted subject to the Acceptance of the Airport Sponsor. The following uses and activities and their associated facilities and accessory structures are permitted in the Public Use Airport Zone upon demonstration of acceptance by the airport sponsor and approval of related structures by the Planning Commission/Design Review Board. Applicant shall complete FAA Form 7460 -1 – Notice of Proposed Construction or Alteration prior to approval of ground lease.

A. Aeronautic recreational and sporting activities, including activities, facilities and accessory structures at airports that support recreational usage of aircraft and sporting activities that require the use of aircraft or other devices used and intended for use in flight. Aeronautic recreation and sporting activities authorized under this paragraph include, but are not limited to: fly-ins, glider flights, hot air ballooning, ultralight aircraft flights, displays of aircraft, aeronautic flight skills contests, and gyrocopter flights, but do not include flights carrying parachutists or parachute drops (including all forms of skydiving).

B. Flights carrying parachutists, and parachute drops, (including all forms of skydiving) onto an airport, but only upon the demonstration that the parachutist business has secured approval to use a drop zone that is at least 10 contiguous acres. The configuration of the drop zone shall roughly approximate a square or circle and may contain structures, trees or other obstacles only is the remainder of the drop zone provides adequate areas for parachutists to land safely.

10-21-1-7: Uses Permitted Under Prescribed Conditions: The following uses and activities and their associated facilities are permitted in the Public Use Airport Zone upon approval by the airport sponsor, the Oregon Department of Aviation and the City of Florence Design Review Board. Such uses shall be compatible with the Florence Realization 2020 Comprehensive Plan, the Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010, FCC Title 10, Chapter 6 – Design Review, and shall not create a safety hazard or otherwise limit approved airport uses. Applicant shall complete FAA Form 7460 -1 – Notice of Proposed Construction or Alteration and it shall have been reviewed by the Oregon Department of Aviation and the Federal Aviation Administration prior to approval of ground lease.

A. Light industrial uses, especially those requiring through-the-fence access as an integral part of their operation.

10-21-2: PUBLIC USE AIRPORT SAFETY ANDCOMPATIBILITY OVERLAY ZONE

10-21-2-1: PURPOSE: The purpose of this overlay zone is to encourage and support the continued operation and vitality of the Florence Municipal Airport by establishing compatibility and safety standards to promote air navigational safety at the airport and to reduce potential safety hazards for persons living, working or recreating near the airport.

10-21-2-2: DEFINITITIONS:

AIRPORT	The strip of land used for taking off and landing aircraft, together with all adjacent land used in connection with the aircraft landing or taking off from the strip of land, including but not limited to land used for existing airport uses.
AIRPORT DIRECT IMPACT AREA	The area located within 5,000 feet of the airport runway, excluding lands within the runway protection zone and approach surface.
AIRPORT ELEVATION	The highest point of the airport's useable runway, measured in feet above mean sea level.
AIRPORT IMAGINARY SURFACES	Imaginary areas in space and on the ground that are established in relation to the airport and its runways. Imaginary areas are defined by the primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface, and are delineated in Federal Air Regulations (FAR) Part 77 shown in Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010 and summarized in Figures 4-4 and 4-5 of that Plan on file in the Florence Planning Department.
AIRPORT NOISE IMPACT BOUNDARY	Areas located within 1,500 feet of the airport runway or within established nose contour boundaries exceeding 55 Ldn.

AIRPORT SECONDARY IMPACT AREA	The area located between 5,000 and 10,000 feet from an airport runway.
AIRPORT SPONSOR	The owner, manager, or other person or entity designated to represent the interests of an airport, in this case, the City of Florence.
APPROACH SURFACE	A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface. For the Florence Municipal Airport, the inner edge of the approach surface is the same width as the primary surface, which is 250 feet. It expands uniformly to a width of 1,250 feet for a utility runway, the applicable classification for the Florence Municipal Airport runway. The approach surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward.
CONICAL SURFACE	A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1 for a horizontal distance of 4,000 feet.
DEPARTMENT OF AVIATION	The Oregon Department of Aviation, formerly the Aeronautics Division of the Oregon Department of Transportation
FAA	The Federal Aviation Administration
FAA'S TECHNICAL REPRESENTATIVE	As used in this ordinance, the federal agency providing the FAA with expertise on wildlife and bird strike hazards as they relate to airports. This may include, but is not limited to, the USDA-APHIS – Wildlife Services.
HEIGHT	The highest point of a structure or tree, plant or other object of natural growth, measured from mean sea level.
HORIZONTAL SURFACE	A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connective the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 feet.
OBSTRUCTION	Any structure or tree, plant or other object of natural growth that penetrates an imaginary surface.
PRIMARY SURFACE	A surface longitudinally centered on a runway. For the Florence Municipal Airport, the primary surface extends 200 feet beyond each end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface for the Florence Municipal Airport, a utility runway, is 250 feet.
PUBLIC ASSEMBLY FACILITY	A permanent or temporary structure or facility, place or activity where concentrations of people gather in reasonably close quarters for purposes such as deliberation, education, worship, shopping, employment, entertainment, recreation, sporting events, or similar activities. Public assembly facilities include, but are not limited to, schools, churches, conference or convention facilities, employment and shopping centers, arenas, athletic fields, stadiums, clubhouses, museums, and similar facilities and places, but do not include parks, golf courses or similar facilities unless used in a manner where people are concentrated in reasonably close quarters. Public assembly facilities also do not include air shows, structures or uses approved by the FAA in an adopted airport master plan, or places where people congregate for short periods of time such as parking lots of bus stops.
RUNWAY	A defined area on an airport prepared for landing and takeoff of aircraft along its length.

RUNWAY PROTECTION ZONE (RPZ)	An area off the runway end used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. The inner width of the RPZ is the same as the width of the primary surface. The outer width of the RPZ for the Florence Municipal Airport is 450 feet as specified in OAR 660, Division 13, Exhibit 4. The RPZ extends from each end of the primary surface for a horizontal distance of :1,000 feet.
SIGNIFICANT	As it relates to bird strike hazards, "significant" means a level of increased flight activity by birds across an approach surface or runway that is more than incidental or occasional, considering the existing ambient level of flight activity by birds in the vicinity.
STRUCTURE	Any constructed or erected object which requires location on the ground or is attached to something located on the ground. Structures include but are not limited to buildings, decks, fences, signs, towers, cranes, flagpoles, antennas, smokestacks, earth formations and overhead transmission lines. Structures do not include paved areas.
TRANSITIONAL SURFACE	Those surfaces that extend upward and outward at 90 degree angles to the runway centerline and the runway centerline extended at a slope of seven (7) feet horizontally for each foot vertically from the sides of the primary and approach surfaces to the point of intersection with the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at a 90 degree angle to the extended runway centerline.
UTILITY RUNWAY	A runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight or less.
WATER IMPOUNDMENT	Includes wastewater treatment settling ponds, surface mining ponds, detention and retention ponds, artificial lakes and ponds, and similar water features. A new water impoundment includes an expansion of an existing water impoundment except where such expansion was previously authorized by land use action approved prior to the effective date of this ordinance.

10-21-2-3: IMAGINARY SURFACE AND NOISE IMPACT BOUNDARY DELINEATION: The airport elevation, the airport noise impact boundary, and the location and dimensions of the runway, primary surface, runway protection zone, approach surface, horizontal surface, conical surface and transitional surface are delineated in the Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010 and shall be made part of the Official Zoning Map. All lands, waters and airspace, or portions thereof, that are located within these boundaries or surfaces shall be subject to the requirements of this overlay zone.

10-21-2-4: NOTICE OF LAND USE AND PERMIT APPLICATIONS WITHIN OVERLAY ZONE AREA: Except as otherwise provided herein, written notice of applications for land use of limited land use decisions, including comprehensive plan or zoning amendments, in an area within this overlay zone, shall be provided to the airport sponsor and the Department of Aviation in the same manner as notice is provided to property owners entitled by law to written notice of land use or limited land use applications.

A. Notice shall be provided to the airport sponsor and the Department of Aviation when the property, or a portion thereof, that is subject to the land use or limited land use application is located within 5,000 feet of the sides or ends of a runway.

B. Notice of land use and limited land use applications shall be provided within the following timelines.

1. Notice of land use or limited land use applications involving public hearings shall be provided prior to the public hearing at the same time that written notice of such applications is provided to property owners entitled to such notice.

2. Notice of land use or limited land use applications not involving public hearings shall be provided at least 20 days prior to entry of the initial decision on the land use or limited land use application.

3. Notice of the decision on the land use or limited land use application shall also be provided to the airport sponsor within the same timelines that notice is provided to parties to the proceeding.

C. Notices required under Paragraphs A, B-1-2-3 of this section need not be provided to the airport sponsor or the Department of Aviation where the land use or limited land use application meets all of the following criteria:

1. Would only allow structures of less than 35 feet in height above ground level.

2. Involves property located entirely outside the approach surface;

3. Does not involve industrial uses, mining or similar uses that emit smoke dust or steam; sanitary landfills or water impoundments; or radio, radiotelephone, television or similar transmission facilities or electrical transmission lines; and

4. Does not involve wetland mitigation, creation, enhancement or restoration.

D. Applicant must file FAA form 7460-1 to the FAA and Department of Aviation and provide the City with the written "Determination of No Hazard".

10-21-2-5: HEIGHT LIMITATIONS ON ALLOWED USES IN UNDERLYING ZONE.
All uses permitted by the underlying zone shall comply with the height limitations in this Section. When height limitations of the underlying zone are more restrictive than those of this overlay zone, the underlying zone height limitations shall control.

A. Except as provided in subsections B and C of this Section, no structure or tree, plant or other object of natural growth shall penetrate an airport imaginary surface.

B. For areas within airport imaginary surfaces but outside the approach and transition surfaces, where the terrain is at higher elevations than the airport runway surfaces such that existing structures and permitted development penetrate or would penetrate the airport imaginary surfaces, a local government may authorize structures up to 35 feet in height above ground level.

C. Other height exceptions or variances may be permitted when supported in writing by the airport sponsor, the Department of Aviation and the FAA. Applications for height variances shall follow the procedures for other variances and shall be subject to such conditions and terms as recommended by the Department of Aviation and the FAA.

10-21-2-6: PROCEDURES: An applicant seeking a land use or limited land use approval in an area within this overlay zone shall provide the following information in addition to any other information required in the permit application:

A. A map or drawing showing the location of the property in relation to the airport imaginary surfaces. The Planning Department shall provide the applicant with appropriate base maps upon which to locate the property.

B. Elevation profiles and a site plan, both drawn to scale, including the location and height of all existing and proposed structures, measured in feet above mean sea level.

C. If a height variance is requested, letters of support from the airport sponsor the Department of Aviation and the FAA.

10-21-2-7: LAND USE COMPATIBILITY REQUIREMENTS: Applications for zone changes and land use for properties within the boundaries of this overlay zone shall comply with the requirements of ORS 836 and this chapter as provided herein. Building permits shall also be required to conform to the requirements of this chapter.

A. Noise. The Noise Contour Map for the Florence Municipal Airport is included in the Florence Municipal Airport, Airport Master Plan Update Final Report, February 2010 – Figure 8-1: Noise Contours, which is incorporated herein, and which shall remain on file in the Florence Community Development Department. Within the airport noise impact boundaries, land uses shall be established consistent with the levels identified in OAR 660, Division 13, Exhibit 5. A declaration of anticipated noise levels shall be attached to any subdivision or partition approval or other land use approval or building permit affecting land within airport noise impact boundaries. In areas where the noise level is anticipated to be at or above 55 DNL, prior to issuance of a building permit for construction of a noise sensitive land use (real property normally used for sleeping or as a school, church, hospital, public library or similar use), the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design that will achieve an indoor noise level equal to or less than 55 DNL.

B. Outdoor Lighting. No industrial, commercial or recreational use shall project lighting directly onto an existing runway or taxiway or into existing airport approach surfaces except where necessary for safe and convenient air travel. Lighting for these uses shall be in accordance with FCC 10-37. No use shall reflect light towards airport approach surfaces, imitate airport lighting or impede the ability of pilots to distinguish between airport lighting and other lighting.

C. Glare. No glare producing material, including but not limited to unpainted metal or reflective glass, shall be used on the exterior of structures located within an approach surface or on nearby lands where glare could impede a pilot's vision.

D. Industrial Emissions. No new industrial, mining or similar use, or expansion of an existing industrial, mining or similar use, shall, as part of its regular operations, cause emissions of smoke, dust or steam that could obscure visibility within airport approach surfaces, except upon demonstration, supported by substantial evidence, that mitigation measures imposed as approval conditions will reduce the potential for safety risk or incompatibility with airport operations to an insignificant level. The review authority shall impose such conditions as necessary to ensure that the use does not obscure visibility.

E. Communications Facilities and Electrical Interference. No use shall cause or create electrical interference with navigational signals or radio communications between an airport and aircraft. Proposals for the location of new or expanded radio, radiotelephone, and television transmission facilities and electrical transmission lines within this overlay zone shall be coordinated with the Department of Aviation and the FAA prior to approval. Approval of cellular and other telephone or radio communication towers on leased property located within airport imaginary surfaces shall be conditioned to require their removal within 90 days following the expiration of the lease agreement. A bond or other security may be required to ensure this result.

F. Use Prohibitions in RPZ. Notwithstanding the underlying zoning, the following uses are prohibited in the RPZ.

1. New residential development.

2. Public assembly facilities.

G. Landfills. No new sanitary landfills, sewage lagoons, sewage sludge disposal facilities or similar facilities shall be permitted within 5,000 feet from any airport runway used by only piston-type aircraft or within 10,000 feet of any airport runway used by turbojet aircraft. Expansions of existing landfill or sewage treatment or disposal facilities within these distances shall be permitted only upon demonstration that the landfills or sewage treatment or disposal facilities are designed and will operate so as not to increase the likelihood of bird/aircraft collisions. Timely notice of any proposed expansion shall be provided to the airport sponsor, Aviation and the FAA, and any approval shall be accompanied by such conditions as are necessary to ensure that an increase in bird/aircraft collisions is not likely to result.

H. FAA Form 7460-1. Prior to Design Review approval, applicant shall consult with the FAA Seattle Airports District Office to determine if completion of FAA Form 7460-1 – Notice of Proposed Construction or Alteration is required. If so, it shall be completed and reviewed by the Oregon Department of Aviation and the Federal Aviation Administration prior to approval of ground leases and issuance of building permits.

10-21-2-8: Water Impoundments within Approach Surfaces and Airport Direct and Secondary Impact Boundaries: Any use or activity that would result in the establishment or expansion of a water impoundment shall comply with the requirements of this section.

A. No new or expanded water impoundments of one-quarter acre in size or larger are permitted:

1. Within an approach surface and within 5,000 feet from the end of a runway; or

2. On land owned by the airport sponsor that is necessary for airport operations.

10-21-2-9: WETLAND MITIGATION, CREATION, ENHANCEMENT AND RESTORATION WITHIN APPROACH SURFACES AND AIRPORT DIRECT AND SECONDARY IMPACT BOUNDARIES:

A. Notwithstanding the requirements of Section 10-21-3-8, wetland mitigation, creation, enhancement or restoration projects located within areas regulated under Section 10-21-3-8 shall be allowed upon demonstration of compliance with the requirements of this Section.

B. Wetland mitigation, creation, enhancement or restoration projects existing or approved on the effective date of this ordinance and located within areas regulated under Section 10-21-3-8 are recognized as lawfully existing uses.

C. To help avoid increasing safety hazards to air navigation near public use airports, the establishment of wetland mitigation banks in the vicinity of such airports but outside approach surfaces and areas regulated under Section 10-21-3-8 is encouraged.

D. Applications to expand wetland mitigation projects in existence as of the effective date of this ordinance, and new wetland mitigation projects, that are proposed within areas regulated under Section 10-21-3-8 shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

1. It is not practicable to provide off-site mitigation; or

2. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge, and the area proposed for mitigation is located outside an approach surface.

E. Wetland mitigation permitted under subsection D. of this Section shall be designed and located to avoid creating a wildlife hazard or increasing hazardous movements of birds across runways or approach surfaces.

F. Applications to create, enhance or restore wetlands that are proposed to be located within approach surfaces or within areas regulated under Section 10-21-3-8, and that would result in the creation of a new water impoundment or the expansion of an existing water impoundment, shall be considered utilizing the review process applied to applications for conditional use permits and shall be permitted upon demonstration that:

1. The affected wetlands provide unique ecological functions, such as critical habitat for threatened or endangered species or ground water discharge; and

2. The wetland creation, enhancement or restoration is designed and will be in a manner that will not increase hazardous movements of birds feeding, watering or roosting in areas across runways or approach surfaces.

G. Proposals for new or expanded wetland mitigation, creation, enhancement or restoration projects regulated under this Section shall be coordinated with the airport sponsor, the Department of Aviation, the FAA and FAA's technical representative, the Oregon Department of Fish & Wildlife (ODFW), the Oregon Division of State Lands (DSL), the US Fish & Wildlife Service (USFWS), and the US Army Corps of Engineers (Corps) as part of the permit application.

H. A decision approving an application under this Section shall require, as conditions of approval, measures and conditions deemed appropriate and necessary to prevent in perpetuity an increase in hazardous bird movements across runways and approach surfaces.

10-21-2-10: NONCONFORMING USES:

A. These regulations shall not be construed to require the removal, lowering or alteration of any structure not conforming to these regulations. These regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this overlay zone.

B. Notwithstanding subsection A. of this section, the owner of any existing structure that has an adverse effect on air navigational safety as determined by the Department of Aviation shall install or allow the installation of obstruction markers as deemed necessary by the Department of Aviation, so that the structures become more visible to pilots.

C. No land use or limited land use approval or other permit shall be granted that would allow a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this overlay zone.

10-21-2-11: AVIGATION EASEMENT: Within this overlay zone, the owners of properties that are the subjects of applications for land use or limited land use decisions, for building permits for new residential, commercial, industrial, institutional or recreational buildings or structures intended for inhabitation or occupancy by humans or animals, or for expansions of such buildings or structures by the lesser of 50% or 1000 square feet, shall, as a condition of obtaining such approval or permits, dedicate an avigation easement to the airport sponsor. The avigation easement shall be in a form acceptable to the airport sponsor and shall be signed and recorded in the deed records of the County. The avigation easement shall allow unobstructed passage for aircraft and ensure safety and use of the airport for the public. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

Established by Ordinance No. 18, and 19, Series 2003
Sections 10-21-1-5 to 7, 10-21-2-2 to 7 amended by Ordinance No. 5, Series 2012 – effective 1-16-13
Section 10-21-2-7-B amended by Ord. No. 12, Series 2014 – effective 12-31-14

TITLE 10
CHAPTER 22

OPEN SPACE DISTRICT (OS)

SECTION:

10-22-1: Purpose
10-22-2: Permitted Buildings and Uses
10-22-3: Buildings and Uses Permitted Conditionally
10-22-4: Conditional Use Approval Criteria and Conditions

10-22-1: PURPOSE: The Open Space District is intended to protect urban open space buffers, park and recreation lands, natural resource lands and lands reserved for later development. This District is intended to be used in conjunction with the Comprehensive Plan. Where, for example, the Plan designates an area for urban development, the application of this District would be interim; when the land became available for development, a rezoning could be considered. Where this Open Space District is consistent with the Plan's land use designation, it is intended that this District would preserve such land permanently in open space use.

10-22-2: PERMITTED BUILDINGS AND USES:

Parks for low intensity recreation.

Open space.

Wildlife habitat.

Forestry.

Agriculture.

Aquaculture.

City well-field.

Any structures which are necessary to the functioning of the above uses.

10-22-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Parks with intensely developed facilities.

Golf courses.

Other private recreation facilities.

Communications and electric power transmission facilities.

Reservoirs and water tanks.

Uses allowed in any applicable management unit as shown in the Comprehensive Plan.

Wind, solar or wave power generating facilities.

10-22-4: CONDITIONAL USE APPROVAL CRITERIA AND CONDITIONS: The Planning Commission shall require that the following approval criteria and conditions of approval be met:

A. Approval Criteria:

1. The proposed use is consistent with the preservation of managed use of the open space resource identified, if any, on the subject property in the Comprehensive Plan.

2. Where the subject property is designated for urban development in the Comprehensive Plan, the proposed use must clearly be interim in nature or consistent with the ultimate planned use.

3. A site investigation report may be required to determine the extent and location of the resource.

4. An impact assessment may be required for wind, solar or wave power generating facilities.

B. Conditions of Approval:

1. Conditions may be imposed to implement the recommendations and findings of a site investigation report.

2. Design review may be required.

3. General conditions listed in Chapter 4 of this Title may be applied.

4. Conditions may be imposed to implement the recommendations and findings of an impact assessment. (Ord. 625, 6-30-80).

Section 10-22-2 amended by Ordinance No. 3, Series 2013, see Exhibit B (effective 7-31-13)

TITLE 10
CHAPTER 23

PLANNED UNIT DEVELOPMENT (PUD)

SECTION:

10-23-1: Purpose
10-23-2: Definitions
10-23-3: Development Options
10-23-4: General Criteria
10-23-5: Development Standards
10-23-6: Dedication and Maintenance of Facilities
10-23-7: Professional Design
10-23-8: General Procedures
10-23-9: Application Conference
10-23-10: Preliminary Approval
10-23-11: Approval of the Final Development Plan
10-23-12: Adherence to Approved Plan
10-23-13: Guarantee of Performance
10-23-14: Expiration of Approval for a PUD

10-23-1: PURPOSE: The Planned Unit Development authorization is intended to:

A. Encourage the coordinated development of unplatted land.

B. Encourage innovative land utilization through a flexible application of zoning regulations.

C. Preserve the natural amenities of land and water.

D. Create opportunities for a wide variety of life styles.

E. Provide for the efficient use of public utilities, services and facilities.

F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

10-23-2: DEFINITIONS: As used in this chapter, the following words shall mean:

COMMON IMPROVEMENTS:	Include utilities and other facilities reserved in common ownership.
NET DEVELOPMENT AREA:	Area of property exclusive of public or private roads, or parkland.
PUBLIC IMPROVEMENTS:	Improvements that include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.
PLANNED UNIT DEVELOPMENT:	Development of a unified site design for an area of land that allows deviation from specific site development standards while observing general purposes of the zoning regulations.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

A. For the Restricted Residential District:

1. Residential units at the density of one unit for every nine thousand (9,000) square feet of building site, exclusive of private and public roadway and private or dedicated parkland:

a. Single-family dwellings.
b. Duplexes.
c. Multiple-family dwellings.
d. Open Space and Parklands (Ord. No. 2, Series 2011)

B. For all other districts:

a. All uses normal to the designated zoning district.
b. Open Space and Parklands (Ord. No. 2, Series 2011)
c. Commercial uses.
d. Temporary use of vacant lots for RV use. (Ord 12, 1998)

10-23-4: GENERAL CRITERIA: Applicant must demonstrate that the development conforms to all the following criteria:

A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.

B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.

E. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.

10-23-5: DEVELOPMENT STANDARDS: To insure that a PUD fulfills the intent of this Chapter, the following standards and those of FCC 10-36 shall apply.

A. Minimum Size: Five (5) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than five (5) acres is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

B. Building Coverage: In a residential PUD, not more than fifty percent (50%) of the land area being developed, exclusive of public or private streets, shall be covered by buildings. When the PUD is not entirely residential, maximum building coverage shall be consistent with the purpose and general criteria of this Chapter as determined by the Planning Commission.

C. Perimeter Yards: The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD. Such a perimeter yard does not qualify as open space unless the Planning Commission finds that such a dual purpose use of land is desirable.

D. Maximum Building Height: Primary buildings shall not exceed the height limitations prescribed in the zoning district(s) in which the PUD is located. Accessory buildings shall not exceed the height limitations for primary buildings. (Ord 12, 1998)

E. Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. Parking spaces or garages may be grouped together when the Planning

Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD. (Ord 12, 1998)

F. Underground Utilities: All electrical, telephone, cable television, fire alarm, street light and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer.

G. Open Space: A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:

- Public dedication for use by public in general, and/or
- Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.

The recreational area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.

2. The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.

3. If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

4. The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)
   a. Hillsides over twenty-five (25) percent slope;
   b. Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;
   c. Roadside ditches;
   d. Monument entry areas and central landscaped boulevards;
   e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;
   f. Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;
   g. Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.

10-23-6: DEDICATION AND MAINTENANCE OF FACILITIES: The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

A. Easement necessary to accommodate existing or proposed public utilities.

B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.

C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. Maintenance, repair, insurance and related obligations are the responsibility of either:

1. The developer; or
2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

10-23-7: PROFESSIONAL DESIGN: The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

10-23-8: GENERAL PROCEDURES: There shall be a three-stage review process for all PUD's. The first step is the application conference, followed by preliminary development review and approval and final review.

10-23-9: APPLICATION CONFERENCE: An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: An outline development plan shall include both maps and a written statement as described in this section. The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

1. The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:
   a. The existing topographic character of the land.
   b. Existing and proposed land uses and the approximate location of buildings and other structures.
   c. The character and approximate density of the proposed buildings.
   d. The approximate location of major thoroughfares.
   e. General traffic flow patterns within the PUD.
   f. Public uses, including schools, parks, playgrounds and other public open spaces.
   g. Common open spaces and a description of the proposed use of these spaces.

2. The written statement which is part of the outline development plan shall contain the following information:
   a. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
   b. A statement of the present ownership of all the land included within the planned unit development.
   c. A general indication of the expected schedule of development.
   d. A preliminary site investigation report.

10-23-10: PRELIMINARY APPROVAL: The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. The public hearing shall not be held until the complete

information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan: A preliminary development plan shall be prepared and shall include the following information:

1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.
4. Elevation and perspective drawings of proposed structures.
5. A development schedule indicating:
    a. The approximate date when construction of the project can be expected to begin.
    b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
    c. The anticipated rate of development.
    d. The approximate dates when each stage in the development will be completed.
    e. The area, location and degree of development of common open space that will be provided at each stage.

6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.

7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.
    a. An off-street parking and loading plan.
    b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.
    c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable. The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

10-23-11: APPROVAL OF THE FINAL DEVELOPMENT PLAN:

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing in final form the information required in the preliminary plan. The Planning Commission may grant a one-time extension of one (1) year maximum duration based on compliance with the following criteria:
    a. The request for an extension is made in writing prior to the expiration of the original approval.
    b. There are special or unusual circumstances that exist which warrant an extension.
    c. No material changes of surrounding land uses or zoning has occurred.

The planning Commission may deny the request for an extension if new land use regulations have been adopted that affect the applicant's proposal.

2. Final development plans shall include plans for proposed:
   a. Storm drainage.
   b. Sewer and water utilities.
   c. Streets, pedestrian ways, trails and paths.
   d. Preliminary subdivision plan, if property is proposed to be divided.
   e. Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)

3. Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.

4. If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the planned unit development. An amendment shall be considered in the same manner as an original application.

10-23-12: ADHERENCE TO APPROVED PLAN: The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.

2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.

3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

10-23-13: GUARANTEE OF PERFORMANCE: For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.

10-23-14: EXPIRATION OF APPROVAL FOR A PUD:

A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.

B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at 18 months from the date of approval and shall no longer be in effect. The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed 18 months.

Amended by Ord. No. 21, Series 1988, effective 12-16-88
Amended by Ord. No. 12, Series 1998, effective 1-21-99
Amended by Ord. No. 2, Series 2011, effective 3-11-11
Section 10-23-11 amended by Ord. No. 3, Series 2013, See Exhibit B (effective 7-31-13)

TITLE 10
CHAPTER 24

WATERFRONT/MARINE DISTRICT WF/M

SECTION:

10-24-1: Purpose
10-24-2: Permitted Buildings and Uses
10-24-3: Buildings and Uses Permitted Conditionally
10-24-4: Site and Development Provisions

10-24-1: PURPOSE: The Waterfront/Marine District applies to areas designated a Water Dependent Site in the Florence Comprehensive Plan. The District is intended to allow a mix of water-dependent, water-related and water-oriented uses along the Siuslaw River Estuary. The WF/M zone, while allowing up to 50% of the zone to be used for non-water-dependent or non-water related uses, will continue to be the community's center for water-dependent and water-related activities and will continue to provide access for such uses to the Siuslaw River Estuary in Florence.

10-24-2: PERMITTED BUILDINGS AND USES: No uses are permitted, all uses are allowed conditionally per 10-24-3.

10-24-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: In the WF/M District, the Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a Conditional Use Permit for any use listed in the Marine District (50% of the Zone) and Old Town District Area A (50% of the Zone), with affirmative findings that the criteria in section 10-24-4 are met.

10-24-4: SITE AND DEVELOPMENT PROVISIONS AND OTHER CRITERIA:

A. Fifty percent (50%) of the Waterfront Marine District shall be maintained and protected for Water Dependent and Water Related Uses as permitted with a Conditional Use Permit in the Marine District. The uses, site and development standards, and other criteria in the Marine District shall apply to these uses.

B. The uses, site and development standards, and other criteria in the Old Town District A shall apply to the remaining fifty percent (50%) of the Waterfront Marine District.

C. In addition to the standards defined in subsections A and B, all development proposals in the Waterfront/Marine District must demonstrate that the development will retain at least 50% of the zone to be used for-water-dependent or water related uses, as specified in Chapter 18: Marine District.

Ordinance No. 6, Series 1996, Effective 7-3-96
Amended by Ord. No 1, Series 2008, Effective 2-4-08
Amended by Ord. No. 10, Series 2009
Section 10-24-2 amended by Ordinance No. 3, Series 2013, See Exhibit B (7-31-13)

TITLE 10
CHAPTER 25

PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT

SECTION:

10-25-1: Purpose
10-25-2: Permitted Buildings and Uses
10-25-3: Buildings and Uses Permitted Conditionally
10-25-4: Development Standards
10-25-5: Design Criteria

10-25-1: PURPOSE: The Professional Office/Institutional Zoning District is intended to enhance the work place environment by providing for the establishment of offices, medical and other institutional uses, limited accessory services for worker's convenience and public space. It is intended to promote attractive office developments which are compatible with one another and adjoining residential zoning or uses. A medium to high density residential option is available when such can be achieved through innovative design and include significant natural resource protection.

10-25-2: PERMITTED BUILDINGS AND USES: The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

1. Funeral homes and mortuaries, excluding crematoriums
2. Hospitals, clinics and medical complexes
3. Laboratories, medical and dental
4. Professional office buildings
5. Pharmacy and drug stores (excluding drive-thru)
6. In Sub Area 2 residential planned unit development, subject to this Chapter and to Chapter 23 of Title 10 of the Florence City Code.
7. Public parks, playgrounds, community centers and recreational facilities
8. Restaurants and deli's, both sit-down and take-out, but excluding drive-in.
9. Accessory residential units, provided that a dwelling does not occupy the front twenty-five (25') of the building's ground floor facing the principal commercial street, except that one six foot (6') wide entrance to the residential uses may be allowed off the principal commercial street at the ground floor.
10. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.
11. Other uses as determined by the Planning Commission to be similar to those listed is this Section and which conform with the intent and purpose of this chapter.
12. Medium and high density residential in all Sub Areas excepting Sub Area 2.
13. Animal clinics or grooming facilities (not abutting a residential use or district).

10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 5 of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

1. Catering services
2. Dry cleaners, pickup and delivery only
3. Printing and copy shops
4. Stationery stores
5. Travel agencies
6. Beauty/barber shops

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 4 and 5 in this Title, and are not required to contain a residential component:

1. Day care centers and preschools
2. Pharmacy, drive-thru
3. Fitness/health centers
4. Heliports
5. Bank branch, excluding drive-thru
6. Medical Marijuana Facility

10-25-4: DEVELOPMENT STANDARDS:

A. Minimum lot area: The minimum lot area shall be 15,000 square feet.

B. Minimum lot dimensions: The minimum lot width shall be 100 feet.

C. Minimum residential density achievable through a planned unit development (PUD).
   1. Five (5) dwelling units per acre.
   2. Minimum lot size for PUD is one acre.

D. Minimum yard requirements:
   1. Front yards and street side yards shall be a minimum of 20 feet.
   2. Side yards, and rear yards abutting a residential district shall be fifteen (15) feet. Otherwise, no side or rear yard is required.
   3. Zero lot line developments shall be considered as part of a planned united development pursuant to Chapter 23 of this Title.

E. Height limitations: The maximum building or structure height shall be twenty-eight (28) feet.

F. Landscaping and Visual Buffers: Refer to 10-34 of this Title for requirements.
   1. Except where the entire area between a street and a building is landscaped, a minimum of three (3') feet high landscaped berm, hedge, natural vegetation or dense landscaped planting shall be provided along the street frontage.
   2. A minimum of fifteen (15%) percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
   3. Ten (10') foot setback along the property adjacent to Greentrees.

G. Parking shall be in accordance with Chapter 3 of this Title.

H. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

I. Screening: Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid screening wall of the same or compatible materials as the building, with a solid wood or metal gate. Chain link fencing with slats is not acceptable. Colors of these elements shall be compatible wit the theme of the building.

J. Access and Circulation: Refer to Section 10-35 of this Title for Requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for Requirements.

L. Lighting: Refer to Section 10-37 of this Title for Requirements.

10-25-5: DESIGN CRITERIA

A. Buildings shall generally relate in scale and design features to the surrounding buildings. All visibly exposed sides shall be attractively detailed with regard to style, materials, colors and details. Building wall

offsets, including projections, recesses and changes in floor level shall be used in order to add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

B. Buildings on corner lots shall be considered especially significant structures, since they have at least two front facades visibly exposed to streets. Such buildings shall be designed with additional architectural detail and embellishments to emphasize their significant location.

C. Buildings facing internal open space or in public view shall be architecturally emphasized through window treatment, entrance treatment, and details. Blank walls or service area treatments of side and/or rear elevations visible from the public viewshed are prohibited.

D. Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry or wood chimneys, cupolas, towers and other similar elements are encouraged.

E. Facades shall be lit from the exterior and lights shall be concealed through shielding, or recessed behind architectural features. Low pressure sodium, fluorescent of mercury vapor lighting either attached to buildings or used to light the exterior of buildings or parking shall be prohibited. Mounting brackets and associated hardware must be inconspicuous.

F. All HVAC systems, exhaust pipes or stacks, satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from both the public right-of-way and adjacent properties by using walls, fencing, roof elements, or landscaping, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516. Such screening devices shall be compatible with building materials and/or adjacent area landscape treatments.

Ordinance No. 15, Series 1999, Effective 9-16-99
Sections 10-25-4 and 10-25-5 amended by Ord. No. 9, Series 2009
Section 10-25-4-H amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Sections 10-25-2, 10-25-3, and 10-25-5 amended by Ordinance No. 3, 2013, see Exhibit B, (effective 7-31-13)
Section 10-25-4-L amended by Ord. No. 12, Series 2014 – effective 12-31-14
Section 10-25-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15

TITLE 10
CHAPTER 26

MURAL REGULATIONS

SECTION:

10-26-1: Purpose, General Provisions
10-26-2: Definitions
10-26-3: Prohibited Murals
10-26-4: Exemption from Permit Requirement
10-26-5: Mural Permit Application
10-26-6: Mural Permit Criteria
10-26-7: Structural Review
10-26-8: Suspension or Revocation
10-26-9: Inspections and Expiration of Permit
10-26-10: Maintenance of a Permitted Mural
10-26-11: Alterations to a Permitted Mural
10-26-12: Removal of a Permitted Mural
10-26-13: Enforcement
10-26-14: Appeals

10-26-1: PURPOSE, GENERAL PROVISIONS: The purpose of this chapter is to allow for murals on a content-neutral basis while maintaining specific standards with regard to the location, size, quantity and installation. Murals provide benefits distinct from signs, such as improved aesthetics and community identity if they are located at heights and scales visible to pedestrians.

10-26-2: DEFINITIONS:

ALTERATION	Any change to a permitted mural, including but not limited to any change to the image(s), materials, colors or size of the mural. "Alteration" does not include maintenance or repair of a permitted mural.
COMMUNITY DEVELOPMENT DIRECTOR	The Florence Community Development Director or his or her designee. For the ease of reference in this section, the Community Development Director shall be referred to by the term "Director."
MURAL	A work of visual art which is tiled or painted directly upon, or affixed directly to a fence, wall or an exterior wall of a building and exceeds the maximum size of wall sign allowed in a sign district. Visual art that is intended to communicate an informational message is not considered a mural and is regulated under the sign code.
PERMITTED MURAL	A mural for which a permit has been issued by the City of Florence pursuant to this chapter.

10-26-3: PROHIBITED MURALS:

A. Murals that include any of the following are prohibited and are nuisances. A mural shall not include:

1. Electrical or mechanical components; or

2. Changing images.

10-26-4: PROHIBITED MURALS:

A mural that is not visible from the public right-of-way and not visible from public property is allowed without a mural permit.

10-26-5: MURAL PERMIT APPLICATION:

A. A mural permit application shall be considered by the City Council and shall proceed under the procedures of FCC 10-1-1-5, "Land Use Hearings."

B. The general application requirements of FCC 10-4-1-4 shall apply, except for the submittal information required under FCC 10-1-1-4-B-2 and B-3. An application for a mural permit must contain the following information:

1. Authorization from the property owner of the location where the mural is to be installed and agreement to maintain the mural for the life of the mural, unless the mural is removed under the circumstances specified in Section 10-26-11 of this Title.

2. A site plan drawn to scale that shows the location of existing structures and where the mural is to be installed, location of property lines, abutting right-of-way, names of streets, information of other murals on abutting properties and north arrow.

3. A map (e.g. tax map or aerial map) that shows the existing land use on-site and the surrounding land uses within three-hundred feet (300') of the site.

4. A color image of the proposed mural with dimensions drawn to scale.

5. A building elevation depicted to scale showing the proposed building area where the mural is to be installed. Information detailing the existing building materials and architectural features, as well as proposed mural materials, construction size, and depth.

6. Information regarding the expected life span of the mural and maintenance plan for the life of the mural. The maintenance plan shall specify the frequency of maintenance and provisions to address fading and vandalism (i.e. durable exterior paints, cleanable surfaces, and/or other measures that will discourage vandalism or facilitate easier and cheaper repair of the mural if needed).

10-26-6: MURAL PERMIT CRITERIA: No person may commence mural installation on a site without first obtaining a mural permit. Murals without a mural permit are signs regulated by Title 4, Chapter 7. Use of murals does not affect the amount or type of signage otherwise allowed by the sign regulations of Title 4 Chapter 7. For approval, a mural permit application must meet the following criteria.

A. The Mural is compatible with the aesthetic appearance of adjacent buildings and the surrounding community character.

In evaluating this criterion, the following are examples of factors that can be used to measure compatibility and community character.

1. The mural is harmonious with or integrates aspects of special architectural and design features of surrounding buildings or the larger neighborhood.

2. The mural may reflect the diversity of the world.

3. The mural may reflect historic, cultural, or natural heritage.

4. The mural respects the original character of the building and surrounding buildings

B. The mural will enhance the building appearance and overall visual attractiveness of the City. The overall objective is for viewers of all ages to experience a sensation of engagement, humor, wonder or delight, or all of these emotions.

In evaluating this criterion, the following are examples of factors that can be used to measure appearance and attractiveness.

1. The mural will not adversely dominate the building or surrounding area.

2. The mural will not create traffic or safety hazards.

3. The mural is harmonious with the scale, color, details, materials, and proportion of the building.

C. Internal illumination of a mural is not permitted. External illumination is allowed and shall be consistent with the illumination standards of Section 4-7-25 of this Code.

D. Murals are permitted only on the flat planes of walls and may extend no more than six inches (6") from the plane of the wall, unless approved by the City Council.

E. Murals shall be installed for durability and maintained for the life of the mural or until the mural is removed. Murals shall consist of materials that have proven performance for withstanding the coastal climate.

F. The Mural shall use materials, coatings, or other protective techniques that will be resistive to vandalism and graffiti.

G. The creator/artist is under contract or other obligation to complete the Mural.

H. The Mural is an original work of art

I. If a mural installation includes any changes to a building that would otherwise require Design Review as described in Title 10 Chapter 6, those changes must be approved through the Design Review process simultaneous with approval of the Mural Permit. Murals may not otherwise result in the site property or structure becoming out of compliance with other land use code provisions, prior land use approvals, or prior conditions of approval governing the building or property on which the mural is to be located.

In applying the above criteria, the City shall make its decision in accordance with applicable constitutional requirements.

10-26-7: STRUCTURAL REVIEW: Murals with any element that weighs more than 7 pounds per square foot or in total weigh more than 400 pounds require structural review.

10-26-8: SUSPENSION OR REVOCATION:

A. The Director may suspend or revoke a permit issued under the provisions of Title 10. The Director will inform the permit holder of the suspension or revocation in writing. Permits may be suspended or revoked upon a finding that:

1. The permit issued on the basis of incorrect information supplied by the applicant; or

2. The permit is issued in violation of any provisions of Title 10.

10-26-9: INSPECTIONS AND EXPIRATION OF PERMIT:

A. Inspections: The Director will conduct inspection of murals for which a permit has been issued. The permit holder must notify the Director when the work is ready for inspection.

The inspection shall verify that the mural is in conformance with the application and in conformance with the provisions of this Chapter. Structural inspections shall be completed in conjunction with any required building or structural permits and shall verify the applicable requirements from the applicable codes. The inspector shall take at least one photo to be kept on file to document the site, mural size, mural location and mural image consistency.

The Director may conduct inspections whenever it is necessary to enforce any provision of the City Code, to determine compliance with the City Code, or whenever the Director has reasonable cause to believe there exists any violation of the City Code.

B. Expiration of Permit: If inspection approval has not been obtained by the applicant within twelve months of issuance of a mural permit, the permit is void, and no further work on the mural may be done at the premises until a new permit has been secured and a new fee paid.

C. Extensions of Permit: The Director may extend a permit for one period of twelve months upon finding the following criteria have been met.

1. The request for an extension is made in writing prior to expiration of the original approval.

2. There are special or unusual circumstances that exist which warrant an extension.

3. No material changes of surrounding land uses or zoning has occurred.

The Director may deny the request for an extension of the mural permit if new land use regulations have been adopted that affect the applicant's proposal.

10-26-10: MAINTENANCE OF A PERMITTED MURAL: For any mural approved after March 21, 2011, the building owner is responsible for ensuring that a permitted mural is maintained in good condition, fading is addressed and the mural is repaired in the case of vandalism or accidental destruction in accordance with the approved maintenance plan.

10-26-11: ALTERATIONS TO A PERMITTED MURAL: Alterations of the mural must be approved by obtaining a new permit through the process described in Section 10-26-3 of this Chapter.

10-26-12: REMOVAL OF A PERMITTED MURAL:

Prior to removal of a mural the property owner must notify the Community Development Department at least 30 days prior to its removal with a letter stating the intent to remove the mural. Any associated materials that were used to affix or secure the mural to the wall must be removed at the time of the removal of the mural or incorporated into a new mural application. This includes, but is not limited to mounting hardware or brackets, caulk or grout, and adhesives or glues.

10-26-13: ENFORCEMENT:

A. Violations: It is unlawful to violate any provisions of this Chapter. This applies to any person undertaking an application for a Mural Permit, to the building tenant or owner of the Mural site. For the ease of reference in this section, all of these persons are referred by the term "operator".

B. Notice of violations: The Community Development Director must give written notice of any violation of the City Code to the operator. Failure of the operator to receive the notice of the violation does not invalidate any enforcement actions taken by the City.

C. Responsibility for enforcement: The regulations of this Chapter may be enforced by the Director pursuant to Florence City Code 10-1-1-8.

10-26-14: APPEALS: Under this Chapter, any quasi-judicial decision of the City Council may be appealed to the Land Use Board of Appeals in accordance with state law.

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Amended by Ordinance 6, Series 1999 effective 4-19-99
Amended by Ordinance 17, Series 1999 effective 1-7-2000
Amended by Ordinance, Series 2000 effective 7-21-2000
Amended by Ordinance 16 Series 2009 effective 10-12-2009
Section 10-26-6 Amended by Ord. No. 9, Series 2009
Sections 10-26-3-1, 10-26-32, 10-26-4, 10-26-5, 10-26-6, 10-26-7, 10-7-8 and 10-26-9 Deleted, and Sections 10-26-1, 10-26-2, 10-26-3, and Title Amended by Ord. No. 4, Series 2011 effective April 22, 2011
Sections 10-26-1, 10-26-2, and 10-26-3 Amended, and Sections 10-26-4 through 10-26-14 Added by Ord. No. 5, Series 2011 effective April 22, 2011

Title 10
Chapter 27

MAINSTREET DISTRICT

SECTION

10-27-1 **Purpose**
10-27-2 **Permitted Buildings and Uses**
10-27-3 **Buildings and Uses Permitted Conditionally**
10-27-4 **Lot and Yard Requirements**
10-27-5 **Site and Development Provisions**
10-27-6 **General Provisions**

10-27-1 **Purpose.** The Mainstreet District is intended to provide an area for small and medium sized commercial uses that are appropriate in a traditional, historic downtown. It is also intended to encourage revitalization of the downtown area, and to maintain adequate traffic flows on Highway 101, while providing a pedestrian friendly environment.

10-27-2 **Permitted Buildings and Uses**

a. antique stores
b. appliance sales and service
c. art supplies
d. artist studios
e. auction sales carried on totally within a closed building
f. automobile parts and accessories stores
g. bakeries, retail
h. banks
i. barber and beauty shops
j. bars, taverns and nightclubs
k. bicycle shops
l. blueprinting
m. bookstores
n. building maintenance services
o. bus, taxi and transit depots
p. camera and photography supply stores
q. catering services
r. clothing and apparel shops
s. clubs, lodges, meeting halls
t. confectionery stores, with or without fountains
u. curio shops
v. data processing centers
w. day nurseries
x. delicatessens
y. department stores
z. drapery stores
aa. dress and millinery shops
bb. dry cleaning establishments
cc. electrical and electronic supplies, retail
dd. floor covering stores
ee. florist shops
ff. furniture stores
gg. galleries and frame shops
hh. garden supply stores, with limited outdoor display
ii. gift shops

jj. grocery stores, markets and supermarkets
kk. hardware stores, with limited outdoor display
ll. health studios and reducing salons
mm. home occupations
nn. hobby shops
oo. hotel, motel
pp. interior decorator studio
qq. jewelry stores
rr. laboratories, medical and dental
ss. Laundromats, non-industrial
tt. Leather goods stores
uu. Liquor stores, package
vv. Locksmith shops
ww. Movie theaters
xx. Museums
yy. Music stores
zz. Newspaper printing establishments
aaa. Offices for the following:

- Accountants
- Attorneys
- Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics
- General administration
- Physicians, osteopaths, dentists, optometrists, opticians, chiropractors, and others licensed by the State of Oregon to practice healing arts
- Offices similar to the above but not specifically listed

bbb. insurance brokers
ccc. lumber brokers
ddd. office supplies and equipment stores
eee. paint and wallpaper stores
fff. parking areas, public and private
ggg. parking garages, public and private
hhh. pet stores
iii. pharmacy and drug stores
jjj. photographers studios
kkk. photographic film processing, photoengraving
lll. photocopy shops
mmm. planned unit developments
nnn. post offices
ooo. printing shops, retail only
ppp. public buildings and uses similar to buildings and uses listed in this section
qqq. radio and TV broadcasting studios
rrr. real estate sales
sss. restaurants, sit-down or walk-up, including cocktail lounges
ttt. sale of secondhand goods, if located wholly within enclosed buildings
uuu. savings and loans
vvv. sewing machine sales and service
www. shoe sales and repair
xxx. sporting goods stores
yyy. tailor shops
zzz. telephone and telegraph exchanges
a1. telephone answering services
a2. theaters
a3. tobacco shops
a4. toy stores
a5. travel agencies

a6. upholstery shops
a7. variety stores
a8. accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.
a9. Other buildings and uses determined to be similar to those listed in this section and which do not have a different or more detrimental effect upon the adjoining uses than those buildings and uses specifically permitted.
a10. Animal clinics or grooming facilities (no abutting a residential use or district)

10-27-3 <u>Buildings and Uses Permitted Conditionally</u>

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

a. amusement establishments such as arcades, indoor courts, and other such uses for the general public, including children or youth
b. churches, excluding rescue missions or temporary revivals
c. funeral homes
d. service stations
e. automobile repair garage
f. pawnshops
g. public and private elementary and secondary schools
h. public buildings and facilities not similar to those listed as permitted uses
i. residential units, provided that the building contains a commercial business and that the dwelling unit not occupy the front 25' of the ground floor, and not more than 50% of the ground floor facing a principal commercial street. If access to the dwelling unit(s) is from the principal commercial street, it shall be a separate entrance not more than 6' wide or as required by ADA.
j. Restaurants, drive-in (including drive-thru and drive-up)
k. Single family dwellings
l. Woodworking and cabinet shops, provided that the business includes retail sales of products produced on the premises
m. Medical Marijuana Facility

10-27-4 <u>Lot and Yard Dimensions</u>

A. Minimum Lot dimensions: The minimum lot width shall be 25'.

B. Minimum Lot Area: The minimum lot area shall be 2500 square feet.

C. Lot coverage: The Design Review Board may allow up to a maximum of 90% lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

Area "A" as shown on the following page:

1. <u>Front yards:</u> Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.
2. <u>Side and rear yards:</u> Buildings may be zero lot line, provided that all Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen foot (15') buffer may be required.

Area "B": Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or

commercial use shall conform to Mainstreet District standards, except that the 20' height requirement does not apply.

10-27-5 Site and Development Provisions

A. Building or Structural Height Limitations

Area "A" as shown on the following page:
Buildings shall be a minimum of 20' in height. This measurement may include a building façade as opposed to a total building height of 20'. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38' for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:

1. The building or structure has an approved fire extinguishing system.
2. The building or structure is in scale with and/or complements surrounding structures.
3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.
4. The building will contain mixed uses with retail at the street level.
5. The site has physical constraints/opportunities which are best addressed by a taller building.
6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

Area "A" as shown on the following page:
A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

C. Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.

1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6' in width with 6' of clear walkway if there is no on-street parking on that side of the street.

3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.

D. Parking and Loading Spaces

Area "A" as shown on the following page:
Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant's lot is located, or in a shared lot in another block. Business/property owners are strongly encouraged to cooperate in proposing joint parking agreement areas as part of development or redevelopment proposals. Parking will not be permitted in front yards. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site shared parking lot is planned and approved, but not yet constructed, and/or may require the applicant or owner to sign a non-remonstrance agreement for parking improvements. Parking standards in Chapter 3 of this Title shall be used as a guideline for determining parking need.

Bicycle racks shall be provided either in the interior parking lot, or by an entrance if located outside the required minimum 6' pedestrian walkway.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards, except that the 20' height requirements do not apply.

E. Vision Clearance.
Refer to Section 10-1-14 and 10-35-2-13 of this Title for definitions and requirements.

F. Signs.
Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

G. Lighting.
Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards:

1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
2. Lighting shall be pedestrian scaled.
3. Refer to Section 10-37 of this Title for additional requirements.
4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

H. Design Review.
All uses except single family and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

I. Trash Enclosures.

All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least 6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.

J. General Provisions.

1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.
2. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.
3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

Amended by Ordinance No. 5, Series 2003, effective April 17, 2003
Section 10-27-5, E - Amended by Ordinance No. 26, Series 2008
Section 10-27-5 C 2- Amended by Ordinance No. 14, Series 2009 (effective Oct 15, 2009)
Sections 10-27-4 and 10-27-5 Amended by Ordinance No. 9, Series 2009
Section 10-27-5-F amended by Ordinance No. 4, Series 2011 (effective April 22, 2011)
Sections 10-27-25, 10-27-3, 10-27-4, and 10-27-5 amended by Ord. No. 3, Series 2013 (effective 7-31-13)
Section 10-27-5-G-3 amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-27-3 amended by Ord. No. 1, Series 2015 (effective 3-17-15)

TITLE 10
CHAPTER 28

PACIFIC VIEW BUSINESS PARK DISTRICT

SECTION
10-28-1: Purpose
10-28-2: Permitted Buildings and Uses
10-28-3: Buildings and Uses Permitted Conditionally
10-28-4: Lot and Yard Provisions
10-28-5: Site and Development Provisions

10-28-1: PURPOSE: The Pacific View Business Park District is intended to provide areas for offices, service businesses, light industrial and manufacturing, and research and development facilities with the goal of providing businesses and industries that provide family-wage year-round employment.

10-28-2: PERMITTED BUILDINGS AND USES:

For the purpose of this Title terms are defined in Title 10 Chapter 1 Section 5, "Land Use Category Definitions." If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

Industrial Uses:

Industrial Service

Manufacturing and Production

Plant Nurseries and similar Horticulture

Warehouse, Freight Movement and Distribution

Wholesale Sales

Commercial Uses:

Animal Clinic or Grooming Facility

Educational Services (e.g. tutoring or training center)

Offices

Call Centers, data centers, and other similar telecommunications or internet businesses (Ord. 4, 2011)

Restaurants, Cafes or Delicatessens, only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Service and Repair

Retail Sales – only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Entertainment – only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Institutional and Civic Uses:

Basic Utilities

Parks and Open Areas, accessory only

Public Buildings and Facilities, other than City-owned (no schools allowed in this district)

Other Uses:

Accessory Structures (with a permitted use)

Crematories and Associated Mortuaries and Funeral Homes

Planned Unit Developments, non-residential

Radio Frequency Transmission Facilities, if approved by the FAA

10-28-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:

The Planning Commission, subject to procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential unit, maximum of 1,000 square feet for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.

Animal Daycare and Overnight Boarding Facility (excludes breeding kennels)

Community Services

City-owned Public buildings (no schools allowed in this district)

Daycare – on-site child day care serving their employees, accessory only

Drive-Up/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)

Parking Facility (when not an accessory use)

Regional Utility Corridors and Rail Lines

Municipal Waste-Related Industrial

10-28-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Area: The minimum lot area shall be seven thousand five hundred (7,500) square feet.

B. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

C. Maximum Lot Coverage: Up to eighty-five percent (85%) coverage by buildings and impervious surface, unless preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Minimum Setbacks:

1. Front yards shall be a minimum of fifteen feet (15').

2. Side and rear yards shall be a minimum of five feet (5'), except no side yard is required between attached units.

3. Where the commercial or industrial use abuts a residential district, see FCC 10-34-3-7-D for general requirements, except a minimum of a 20-foot buffer shall be required where a commercial or industrial use abuts a residential district.

10-28-5: SITE AND DEVELOPMENT PROVISIONS;

A. Type of Structure: Wood siding, brick, textured block, concrete and concrete aggregate, and other similar building exterior materials are preferred. Buildings may be metal clad if the following provisions are met and approved by the City.

1. Metal clad structures shall be colored with muted earth-tones to blend with the rest of the structure in a compatible and unified way. Earth-tones include lighter shades of clay, brown, olive or tan; darker earth-tone colors may be used as trim; and

2. All building elevations that face a street shall be constructed with alternative building materials, such as wood siding, brick, textured block, concrete and concrete aggregate, or other similar building materials.

B. Location of Business Activities: All manufacturing, processing, assembly and other business activity shall be located entirely within the building or buildings on a site.

C. Building and Structural Height Limitations:

1. Maximum Height: Buildings and structures may not exceed 38' in height. Building and equipment heights must also comply with any applicable Airport Districts.

D. Public Facilities: Public facilities and infrastructure shall be in accordance with Section 10-36 of this Title.

E. Fences, Hedges, Walls or Landscaping: Refer to Section 10-34 of this Title for general requirements. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner. Landscaping and trees shall not obstruct the airport's approach path. A minimum of a 20-foot buffer shall be required where a commercial or industrial use abuts a residential district.

F. Outdoor Storage: All other storage shall be enclosed within a solid fence and/or wall a minimum of six feet (6') in height. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

G. Port Property Buffer: An undisturbed buffer of at least 100 feet is required on the 40-acre property owned by the Port of Siuslaw between industrial uses and adjoining residential developments on the north, measured from the property line. Reductions in buffers up to 50% may be granted if the following compatibility provisions are met and approved by the City;

1. Land uses located between 50 feet and 100 feet from the residential property line shall be limited to research and development or office use;

2. Buildings located between 50 feet and 100 feet from the residential property line shall be no taller than one story and 25 feet in height and no larger than 3,000 square feet in size;

3. Building architecture located between 50 feet and 100 feet from the residential property line shall be constructed with alternative building materials, such as wood siding, brick, textured block, concrete and concrete aggregate, or other similar building materials; and

4. A visual and noise buffer strip not less than 20 feet in width shall be established and maintained immediately adjacent to the residential property line. The buffer strip shall include existing vegetation, supplemented with landscape plantings, evergreen hedge, berm, fence, and/or wall components, such that the buffer screens at least 70 percent of the view between districts within five (5) years. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

H. Parking and Loading: Buildings and uses must comply with the requirements of Chapter 3 of this Title. No on-street parking or loading is permitted along Kingwood Street.

I. Vision clearance: The requirements of Sections 10-1-4 and 10-35-2-13 of this Title must be met by all uses and development. (Ord. 26, 2008)

J. Lighting: Refer to Section 10-37 of this Title for Requirements.

K. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

L. Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

M. Noise, Odors, Vibration: Any noise, odors or vibrations shall be mitigated to avoid unnecessary noise or creation of a public nuisance per Title 6 of this Code.

N. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

O. Administrative Review: All permitted uses in the Pacific View Industrial Park District shall be subject to administrative review, Section 10-1-1-6 of this Title.

P. Airport Overlay Zone: Refer to Section 10-21-2 of this Title for specific requirements of the Public Use Airport Safety and Compatibility Overlay Zone.

Adopted by Ordinance No. 6, 2003, effective April 17, 2003
Section 10-28-5, H, Amended by Ordinance 26, 2008
Section 10-28-5 Amended by Ordinance No. 9, Series 2009
Sections 10-28-1 through 10-28-5 amended by Ord. 4, Series 2010 (effective 4/5/10)
Sections 10-28-2, 10-28-5-L amended by Ord. 4, Series 2011 (effective 4/22/11)
Section 10-28-5-J amended by Ord. No. 12, Series 2014 (effective 12/31/14)

TITLE 10
CHAPTER 29

COAST VILLAGE DISTRICT (CV)

SECTION:

10-29-1: Purpose
10-29-2: Definitions
10-29-3: Permitted Buildings and Uses
10-29-4: Prohibited Buildings and Uses
10-29-5: Lot and Yard Provisions
10-29-6: Site Development Provisions

10-29-1: PURPOSE: The Coast Village District is intended to provide a quality environment for residential uses and other compatible land uses within the Coast Village development. Coast Village began as a campground and has evolved into a residential community that accommodates permanent and seasonal residents; it is a unique residential community that allows a blend of recreational vehicles and conventional single-family homes, surrounded by greenbelt buffers between each lot to maintain a park-like setting.

10-29-2: DEFINITIONS:

GREENBELT — An area on a lot extending five feet (5') from the side and rear property lines for "natural vegetation" to grow, to serve as a visual screen and to protect privacy between adjacent lots.

HEIGHT — The height of a structure is the vertical distance between the average finished grade at the base of the structure to the peak or crest of the roof of the structure.

LOT — Any private land platted numerical lot within Coast Village, excepting Lot 4 Block 1 of Coast Village which shall not constitute a buildable lot for residential purposes; all numerical lots modified by lot line adjustment recorded prior to the effective date of this chapter and the following listed properties in which two parcels combined shall constitute one lot hereunder:

Coast Village First Addition: Lot 32, Block 2, and that real property described as PARCEL II in deed recorded at Reel 1489R, Reception #8752204 in Lane County Official Records (tax lots 200 and 301)

Coast Village Second Addition: Lots 12 & 13, Block 10 (tax lots 22200 and 22300); Lots 15 & 16, Block 10, (tax lots 21900 and 22000); Lots 12 and 13, Block 11 (tax lots 16500 and 16600); Lots 40 and 41, Block 2, (tax lots 17800 and 17900); Lots 42 and 43, Block 2, (tax lots 17600 and 17700); and

Coast Village Third Addition: Lots 14 and Lot C, (tax lots 1907 and 1908) and Lots 6 and Lot B, (tax lot 1905)

NATURAL VEGETATION — Vegetation indigenous to the Florence region or other drought-tolerant species, which includes: Shore Pine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinnikinic and Salal or as provided for in the City's plant list.

PERMANENT DWELLING — Site-built single-family dwelling; manufactured home, modular home, or other pre-manufactured home (no minimum floor area size); or mobile structures such as park models, recreational vehicles and motor homes that cannot be easily driven or pulled from the site. Permanent dwellings may be occupied year-round or less.

SCREENING OR BUFFERING	Screening or buffering shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as required by vision clearance.
TEMPORARY DWELLING	Mobile structures such as park model, recreational vehicle and motor home that can easily be driven or pulled from the site (i.e. wheels and tongue still attached). There shall be no obstructions that would prevent the easy removal of the structure. Obstructions include but are not limited to: attached accessory structures, accessory structures placed to block the mobile structure, in-ground vegetation or landscaping, retaining or landscaping walls, foundation, hard-wired utilities, and hard-piped utilities. Temporary structures may be occupied year-round or less.

10-29-3: PERMITTED BUILDINGS AND USES:

A. One permanent or temporary dwelling per lot.

B. In addition to the dwelling allowed by A (above), one mobile structure may be permitted for use as guest quarters for up to six months in a twelve month period, if there are at least two parking spaces on a lot in addition to the parking area for the mobile structure.

C. Accessory structures such as ramadas, cabanas, patio slab, carport or garage and multi-purpose/storage buildings, when built on a lot in conjunction with A above.

D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

E. Recreation and community facilities for use of Coast Village residents or guests and management staff.

F. Home occupations that do not require customer roadway traffic within Coast Village.

10-29-4: PROHIBITED BUILDINGS AND USES:

A. Accessory Dwelling Units

10-29-5: LOT AND YARD PROVISIONS:

A. No partitions or lot line adjustments are allowed.

B. Lot Coverage: The maximum coverage by all enclosed structures shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all impervious areas, including all structures and paved surfaces (excepting Home Owner Association streets and roads encroaching on private lots) shall not exceed sixty five percent (65%) of the lot area.

C. Yard and Buffer Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and buffer regulations shall be indicated below:

1. Front Yards: All dwellings and structures shall be set back at least twenty feet (20') from the front property line unless the street pavement encroaches onto the lot, then the dwelling portion of the structure may be setback a minimum of ten feet (10') from the closest edge of pavement and the garage or carport shall be set back twenty feet (20') from the closest edge of pavement.

2. Side Yards: A greenbelt buffer of not less than five feet (5') shall be maintained on each side of the lot. All dwelling units shall be set back not less than eight feet (8') from the side property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the side property line.

3. Rear Yards: A greenbelt buffer of not less five foot (5') shall be maintained on the rear yard of a lot. All dwelling units shall be set back not less than ten feet (10') from the rear property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the rear property line.

4. Propane Tank Setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet (3') from all greenbelts and vegetation.

10-29-6: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations: All structures are limited to a single story and shall not exceed sixteen feet (16') in height.

B. Fences: Coast Village development perimeter fencing shall comply with Code Section 10-34-5 of this Title.

C. Vision Clearance: Shall be ten feet (10'). Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition, and requirements.

D. Off-Street Parking: Dwellings shall have at least two (2) permanent parking spaces on-site. Such a parking space area, garage or carport shall provide for the ingress and egress of standard size automobiles at least nineteen feet long and nine and one-half feet wide (19' x 9 ½'). The Building Official may allow one permanent parking space if he determines a second parking space is not physically feasible. The required on-site parking space may be uncovered and gravel driveways and parking spaces are allowed. Regular off-street parking is allowed within the front yard setback. These requirements supersede any conflicting requirements in Section 10-3 of this Title.

E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Title.

F. Landscaping: A five foot (5') greenbelt buffer consisting of natural vegetation shall be maintained on the side and rear yards of a lot in order to provide screening and privacy between adjacent lots. The green belt buffer shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as necessary to accommodate vision clearance requirements.

G. Applicable Building and Fire Codes shall be met.

H. Lighting: Refer to Section 10-37 of this Title for Requirements.

Enacted by Ord. No. 21, Series 2011 – effective January 5, 2012
Section 10-29-6-H amended by Ord. No. 12, Series 2014 – effective December 31, 2014

TITLE 10
CHAPTER 30

NORTH COMMERCIAL DISTRICT

SECTION

10-30-1 Purpose
10-30-2 Permitted Buildings and Uses
10-30-3 Buildings and Uses Permitted Conditionally
10-30-4 Prohibited Uses
10-30-5 Development Standards
10-30-6 Design Criteria

10-30-1: PURPOSE: The North Commercial District is intended to provide opportunities for commercial uses of a larger scale within planned commercial developments. Uses are intended to serve the traveling public and the needs of residents for major retail shopping opportunities. This district, while recognizing pre-existing development on existing parcels, encourages consolidation of parcels to promote planned commercial developments and discourages uses that require substantial outdoor display or storage.

10-30-2: PERMITTED BUILDINGS AND USES:

The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

Animal clinics or grooming facilities (not abutting a residential use or district)
Appliance sales and service
Art sales
Artist studios
Automobile parts and supply stores
Bakeries, retail
Banks
Barber and beauty shops
Bicycle shops
Book store, new books only
Camera store
Cafes and coffee shops
Catering services
Clothing, apparel shops
Confectionery stores
Data processing center
Day nurseries
Delicatessen stores
Department stores
Drapery stores
Dress and millenary shops
Drugstores
Dry cleaners
Electrical and electronic supplies and service
Fabric store
Floor covering and carpet stores
Florist shops
Furniture stores
General merchandise store
Gift shop
Grocery and produce stores and supermarkets
Hardware and garden supply stores
Health clubs and studios
Hobby shops
Home furnishings
Home electronics such as televisions, stereos and computers
Hotels and motels
Interior decorator studios
Jewelry stores
Laboratories, medical and dental
Laundromat, self service only
Leather goods store
Locksmith shop
Meat and fish market
Movie theaters
Museums
Music stores
Novelty shops
Office supplies and equipment stores
Optometry and optical sales and service
Paint and wallpaper stores
Parking areas, public and private
Parking garages, public and private
Personal services
Pet shops
Pharmacies
Photography studios and photo processing
Planned unit development – commercial
Planned unit development – mixed use.
Printing and copy shops
Professional offices
Radio and television broadcasting studios
Reducing salons

Restaurants, sit down and fast food with no drive-thru window
Sewing machine sales and service
Shoe sales and repair
Sporting goods stores
Stationary stores
Tobacco shops
Tailor shops
Theaters
Toy stores
Travel agencies
Variety stores
Video stores
Video rental shops
Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter
Other uses as determined to be similar to those listed in this Section and which conform with the intent and purpose of this Chapter.

10-30-3: BUILDINGS AND USES PERMITTED CONDITIONALLY

The Planning Commission, subject to the procedures and conditions set forth in Chapters 4 and 6 of this Title, may grant a conditional use permit for the following:

Any use permitted by this Chapter that includes ancillary outdoor display or storage
Automobile fuel or service stations
Automobiles sales, new car dealerships with ancillary used car sales only
Amusement or recreation establishments including bowling alleys, game arcades, pool halls, activity centers and amusement parks
Antique and secondhand shops
Bars, taverns, cocktail lounges and night clubs
Car washes
Medical Marijuana Facilities
Public and quasi-public buildings and facilities
Restaurants with drive-thru window (includes drive-ups and drive-ins)

10-30-4: PROHIBITED USES

Single family detached housing

10-30-5: DEVELOPMENT STANDARDS:

A. Building Setback from Highway and Other Arterials (measured from right-of-way line): Minimum of 25’, the front 15' of which shall be landscaped

B. Setback from Side Streets: Minimum of 15', the front 10' of which shall be landscaped.

C. Setback from Abutting Property: No setback is required except where property abuts a residential district, in which case, the following setback provisions shall apply:
1. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/ Manufactured Home, a 35’ building setback shall be provided. Non-vertical elements such as parking or circulation may be located within the 35’ setback.
2. When the abutting district is zoned Multiple Family Residential, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation facilities may be located within the 35’ setback.

D. Landscaping and Visual Buffers shall comply with Section 10-34 of this Title.

1. Except where the entire area between a street and building is landscaped, a minimum 3' high landscaped berm, hedge, natural vegetation, or heavy landscape planting shall be provided along the street frontage.
2. A minimum of 15 percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
3. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/Manufactured Home, an 8’ solid fence shall be constructed for the entire length of the abutting residential district, excepting that Department of State Lands Removal/Fill permit conditions will be honored in location of fence or wall within or abutting a delineated wetland.

E. Parking: Shall be in accordance with Chapter 3 of this Title.

F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

G. Lot dimensions: Minimum lot width shall be 100 feet for new subdivisions. Minimum lot depth shall be 100 feet for new subdivisions.

H. Lot Area: Minimum lot size shall be 20,000 square feet for new subdivisions.

I. Height Limitations: The maximum building or structural height shall be 38', except that the maximum height for structures immediately abutting any Restricted Residential District, Single Family District or Mobile/Manufactured Home District shall be 28'.

J. Vision Clearance: The requirements of Section 10-35-2-13 of this Title must be met.

K. Screening:
1. Areas approved for outdoor storage shall be screened by a combination of landscaping and a solid fence or wall a minimum of 6' in height. Chain link with slats is not acceptable.
2. Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum 5' high solid wood fence or block wall with a solid wood or metal gate. Chain link with slats is not acceptable.

L. Access: shall comply with Section 10-35 of this Title, except as modified by the following specific standard:
1. Driveway access from Highway 101 shall be limited to street intersections only, unless the property does not abut a side street or the property has at least 500 feet of highway frontage. In any case, shared driveway access between adjacent lots shall be required whenever practicable.

M. Public Facilities: Refer to Section 10-36 of this Title for requirements.

N. Open Space is required for multi-family housing developments of 4 or more units as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved as common open space.

2. In meeting the open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. To receive credit under this section, a common open space area shall have an average length that is not less than twenty feet (20').

4. Any common areas shall be owned as common property and maintained by a homeowners associations or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

O. Lighting: Refer to Section 10-37 if this Title for requirements.

10-30-6: DESIGN CRITERIA

A. Facades: Building facades shall be articulated to avoid long, unbroken surfaces. This may be accomplished by varying the setback of the building façade, adding tower elements to the building, providing bay windows or covered walkways, or providing other vertical or horizontal structural treatments to the building façade.

B. Roofs: Hipped or gabled roofs are recommended. Flat roofs are permitted only if the roof line is either broken up with vertical treatments such as tower elements or decorative parapets and

cornice treatments are provided. Mansard roofs are not permitted. HVAC equipment and other roof-mounted equipment shall be adequately screened or hidden from view from adjacent streets and property, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

C. Materials: Exterior materials on buildings shall be masonry, horizontal wood siding or shingles, stucco or similar material. Sheet metal and cinder block are discouraged as primary exterior wall material. T1-11 may be used in conjunction with horizontal siding if approved by the Design Review Board.

D. Colors: Predominant roof and building colors shall be consistent with the City's desired coastal village atmosphere. Compatible colors consist of earth tones and soft pastels. Incompatible roof and body colors include any colors used where the intent is to attract attention instead of complementing and accentuating the building design.

Ordinance No. 11, Series 2003, effective August 7, 2003
Section 10-30-5, J - Amended by Ord. 26, 2008
Section 10-30-5 Amended by Ord. No. 9, 2009
Section 10-30-5-N – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-30-5-F – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Sections 10-30-2, 10-30-3, and 10-30-6 amended by Ord. No. 3, 2013 – effective 7-31-13
Section 10-30-5-O added by Ord. No. 12, Series 2014 – effective 12-31-14
Section 10-30-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15

TITLE 10
CHAPTER 31

SERVICE INDUSTRIAL DISTRICT

SECTION:

10-31-1: Purpose
10-32-2: Permitted Buildings and Uses:
10-31-3: Buildings and Uses Permitted Conditionally
10-31-4: Lot and Yard Provisions
10-31-5: Site Design Criteria
10-31-6: Parking
10-31-7: Signs

10-31-1: Purpose: The purpose of this District is to provide an area within the City for large-lot industrial uses, particularly those associated with construction and development, while providing a visually pleasing north entrance into Florence, and maintaining through traffic flow on Highway 101.

10-31-2: Buildings and Uses:

1. Construction contractors
2. Excavation businesses
3. Mini-storage units
4. Plant nurseries – wholesale and retail
5. Building supply facilities limited to enclosed retail space not to exceed 8,000 square feet in area.
6. Caretaker's unit
7. Animal Daycare and Overnight Boarding Facility (excludes breeding kennels)
8. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.
9. Other buildings and uses determined to be similar to those listed in this section, which meet the purpose of this District and which do not have a different or more detrimental effect upon adjoining areas than those buildings and uses specifically permitted.

10-31-3: Building and Uses Permitted Conditionally:

1. Sand and aggregate operations
2. Concrete ready-mix businesses
3. Wrecking yards
4. Solid waste facilities
5. Composting operations
6. Manufacturing
7. Auto body repair
8. Non-motorized recreation facilities related to the dunal and public lands resources located to the west of this district.
9. Other buildings and uses determined to be similar to those listed in this section, which meet the purpose of this District and which do not have a different or more detrimental effect upon adjoining areas than those buildings and uses specifically permitted.

10-31-4: Lot and Yard Provisions:

A. Minimum lot frontage: 200 feet

B. Lot coverage: Maximum of 85%, buildings and impervious surfaces

C. Setback/yards regulations:

Front: On Highway 101 – 25' minimum
On Oak, Spruce or other abutting streets - 20'

Side: Internal side yards - 15'
Side yards abutting other districts - 20'

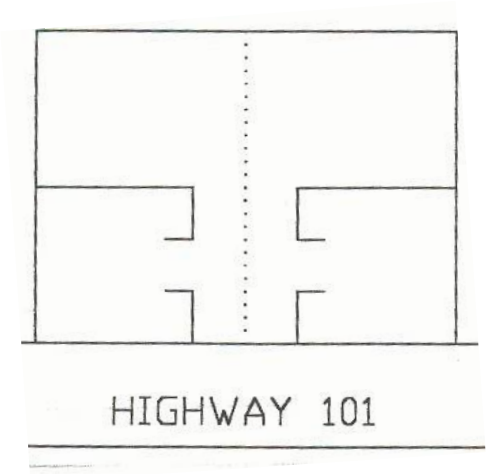
Rear: Internal rear yards - 15'
Rear yards abutting other districts - 20'

Where an industrial use abuts a residential use, additional screening may be required, as determined by the Planning Commission/Design Review Board.

D. Height: Not to exceed 38', except as provided by FCC 10-2-4.

10-31-5: Site Design Criteria:

1. Access: Access and circulation shall be in accordance with FCC 10-35, except as modified by the following specific standard: Access to Highway 101 shall be via combined driveways as shown on the diagram below:



Access and circulation shall be designed to allow future access by trucks/heavy equipment from Oak Street or Spruce Street via traffic signals at Munsel Lake Road and Heceta Beach Road and Highway 101, when those signals are installed. Businesses who will access via these signals shall contribute proportionately to the costs of the signals.

2. Landscaping and Screening

a. Landscaping and screening shall meet the requirements of Section 10-34 of this Title.

b. Businesses which include outdoor storage of business vehicles, product or raw materials shall screen those storage and or production areas from Highway 101 by providing a visual screen consisting of a berm planted with evergreen shrubs/trees which maintain a permanent year-round vegetative screen at least 15' above the top of the berm at maturity. The Planning Commission/Design Review Board may require a taller berm or other plantings if necessary to fully screen outdoor storage,

machinery and/or operational activities from Highway 101. Fences may not be substituted for berms.

c. Where an industrial use abuts a residential use, see FCC 10-34-3-7-D.

3. Building Design:

a. Consistent with the purpose of this district to maintain a visually pleasing entrance to Florence, the main office/administrative building on a parcel should be designed to be attractive, and should be placed on the Highway 101 side of the vegetated berm. Wood or good quality vinyl siding, patterned block or other similar materials are preferred. Metal-clad office/administrative buildings are discouraged.

b. Colors and design shall be consistent with general community practice. The Planning Commission/Design Review Board may disapprove buildings inconsistent with general community practice, including colors and design features which incorporate company logos or other like identification.

4. Lighting.

a. Lighting shall be in accordance with Section 10-37 of this Title.

b. Lighting on the Highway 101, Oak or Spruce frontage shall be carefully integrated into the overall site design.

5. Public Facilities: Refer to Section 10-36 of this Title for requirements.

10-31-6: Parking: Parking and loading spaces shall be provided as required by the City's parking standards (FCC 10-3). On lots abutting Highway 101, or those abutting residential zoning, parking shall not be located in yards abutting streets. Businesses sharing an access may also share parking according to the shared parking provisions of FCC 10-3.

10-31-7: Signs: Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

Ordinance No. 12, Series 2003, effective August 7, 2003
Sections 10-31-4 and 10-31-5 amended by Ord. No. 9, Series 2009
Section 10-31-7 amended by Ord. No. 4, Series 2011 – effective 4/22/11
Section 10-31-2 amended by Ord. No. 3, Series 2013 – effective 7-31-13
Section 10-31-5-4 amended by Ord. No. 12, Series 2014 – effective 12-31-14

TITLE 10
CHAPTER 32

DRINKING WATER PROECTION OVERLAY DISTRICT

SECTION:

10-32-1: Purpose
10-32-2: Applicability
10-32-3: Warning and Waiver of Liability
10-32-4: Time of Travel Zones (TOTZ)
10-32-5: Review
10-32-6: Exemptions
10-32-7: Standards for Hazardous Materials within TOTZ
10-32-8: Conditions
10-32-9: Appeals

10-32-1: PURPOSE:

A. The Drinking Water Protection (DWP) Overlay District is established to protect from contamination the North Florence Sole Source Dunal Aquifer, used as the sole potable water supply source by the City. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:

1. Protect the City's drinking water supply, which is obtained from groundwater resources, from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and

2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.

B. In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:

1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;

2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and

3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater

10-32-2: APPLICABILITY: This DWP Overlay District applies to industrial and commercial land uses within the Drinking Water Protection Area (DWPA) for the proposed wellfield. As of October 5, 2013, all areas in an industrial or commercial zoning district within the specified wellhead TOTZ are automatically rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Overlay Map, on file in the Community Development Department and incorporated in this Section by reference.

10-32-3: WARNING AND WAIVER OF LIABILITY: The degree of aquifer protection required by this Section in the areas designated in Section 10-32-2 is based on scientific and engineering considerations. The nature of these considerations is that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Section be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Section shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Section or any administrative decision made under this Section.

10-32-4: TIME OF TRAVEL ZONES (TOTZ):

A. The DWP Overlay District includes 3 TOTZ for the proposed wellfield: 5-10 years; 10-20 years;

and 20-30 years. The Overlay District does not include the 0-5 year TOTZ because there are no industrial or commercial properties or zones in that TOTZ. The locations of the TOTZ for the proposed wellfield are shown on the Drinking Water Protection Area Map for the Proposed Wellfield on file with the City's Planning Department; Public Works Department; the Siuslaw Valley Fire and Rescue Agency; and Heceta Water District (HWD).

B. The areas within specified wellhead TOTZ are those drinking water protection areas for which the Oregon Health Authority issued a "provisional delineation," stating, "OHA approves the use of this delineation for protection of possible future drinking water resources," under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Authority Delineation Certification #0016, March 16, 2012.

C. In determining the location of a property within a TOTZ, the following criteria apply:

1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.

2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.

3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

4. EXCEPTION: The Public Works Director (Director) may waive the requirement that the more restrictive standards apply when all of the following apply:

a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and

b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and

c. The tax lot is 20,000 square feet or larger.

5. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Authority, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

10-32-5: REVIEW:

A. A DWP Overlay District Development Application is required when all of the following criteria are met:

1. Industrial and commercial land uses that are affected by one or more of the following: a land use permit application or building permit application;

2. The action in Subsection A.1., above will:

a. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or

b. Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.

B. Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 10-32-6-B-1.

C. DWP Overlay District applications shall be reviewed under Administrative Review procedures in 10-1-1-6.

D. Prior to undertaking an activity covered by Section 10-32-5-A, the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:

1. A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 10-32-6. Hazardous material weights shall be converted to volume measurement for purposes of determining amounts; 10 pounds shall be considered equal to one gallon as specified in Florence Fire Code.

2. A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required.

3. A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 10-32-7-A;

4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;

5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of hazardous material;

6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;

7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.

E. The Director shall review the application and make a decision based on the standards contained in Section 10-32-7, after consulting with the Building Official, Fire Marshall, Planning Director, and the manager of Heceta Water District, as appropriate.

10-32-6: EXEMPTIONS: This section does not exempt any material or use from Fire Code regulations as adopted by the City.

A. Exemptions are as specified in this Section unless the Director, in consultation with the Fire Marshall, determines that a hazardous material, activity, and/or facility that are exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Section related to that hazardous material, activity or facility. This determination will be based upon site and/or chemical-specific data and are eligible for appeal to the Planning Commission, as specified in Section 10-32-9.

B. Unless otherwise provided herein, the following materials are exempt from regulation hereunder:

1. Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director, are exempt from all regulation under this Section with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be

exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the applicant seeking the exemption and will be subject to review by technical experts.

2. Hazardous materials offered for sale in their original sealed containers of 5 gallons or less are exempt from the 500-gallon storage limit specified in Section 10-32-7-A-1.

3. Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or machinery, including, but not limited to: fuel, engine oil and coolant.

4. Fuel oil used in existing heating systems.

5. Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.

6. Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.

7. Hazardous materials contained in properly operating sealed units (including, but not limited to: transformers, refrigeration units) that are not opened as part of routine use.

8. Local natural gas distribution lines, when available.

9. Fuel for emergency generators located at facilities that provide essential community services (including, but not limited to: hospitals, fire/life safety, police, public shelters, and telephone systems)

10. Any commonly used office supply – including, but not limited to: correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms – where the supplies are purchased off-site for use on-site.

11. Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs. [1]

10-32-7: STANDARDS FOR HAZARDOUS MATERIALS WITHIN TOTZ: Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Florence Fire Code, the following standards shall apply:

A. Five to Ten Year TOTZ Standards.

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent applicable Fire Code.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Fire Code).

3. All new use of DNAPLs are prohibited.

[1] DNPLs are organic substances that are relatively insoluble in water and more dense than water. DNAPLs tend to sink vertically through sand and gravel aquifers to the underlying layer. The most common are chlorinated solvents. Significant amounts of DNAPLs are present at chlorinated solvent-contaminated sites, such as manufacturing and degreasing facilities, dry cleaners, wood treators, and former manufacturing gas plants.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following certain types of facilities or changes in chemical use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

   a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

   b. Injection wells, except for dry wells for roof drainage;

   c. Solid waste landfills and transfer stations;

   d. Fill materials containing hazardous materials;

   e. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.

6. Requirements found in the Fire Code for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

B. Ten to Twenty Year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Fire Code).

3. All new use of DNAPLs are prohibited.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide

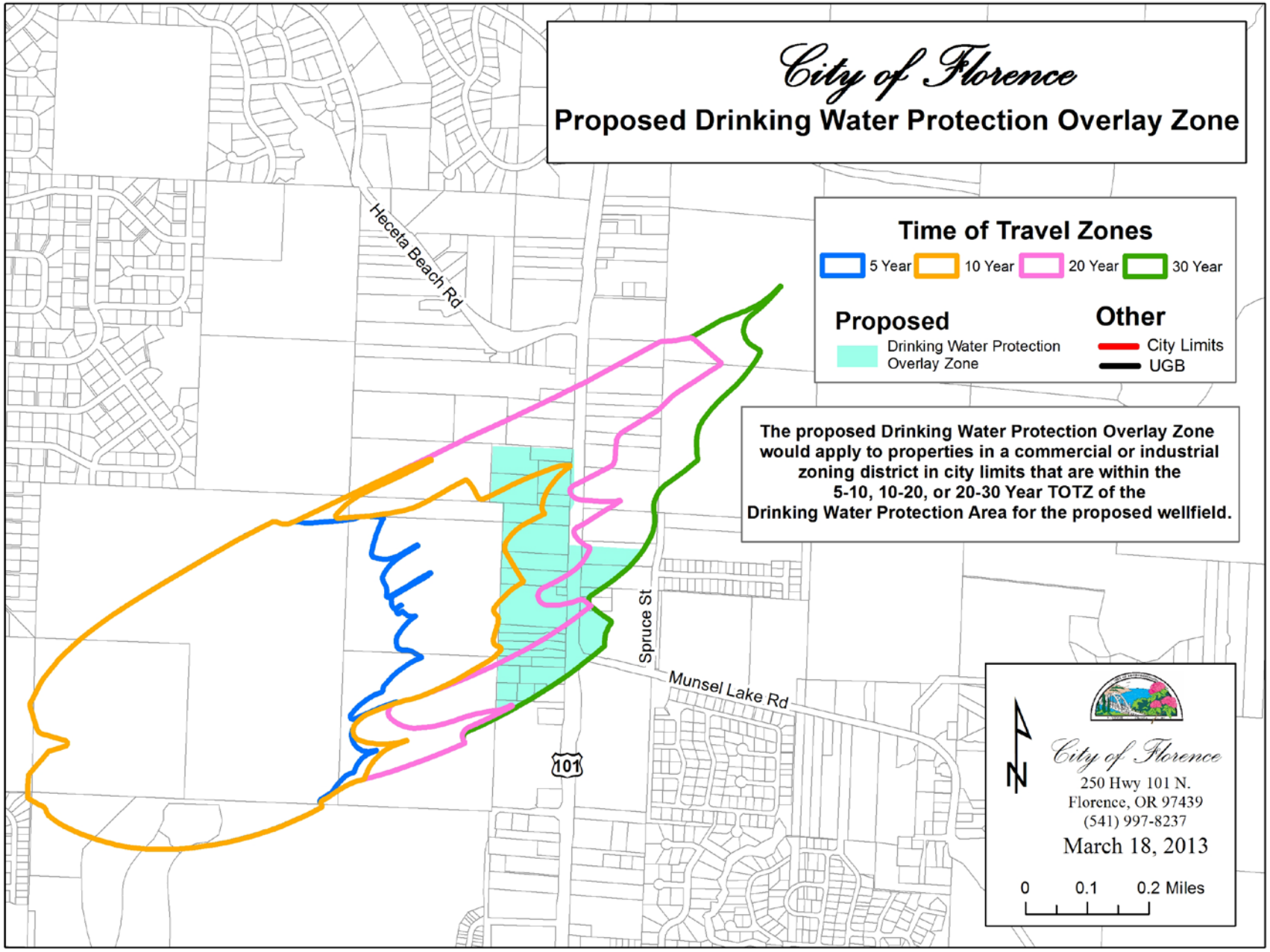
for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

C. Twenty to Thirty Year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

10-32-8: CONDITIONS: The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 10-32-7. These conditions may include, but are not limited to: on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

10-32-9: APPEALS: The only portions of this Section that are subject to appeal are: Section 10-32-5-E, the Director's decision on a DWP application, Section 10-32-6, Exemptions, and Section 10-32-7-A-1, Waiver. The decision to the Director may be appealed as specified in Section 10-1-1-7.

Created by Ordinance No. 2, Series 2013 (effective 10-5-13)


City of Florence
Proposed Drinking Water Protection Overlay Zone
Time of Travel Zones
5 Year
10 Year
20 Year
30 Year
Proposed
Drinking Water Protection Overlay Zone
Other
City Limits
UGB
The proposed Drinking Water Protection Overlay Zone would apply to properties in a commercial or industrial zoning district in city limits that are within the 5-10, 10-20, or 20-30 Year TOTZ of the Drinking Water Protection Area for the proposed wellfield.
Heceta Beach Rd
Spruce St
Munsel Lake Rd
101
N
City of Florence
250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237
March 18, 2013
0
0.1
0.2 Miles

TITLE 10
CHAPTER 33

TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT

SECTION:

10-33-1: Purpose
10-33-2: Definitions
10-33-3: Permitted Uses
10-33-4: Conditional Uses
10-33-5: Application
10-33-6: Setbacks
10-33-7: Lighting
10-33-8: Interference
10-33-9: Access
10-33-10: Review Criteria
10-33-11: Maintenance
10-33-12: Decommissioning
10-33-13: Severability

10-33-1: PURPOSE: The purpose of the Telecommunications Facilities Overlay District is to facilitate the location of necessary wireless telecommunications facilities, including towers, sufficient to provide service to area businesses and residents while preserving the viewsheds and character of the community, especially in residential districts.

10-33-2: DEFINITIONS:

A. Ancillary facilities: the structures and equipment required for operation of the telecommunication equipment, including but not limited to antennae, repeaters, equipment housing structure, footings and foundations, and ventilation or other electrical or mechanical equipment.

B. Antenna (e): an exterior apparatus, electrical conductor or group of electrical conductors, the surface of which is designed for telephonic, radio or television communications by sending and/or receiving radio frequency or electromagnetic waves, including those sent and/or received by wireless communication facilities. Antennae include the following types:

1. Ancillary antenna, which are antennae less than 12 inches in their largest dimension and are not directly used to provide personal wireless communication services.
2. Omni-direction (whip) antenna, which receives and transmits signals in a 360 degree pattern
3. Directional or parabolic (panel or disk) antenna, which receives and transmits signals in a directional pattern typically encompassing an arc of 120 degrees.
4. Satellite Dish antenna, which receives signals that are reflected from satellites
5. Other, which means all other transmitting or receiving equipment not specifically described herein.

C. Attached wireless communication facility. A wireless communication facility that is affixed to an existing structure, e.g., an existing building, wall or roof, mechanical equipment or alternative tower structure.

D. Attachment. An antenna or other piece of related equipment affixed to a transmission tower.

E. Co-location. The use or placement of two or more antenna systems or platforms by separate FCC license holders on a single support structure, transmission tower, or building.

F. Equipment enclosures. A small structure, shelter, cabinet or vault used to house and protect electronic equipment necessary for processing wireless communication signals.

G. Fall zone: The area within a prescribed radius from the base of a wireless communication facility. The fall zone is the area within there might be a potential hazard from falling debris or a collapsing mount.

H. Front yard: An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

I. Height: The distance measured from above ground level to the highest point of a wireless communication facility, including the antenna array. For purposes of measuring height, all antennas or other attachments mounted on a structure shall be included in the measurements to determine overall combined height.

J. Mount: The structure or surface upon which antennae are mounted:

1. Roof-mounted: mounted on the roof of a building
2. Side mounted: mounted on the side of a building
3. Ground mounted: mounted on a monopole, mast, pole or tower
4. Structure mounted: mounted on a structure other than a building

K. New facility. The installation of a new transmission tower. New attachments are not new facilities.

L. Pre-existing towers and pre-existing antennae. Any tower or antennae for which a building permit has been properly issued prior to the effective date of this ordinance.

M. Provider. A person in the business of designing and/or using WCF including radiotelephones, personal communication services, enhanced/specialized mobile radios and commercial paging services.

N. Roof line: The highest point of a roof, excluding chimneys, parapets, tanks, ventilating fans, towers, steeples, flagpoles, or similar structures.

O. Support structure. The structure to which wireless communication antennae and other necessary hardware are mounted. For purposes of this ordinance, the terms “support structure”, “tower”, and “transmission tower” shall be interchangeable. Support structures include, but are not limited to:

1. Lattice tower: A freestanding support structure which consists of an open framework of crossed metal braces on three or four sides which stabilize the tower and which is built without guy wires and ground anchors.
2. Monopole: A freestanding support structure consisting of a single upright pole sunk into the ground and/or attached to a foundation and engineered to be self-supporting without guy wires or ground anchors.
3. Guyed tower: A tower which is supported, in whole or in part, by the use of cables (guy wires) and ground anchors.

P. Tower footprint. The area described at the base of a transmission tower as the perimeter of the transmission tower including the transmission tower foundation and any attached or overhanging equipment, attachments or structural members but excluding ancillary facilities and guy wires and anchors.

Q. Tower height. The distance measured vertically from the highest point when positioned for operation to the lowest point, which is defined as the bottom of the base of the structure being measured at either roof level for a roof-mounted structure or at ground level for a freestanding structure. The height of a tower shall include the height of any antennae positioned for operation attached or which may be attached to the highest point of the tower.

R. Tower pad. The area encompassing the tower footprint, ancillary facilities, fencing and screening.

S. Wireless communication facilities (WCF). An unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communications. Wireless communication facilities are composed of two or more of the following components: Antenna, support structure, equipment structures, and security barrier. For the purposes of this section, amateur radio transmission facilities are not WCF's.

10-33-3: PERMITTED USES:

A. In Industrial, Business Park and Highway Districts, all WCF meeting the height requirements of those districts are permitted uses subject to Design Review approval. Those height limits are 38' in the Limited Industrial District, Service Industrial and Industrial Park Districts and 28' in the Highway District. Also permitted, without Design Review, are roof and side mounted antennae necessary for the conduct of business extending no more than 8 feet above the roof line.

B. In the Old Town, Mainstreet and Commercial Districts, any WCF extending 3' or less above the roofline. Design Review is not required.

C. In the North Commercial Districts, any WCF extending 5' or less above the roofline. Design Review is not required.

D. In the Public District, all WCF whose heights do not exceed those of the most restrictive abutting district are permitted uses.

E. Any WCF not exceeding 3' in height above the roofline in any residential district. Towers erected for use by amateur radio operators may exceed the 3' above roofline restriction if it is demonstrated that the increased height is technically necessary to enable functional amateur radio communications.

F. Monopoles for personal communication devices not exceeding 6' in height attached to existing light, power or telephone poles in any zone.

G. WCF's not exceeding 9 feet in height attached to existing public facilities. The owner of the facility may require screening, security measures, liability coverage, and may control access to the facility.

H. Towers erected for use by amateur radio operators not exceeding 40' in height. Amateur radio towers in excess of 40' shall be reviewed by a committee of three amateur radio operators to determine whether the additional height is technically necessary to enable functional amateur radio communications.

10-33-4: CONDITIONAL USES:

A. In Industrial, Business Park and Highway Districts, any WCF in excess of the height limits in No. 1 above.

B. Any WCF extending more than 3' above the roofline of any building located in the Old Town, Mainstreet or Commercial Districts.

C. Any WCF extending more than 5' above the roofline of any building in the North commercial Districts.

D. Any WCF extending more than 3'above the roofline of the primary structure located in any residential district.

E. Any WCF exceeding the limits in No. 4 above.

F. All WCF's in any Open Space District.

G. All WCF's exceeding 9 feet in height attached to public facilities.

10-33-5: APPLICATION: The applicant shall submit:

A. A site plan drawn to scale.

B. Elevations of all proposed buildings and structures, together with a depiction of proposed screening.

C. A landscaping plan

D. The engineered design capacity of the WCF relative to of the number and type of antennae it is designed to accommodate, and the location of such antennae in such a manner as to optimize performance, minimize visual impact, and encourage co-location.

E. A feasibility study showing why this facility is necessary, and if not co-located, why it cannot be co-located. The study must show that co-location is unfeasible due to one or more of the reasons: structural support limitations, safety considerations, lack of available space, failure to meet service coverage needs, or unreasonable economic constraints.

F. Evidence of conformance with FAA requirements.

G. Details of proposed security measures and content and location of warning signs. Such signs shall include notification of any hazardous materials onsite, and a 24/7 contact number for emergency use.

H. Evidence that the proposed WCF meets FCC electromagnetic radiation emission standards.

I. Narrative showing compliance with conditional use criteria and/or design review criteria

10-33-6: SETBACKS:

A. WCF's shall not be located in front yards.

B. Telecommunication facilities meeting the height requirements of the underlying district shall meet the setbacks required in that district.

C. Any facility exceeding the height requirements of the underlying zone shall be set back from the property line of all abutting uses at least 1.5 times the height of the facility.

D. Additional setbacks may be required if there are lighting or noise impacts, or if protection from damage or collapse of the facility warrants additional setbacks.

10-33-7: LIGHTING: No lighting shall be permitted except as required by the FAA, or necessary to provide security to the site. Refer to section 10-37 of this Title for lighting requirements.

10-33-8: INTERFERENCE: No WCF shall interfere with public safety telecommunications. The City may require a statement or other evidence from a qualified professional engineer licensed in the State of Oregon that the proposed WCF will not interfere with public safety telecommunications.

10-33-9: ACCESS: Access to commercial WCF's shall be from an arterial or a collector street.

10-33-10: REVIEW CRITERIA:

A. Does the facility incorporate co-location either with another existing facility, or offer the option for another entity to co-locate on the proposed facility?

B. Are the portions of the proposed structure(s) that exceed height limits the minimum necessary to meet the needs of the applicant and provide reasonable service to the Florence area?

C. Is the site/facility secure? Will warnings and emergency contact information be posted?

D. Is the site screened, and/or designed to minimize impacts to surrounding land uses and the community? Does the proposed WCF design eliminate, to the greatest extent possible, the visibility of the proposed facility from adjacent streets, residences, parks and viewpoints? Are colors and materials chosen to minimize visibility?

E. Does the facility meet FAA requirements?

F. Does the facility comply with electromagnetic radiation emission standards as established by the FCC.

G. Has the applicant provided a fall zone adequate to protect surrounding uses?

H. Does the owner/operator have sufficient liability insurance to cover damage from tower failure or collapse?

10-33-11: MAINTENANCE: The owner(s) of any WCF shall provide continuing maintenance of the facility and its accessory structures in a way that guarantees safety, and continuous compliance with any conditions of approval.

10-33-12: DECOMMISSIONING:

A. If an owner plans to abandon or discontinue operation of a WCF, such owner shall notify the City by certified mail of the proposed date of abandonment or discontinuance of operations. Such notice shall be given no less than 30 days prior to abandonment or discontinuance.

B. The City may require, as part of a conditional use permit, that an applicant to post a bond or other financial security in the amount necessary to remove a WCF and its accessory structures in the case of discontinuance of use.

C. In the event that an owner discontinues use of a transmission facility for more than six consecutive months, the City may require that the owner remove the WCF and associated accessory structures. Failure to remove the WCF without a request for extension of use, or other application to the City for continuation of use, shall allow the City to declare the WCF a nuisance and subject to the abatement procedures of the Florence City Code. The City may utilize the bond or other financial security for abatement.

10-33-13: SEVERABILITY: If any section, subsection, sentence, clause, phase or portion of this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions.

Ordinance No. 17, Series 2003
Section 10-33-7 amended by Ord. No. 12, Series 2014, effective 12-31-14

TITLE 10
CHAPTER 34

LANDSCAPING

SECTION:

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10-34-2: Landscape Conservation
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10-34-3: Landscaping
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10-34-3-8: Maintenance
10-34-4: Street Trees
10-34-5: Fences and Walls

10-34-1: PURPOSE: The purpose of Chapter 34 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Landscaping plants and materials are intended to conserve, enhance and be compatible with the coastal village character of Florence, with liberal use of evergreens and native species. The Chapter is organized into the following sections:

10-34-2: Landscape Conservation encourages the incorporation of existing native vegetation in landscaping and provides incentives for the preservation or replacement of particularly significant vegetation.

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

10-34-4: Street Trees sets standards for planting of street trees for shading, water quality, and aesthetic purposes.

10-34-5: Fences and Walls regulate the design of fences and walls, including allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. “Development sites” do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. “Native vegetation” means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;

B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;

C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;

D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.

E. Existing noxious weeds[1] within the preservation area are removed prior to approval of the installed landscaping; and

F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

10-34-2-3: Significant Vegetation. “Significant vegetation” means:

A. Native vegetation, or

B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or

C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

10-34-2-4: Preservation Credit. The City may grant a “Preservation Credit” if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

A. Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from

[1] Noxious and invasive weeds are those identified by the current Lane County Public Works “Noxious and Invasive Weed Management List,” with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in “Noxious Weed Policy and Classification System” will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

construction damage shall be in place prior to site disturbance. For a “Burn to Learn” site, significant vegetation that can be saved shall be protected.

B. Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.

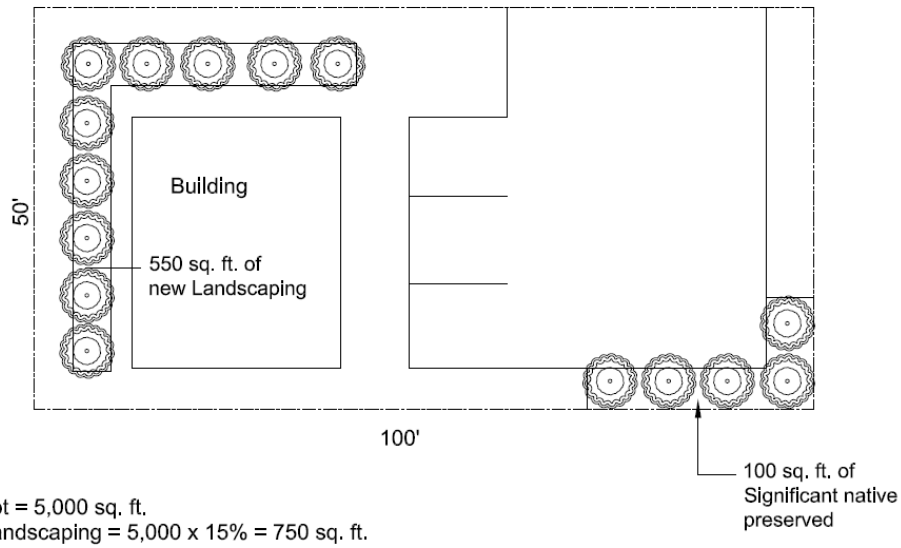
C. Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.

D. Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.

E. Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.

F. Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.

G. **Figure 10-34(1): Native Preservation Credit Trade-off**



Lot = 5,000 sq. ft.
Landscaping = 5,000 x 15% = 750 sq. ft.
100 sq. ft. of significant native preserved = 200 sq. ft. Landscaping
New Planting = 750 sq. ft. - 200 sq. ft. = 550 sq. ft. new Plantings.
Actual landscaped area coverage = 650 sq. ft./5,000 sq. ft. = 13%

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)

B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

C. The location, size, and species of the new proposed plant materials (at time of planting).

D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

E. Existing and proposed building and pavement outlines.

F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

G. Other information as deemed appropriate by the City Planning Official.

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district[2] for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

A. Landscaping shall include planting and maintenance of the following:

1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.

2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be

[2] Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.

installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

5. Pocket-planting[3] with a soil-compost blend around plants and trees shall be used to ensure healthy growth.

B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested *Tree and Plant List for the City of Florence* and the *Sunset Western Garden Book* are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

2. Shrubs. Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.

3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

B. Existing Native Vegetation. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.

C. Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count

[3] Pocket-planting is used in conjunction with sandy soils by removing existing sand approximately twice the width and the same depth of the pot, and replacing it with a soil-compost blend.

toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;

B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;

C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;

D. Irrigation is required for interior parking lot landscaping to ensure plant survival;

E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and

F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. <u>Parking/Maneuvering Area Adjacent to Streets and Drives.</u> Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-8-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

B. <u>Parking/Maneuvering Area Adjacent to Building.</u> Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect

pedestrians, landscaping, and buildings from being damaged by vehicles.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Adjoining Land Use / Zoning	**Landscaped Buffer and/or Fence or Wall**
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

10-34-3-8: Maintenance. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. **Street Tree List.** Trees shall be selected from the *Tree and Plant List for the City of Florence* based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. **Caliper Size.** The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-13.

D. **Soil Preparation, Planting and Care.** Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

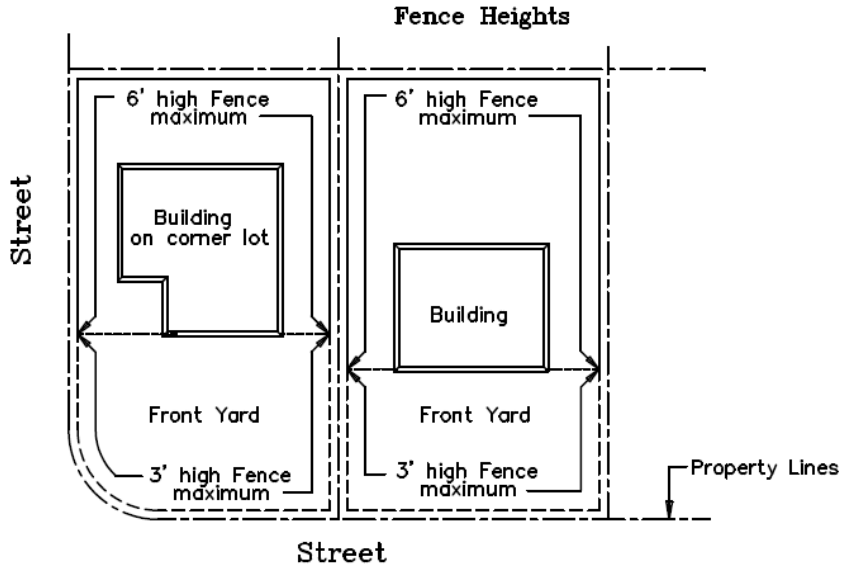
A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

B. **Dimensions.**

1. Residential Zones: Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed three (3) feet in height or taller fences or walls are allowed through Design Review approval. (See Figure 10-34(2))

2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed three (3) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

Figure 10-34(2): Residential and Commercial Fence Standard



C. **The following exceptions may be allowed through Design Review or Administrative Review.**

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.

2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).

3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.

4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.

5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

D. **Specific Requirements**

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-6.

2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-13.

3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than six (6) feet in height require a building permit

4. Sheet Metal Fencing (as permitted) shall meet the following criteria:

   a. Must have appropriate weatherization coating to address vulnerability to rust

in Florence's coastal climate.

b. Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.

c. Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.

d. Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;

1. Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.

2. Change in orientation of sheet metal.

3. Vertical offsets (staggered fence line).

E. **Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

F. **Materials.**

1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.

3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-6-14.

Created by Ord. 9, Series 2009
Section 10-34-3-7-D amended by Ord. No. 4, Series 2010 (effective 4/5/10)
Sections 10-34-3-1-A, 10-34-3-1-B, 10-34-3-4-A-1, 10-34-5-B-1, and 10-34-5-B-2 amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-34-3-1 amended by Ord. No. 18, Series 2011 (effective 9/19/11)
Section 10-34-3-4 amended by Ord. No. 3, Series 2013 (effective 7-31-13)
Section 10-34-5-D and F amended by Ord. 4, Series 2013 (effective 1-8-14)

TITLE 10
CHAPTER 35

ACCESS AND CIRCULATION

SECTION:

10-35-1: Purpose
10-35-2: Vehicular Access and Circulation
10-35-2-1: Intent and Purpose
10-35-2-2: Applicability
10-35-2-3: Access Approval Required
10-35-2-4: State and County Access Permits
10-35-2-5: Traffic Study Requirements
10-35-2-6: Conditions of Approval
10-35-2-7: Intersection Separation; Backing onto Public Streets
10-35-2-8: Access Standards
10-35-2-9: Site Circulation
10-35-2-10: Joint and Cross Access – Requirement
10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement:
10-35-2-12: Driveway Design
10-35-2-13: Vertical Clearances
10-35-2-14: Vision Clearance
10-35-3: Pedestrian Access and Circulation
10-35-3-1: Sidewalk Requirements
10-25-3-2: Site Layout and Design
10-35-3-3: Walkway and Multi-Use Path Design and Construction
10-35-4: Transit Facilities

10-35-1: PURPOSE: The purpose of this Chapter is to ensure that developments provide safe, adequate, cost effective and efficient access and circulation for pedestrians, bicycles and vehicles. Section 10-35-2 provides standards for vehicular access and circulation. Section 10-35-3 provides standards for pedestrian access and circulation. Standards for street improvements are provided in Chapter 36 of this Title.

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-1: Intent and Purpose: This Section implements the access management policies of the City of Florence Transportation System Plan. The intent of this Section is to manage vehicular and bicycle access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system in a cost effective manner.

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

10-35-2-3: Access Approval Required: Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County

upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-D, Traffic Impact Studies.
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A. The Traffic Impact Study shall:

1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.

2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.

3. Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.

4. Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.

5. Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.

B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.

C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:

1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.

2. Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.

3. Right-of-way dedications for future improvements.

4. Street improvements.

5. Turn restrictions such as "right in right out".

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

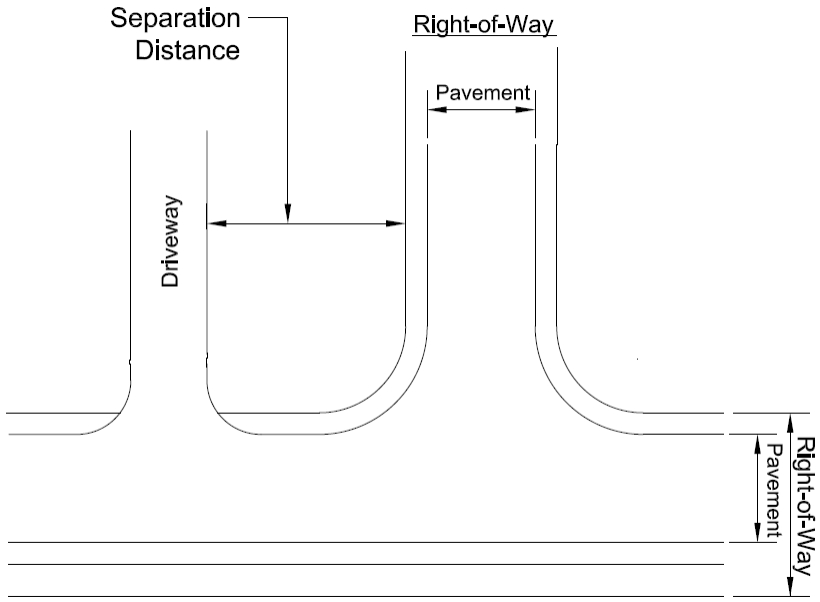
A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as

measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

Alley	15 feet
Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet

Figure 10-35(1): Separation Distance from Driveway to Street



B. Where the City finds that reducing the separation distance is warranted, such as:

a. no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or

b. planned improvements or traffic circulation patterns show a different location to be efficient and safe,

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

10-35-2-10: Joint and Cross Access – Requirement: When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

A. For shared parking areas;

B. For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;

C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;

3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.

10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

C. A joint maintenance agreement defining maintenance responsibilities of property owners.

10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet.

2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.

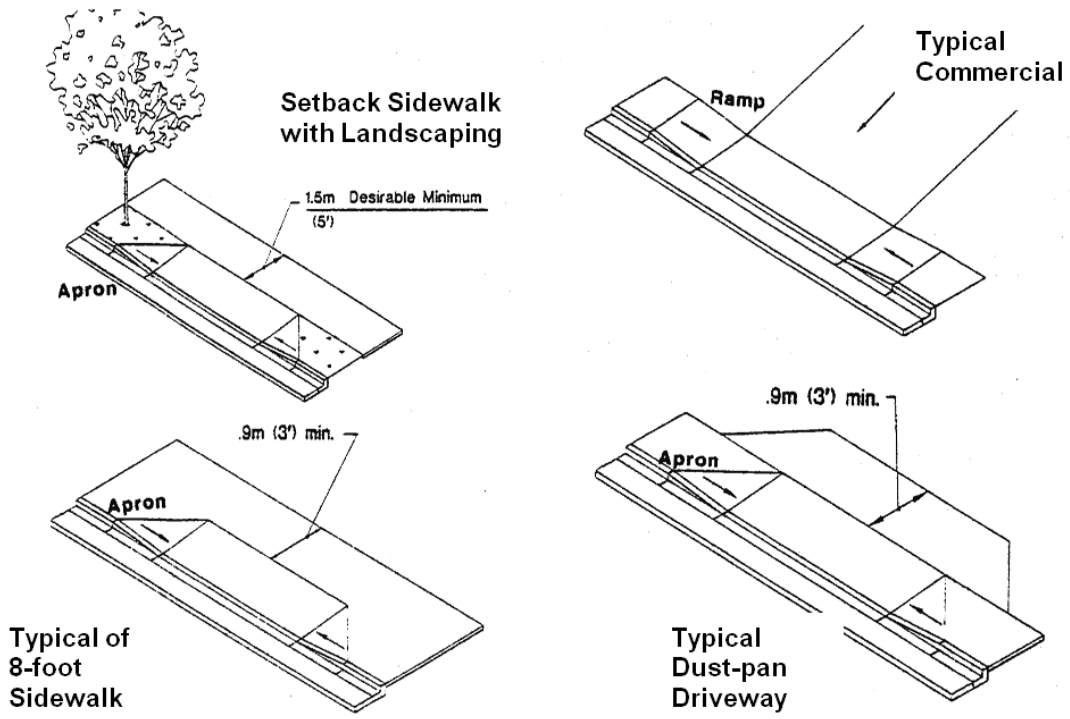
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.

4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).

5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

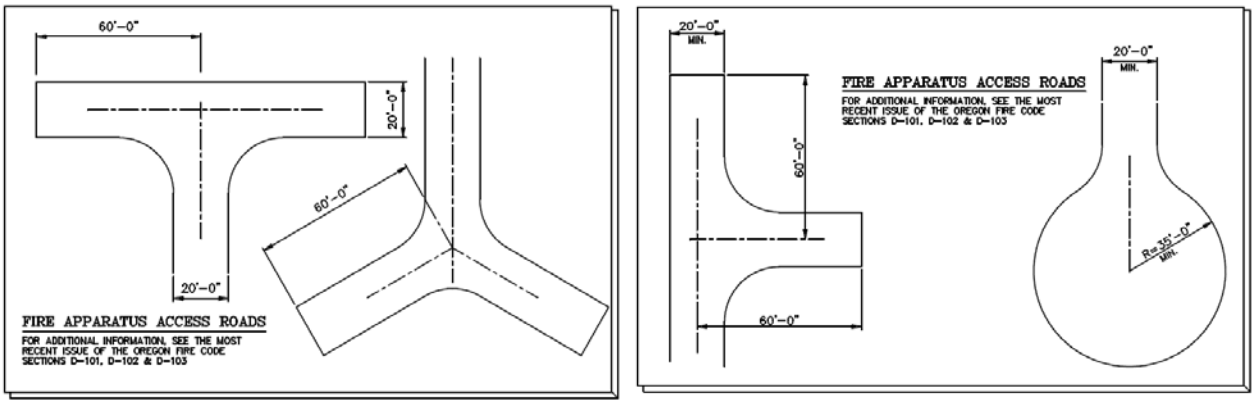
C. Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as “No Stopping/No Parking.” See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

Figure 10-35(3): Examples of Fire Lane Turn-Around



10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

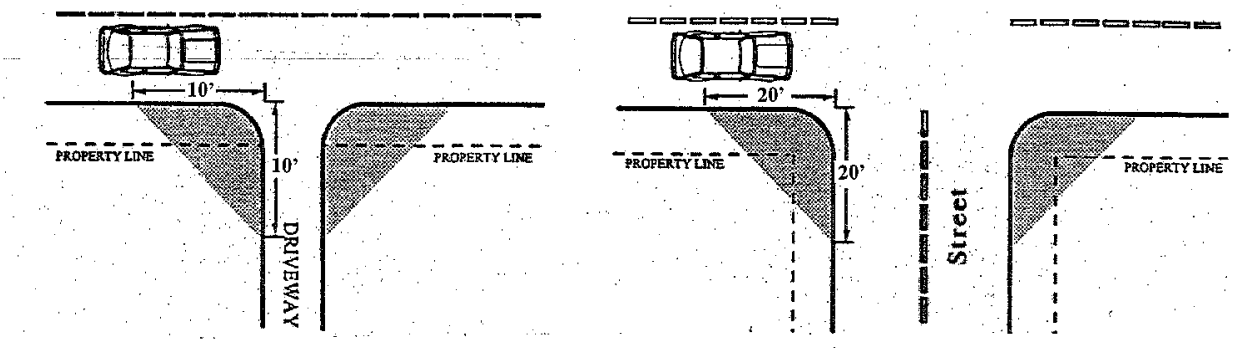
A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').

B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').

C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.

Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)



10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Sidewalk Requirements:

A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:

1. Upon any new development of property.

2. Upon any redevelopment of property that expands the building square footage by 25% or more.

3. Upon any change of use that requires more than five additional parking spaces.

B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.

2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

3. Topography or contours make the construction of a sidewalk impractical.

4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.

5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.

C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.

D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.

B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:

1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.

4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

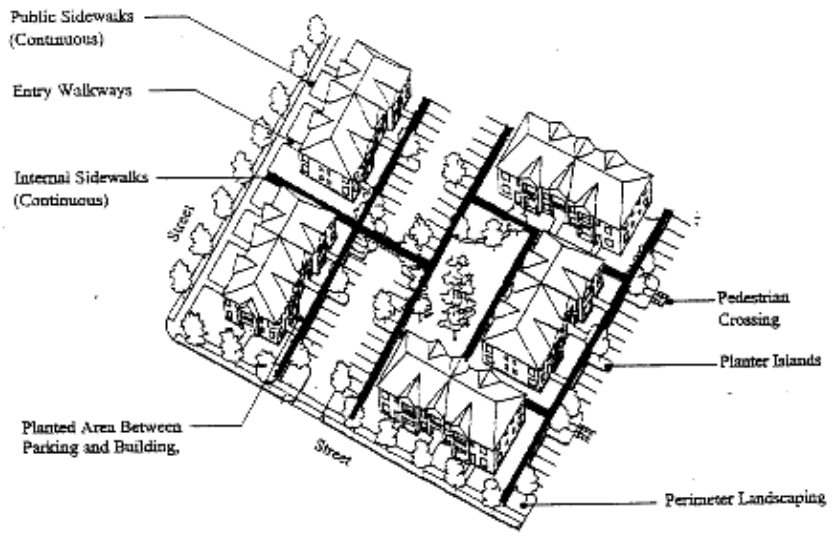
C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:

1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);

2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and

3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.

Figure 10-35(5): Pedestrian Pathway System (Typical)



10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

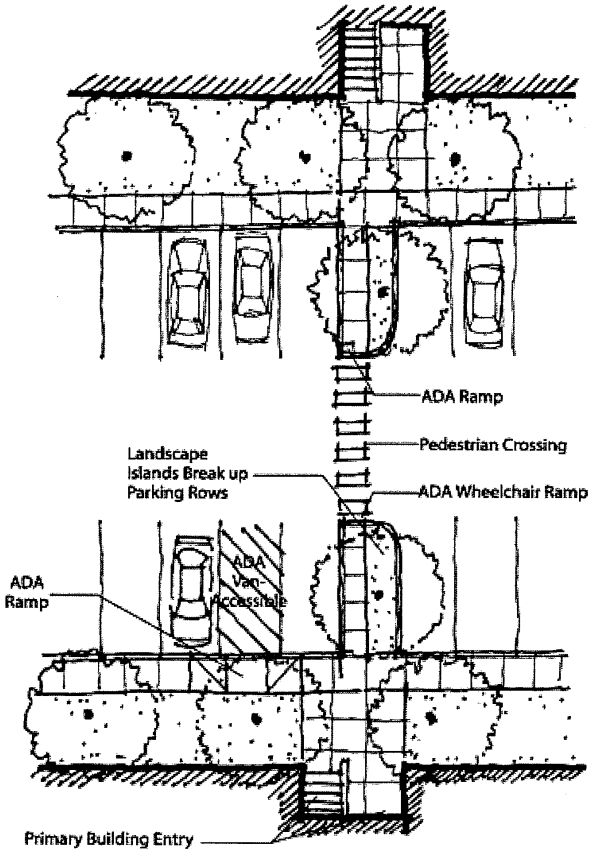
A. Vehicle/Walkway Separation. Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

B. Pedestrian Crossing. Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24)

feet in length.

C. Width and Surface. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)

Figure 10-35(6): Pedestrian Walkway Detail (Typical)



D. Accessible routes. Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

B. Proposed development must accommodate on site any existing or planned transit facility, if identified in the Community Transit Plan, through one or more of the following:

1. Provide a transit passenger landing pad accessible to disabled persons.

2. Provide an easement or dedication of land to accommodate passenger seating or shelter if requested by the transit provider.

3. Provide lighting at the transit facility meeting the requirements of Title 10-37.

Created by Ord. No. 9, Series 2009
Sections 10-35-2-5, 10-35-2-7, 10-35-2-8, 10-35-3-1, and 10-35-4 amended by Ord. No. 5, Series 2012 – effective 1-16-13
Sections 10-35-2-7 and 10-35-2-9 amended by Ord. No. 3, Series 2013 effective 7-31-13
Section 10-35-4-B-3 amended by Ord. No. 12, Series 2014, effective 12-31-14

TITLE 10
CHAPTER 36

PUBLIC FACILITIES

SECTION:

10-36-1: Purpose and Applicability
10-36-2: Street Standards
10-36-2-1: Development Standards
10-36-2-2: Improvement Guarantee
10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes
10-36-2-4: Creation of Access Easements
10-36-2-5: Rights-of-Way and Street Sections
10-36-2-6: Cul-de-sacs
10-36-2-7: Alleys, Public or Private
10-39-2-8: Private Streets
10-36-2-9: Street Location and Connectivity
10-36-2-10: Block Length and Block Perimeter
10-36-2-11: Traffic Controls
10-36-2-12: Medians
10-36-2-13: Street Alignment, Radii
10-36-2-14: Intersection Angles
10-36-2-15: Grades and Curves
10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes
10-36-2-17: Existing Rights-of-Way
10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches
10-36-2-19: Street Names
10-36-2-20: Survey Monuments
10-36-2-21: Street Signs
10-36-2-22: Mail Boxes
10-36-2-23: Street Light Standards
10-36-3: Sanitary Sewers, Water, Stormwater, and Fire Protection
10-36-4: Erosion Control
10-36-5: Utilities
10-36-6: Easements
10-36-7: Construction Plan Approval and Assurances
10-36-8: Installation
10-36-9: Parklands

10-36-1: PURPOSE AND APPLICABILITY:

A. **Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, transit and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

B. **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter and the standards of the applicable road authority for roads in other jurisdictions. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

C. **Engineering Design Criteria, Standard Specifications and Details.** The Standard Specifications for Public Works Construction, Oregon Standard Specifications for Construction, as may be amended by the City of Florence, are incorporated by reference. The design criteria, standard construction specifications and details specified in Title 9 of this Code and those maintained by the Public Works Director, or any other road authority with jurisdiction, shall

supersede and supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this Code by reference.

D. **Adequate Public Facilities.** Adequate public facilities must be available for development. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code.

E. **Conditions of Development Approval.** Improvements required as a condition of development approval, when not voluntarily accepted 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 are directly related and roughly proportional to the impact. The applicant may be requested to provide evidence of impacts as part of the City's completeness review. Facilities shall be sized according to approved facility plans. When the improvements necessary for the provision of adequate facilities exceeds the roughly proportional impacts of the specific development proposal, the City may assist through system development charge credits, reimbursement districts, or other City participation consistent with the City's capital improvement and fiscal plans and policies.

10-36-2: STREET STANDARDS:

10-36-2-1: Development Standards: The following standards shall be met for all new uses and developments:

A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.

B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.

C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.

D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

10-36-2-2: Improvement Guarantee: The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.

B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.

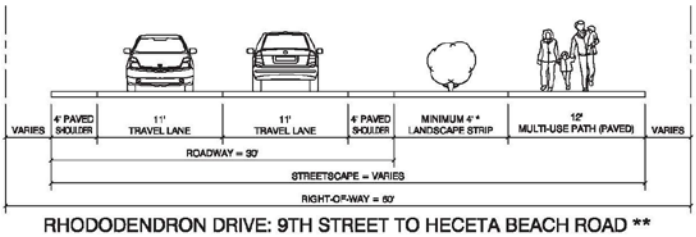
C. The improvement would be in conflict with an adopted capital improvement plan.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes: Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

10-36-2-4: Creation of Access Easements: The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

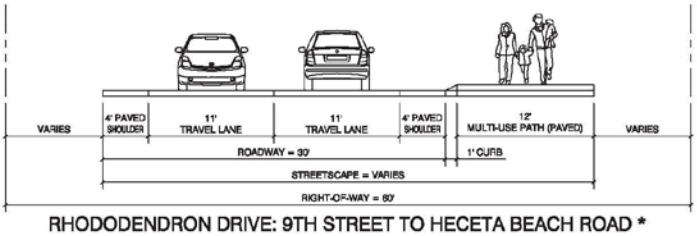
10-36-2-5: Rights-of-Way and Street Sections: Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

A. Street right-of-way and pavement widths shall be based on the following cross section standards. See individual zoning chapters for additional requirements regarding sidewalk width (for sidewalks wider than the standard 5 feet).



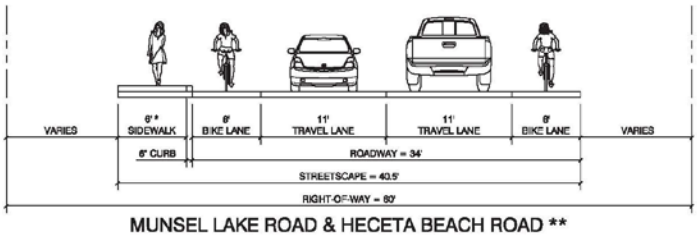
RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD **
(STANDARD SECTION WITH SEPARATED PATH)

* WHERE PHYSICAL SPACE DOES NOT ALLOW A 4' SEPARATION, A VERTICAL CURB, BARRIER, OR RAIL SHOULD BE USED TO SEPARATE MOTOR VEHICLE TRAFFIC AND THE MULTI-USE PATH AS SHOWN IN ALTERNATE SECTION BELOW.
** PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).



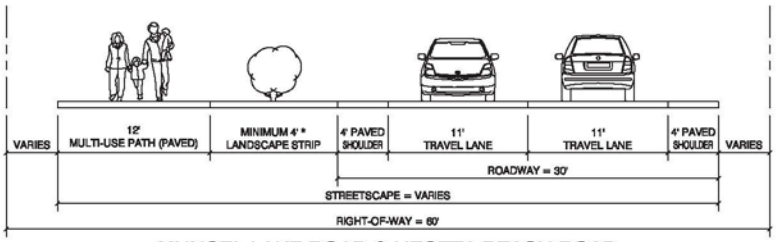
RHODODENDRON DRIVE: 9TH STREET TO HECETA BEACH ROAD *
(ALTERNATE SECTION WITH RAISED PATH)

* PER RHODODENDRON DRIVE INTEGRATED TRANSPORTATION PLAN (JAN 2008).



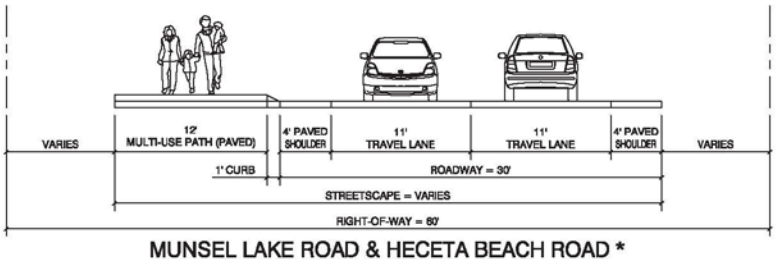
MUNSEL LAKE ROAD & HECETA BEACH ROAD **
(STANDARD SECTION)

* SIDEWALK LOCATION TO BE ON "TOWN SIDE" (SOUTH AND WEST SIDES OF STREET), AND MAY VARY AND IS TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** SEE ALTERNATE SECTION OF MUNSEL LAKE ROAD BETWEEN US 101 AND SPRUCE (FIGURE 6-5)



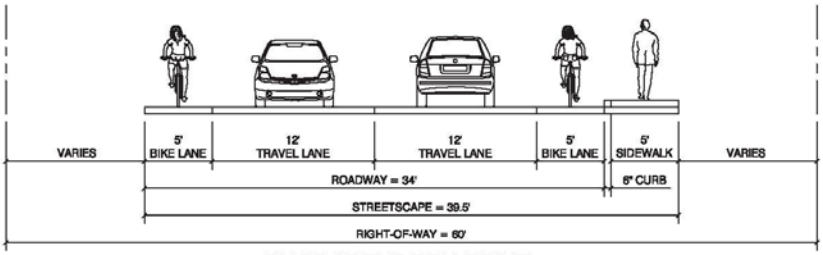
MUNSEL LAKE ROAD & HECETA BEACH ROAD
(ALTERNATE SECTION A)

* WHERE PHYSICAL SPACE DOES NOT ALLOW A 4' SEPARATION, A VERTICAL CURB, BARRIER, OR RAIL SHOULD BE USED TO SEPARATE MOTOR VEHICLE TRAFFIC AND THE MULTI-USE PATH AS SHOWN IN ALTERNATE SECTION BELOW.

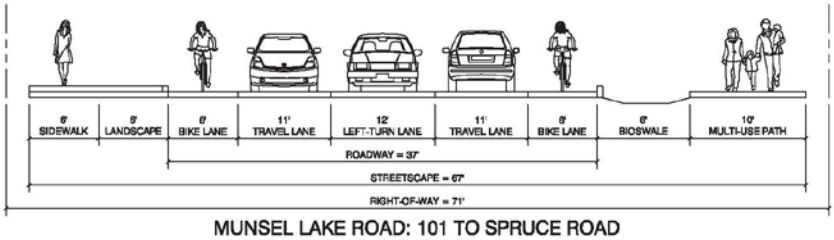


MUNSEL LAKE ROAD & HECETA BEACH ROAD *
(ALTERNATE SECTION B)

* SLOPED CURB SAME AS FOR ALTERNATE SECTION ON RHODODENDRON DRIVE AND DOCUMENTED IN RHODODENDRON DRIVE TRANSPORTATION PLAN (JAN 2008).

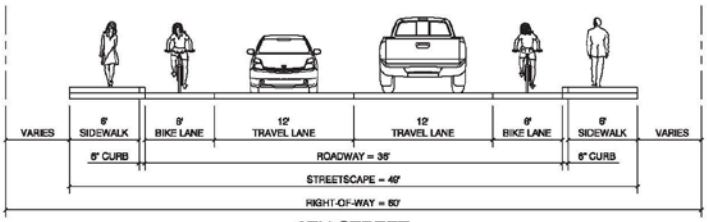


RHODODENDRON DRIVE
(HEMLOCK TO 9TH STREET)

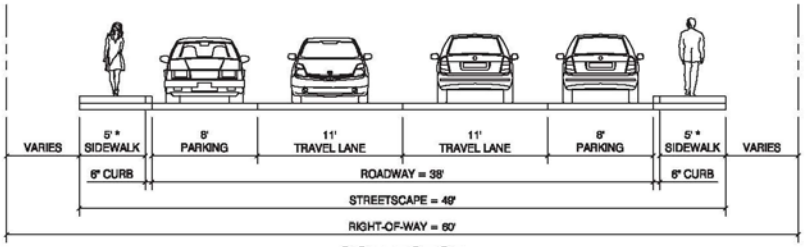


MUNSEL LAKE ROAD: 101 TO SPRUCE ROAD

SOURCE: JRH TRANSPORTATION ENGINEERING 4/27/09.

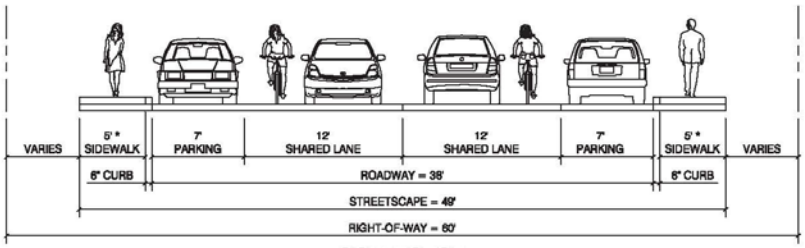


9TH STREET



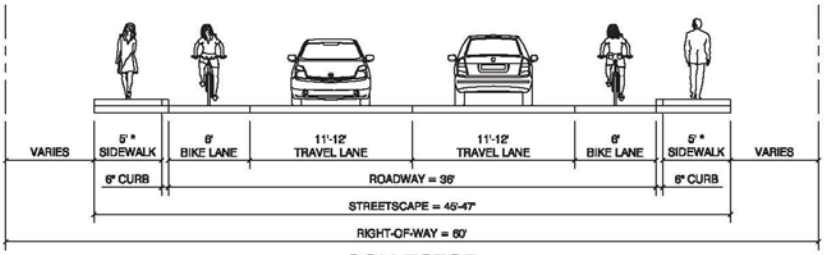
COLLECTOR
(ON-STREET PARKING)

* ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



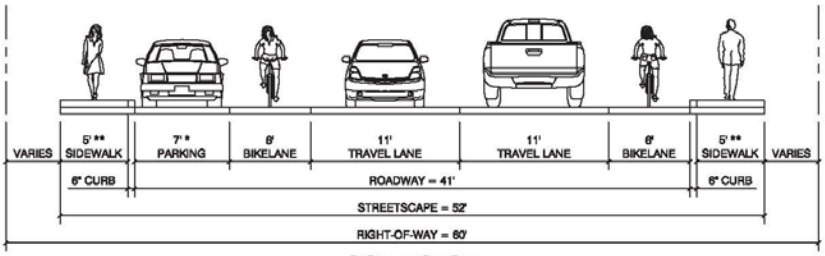
COLLECTOR
(BIKE SHARROWS WITH ON-STREET PARKING)

* ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



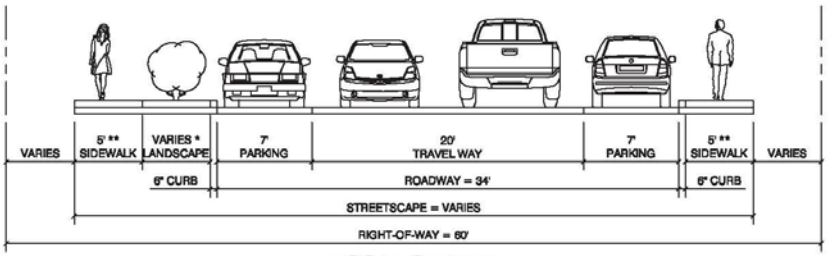
COLLECTOR
(NO PARKING)

* ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



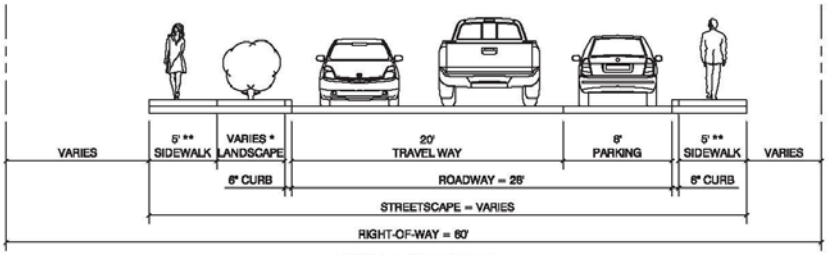
COLLECTOR
(BIKE LANES WITH ON-STREET PARKING)

* PARKING LOCATION MAY VARY AND IS TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



LOCAL STREET
(PARKING BOTH SIDES)

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.



LOCAL STREET
(PARKING ONE SIDE)***

* OPTIONAL LANDSCAPE WIDTH AND LOCATION MAY VARY AND IS TO TO BE DETERMINED BASED ON PHYSICAL AND BUILT ENVIRONMENT.
** ALL DOWNTOWN STREETS TO HAVE 8' SIDEWALKS WITH THE EXCEPTION OF COLLECTORS WITH NO ON-STREET PARKING AND HIGH TRAFFIC STREETS WHERE 6' AND 12' SIDEWALKS SHOULD BE INSTALLED, RESPECTIVELY.
*** REQUIRES APPROVAL BY CITY TRAFFIC ENGINEER.

B. Modifications to the street standards identified in section A, above, may be made pursuant to Title 11 Chapter 7. Considerations based on the existing conditions along with the following factors would be reviewed as part of determining a hardship or meeting the purpose of Title 11:

1. Street classification in the Transportation System Plan
2. Anticipated traffic generation
3. On-street parking needs
4. Pedestrian and bicycle requirements based on anticipated level of use
5. Requirements for placement of utilities
6. Street lighting
7. Minimize drainage, slope, and sensitive lands impacts
8. Street tree location, when provided
9. Protection of significant vegetation, as provided for in Chapter 34
10. Safety and comfort for motorists, bicyclists, and pedestrians
11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided
12. Access needs for emergency vehicles
13. Transition between different street widths (i.e., existing streets and new streets)
14. Driveway Off-sets

15. Curve Radii

16. Queuing Factors

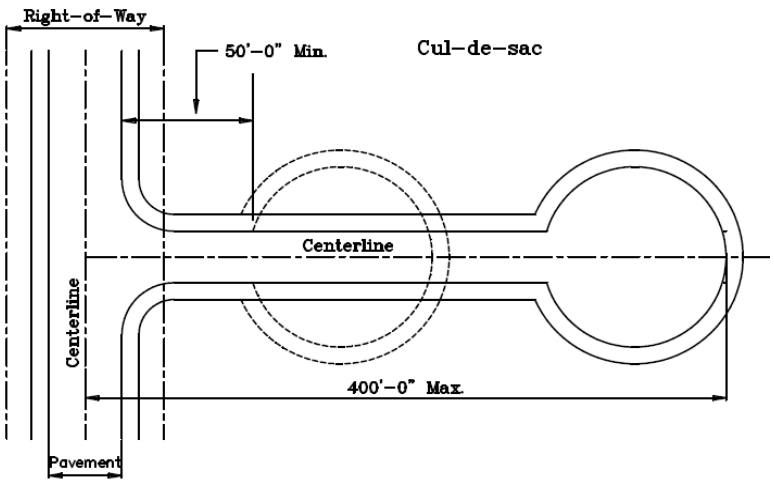
C. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement can not be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.

10-36-2-6: Cul-de-sacs: A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

A. The cul-de-sac shall not exceed a length of 400 feet and the minimum throat length shall be 50 feet; the length of the cul-de-sac shall be measured where the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac pavement. The minimum right-of-way for a cul-de-sac may be reduced to 50 feet if approved by the City.

B. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement), subject to approval by the Public Works Director; except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane minimum of twenty (20) feet in width.

Figure 10-36(1): Cul-de-sac Design



10-36-2-7: Alleys, Public or Private: Alleys shall provide a 20-foot right-of-way and 16 feet of pavement. Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve (12) feet or wider if required by the Fire District.

10-36-2-8: Private Streets: Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

10-36-2-9: Street Location and Connectivity: Planned streets shall connect with surrounding streets to permit the convenient movement of traffic and to facilitate emergency access and evacuation. Proposed streets or street extensions shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

A. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Section, or

B. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to and to logically extend the street system into the surrounding area. All street stubs over 150 feet in length shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

   1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.

   2. Developer shall install a Type III barricade at the end of the street. The barricade shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street.

   3. Temporary street ends shall provide turnarounds (e.g., hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code standards for streets over 150 feet in length.

C. <u>Mid-Block Connection/Multi-use Path Standards.</u> Where a street connection in conformance with the maximum block length standards in Section 10-36-2-10 is impracticable, a multi-use path shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 10-36(2). The City may also require developers to provide a multi-use path off a cul-de-sac. Such pathways shall conform to all of the following standards:

   1. Multi-use paths shall be no less than ten (10) feet wide and located within a twenty (20)-foot right-of-way or easement allowing public access and, as applicable, emergency vehicle access.

   2. If the streets within the subdivision or neighborhood are lighted, all pathways in the subdivision shall be lighted. Pathway illumination shall provide at least two (2)-foot candles and shall meet all other requirements in Title 10-37.

   3. All pathways shall conform to applicable ADA requirements unless precluded by topographic conditions.

   4. The City may require landscaping, walls or terraces as part of the required pathway improvement to buffer pedestrians from adjacent vehicles, or to screen pathways from view of adjacent residences.

10-36-2-10: Block Length and Block Perimeter: In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

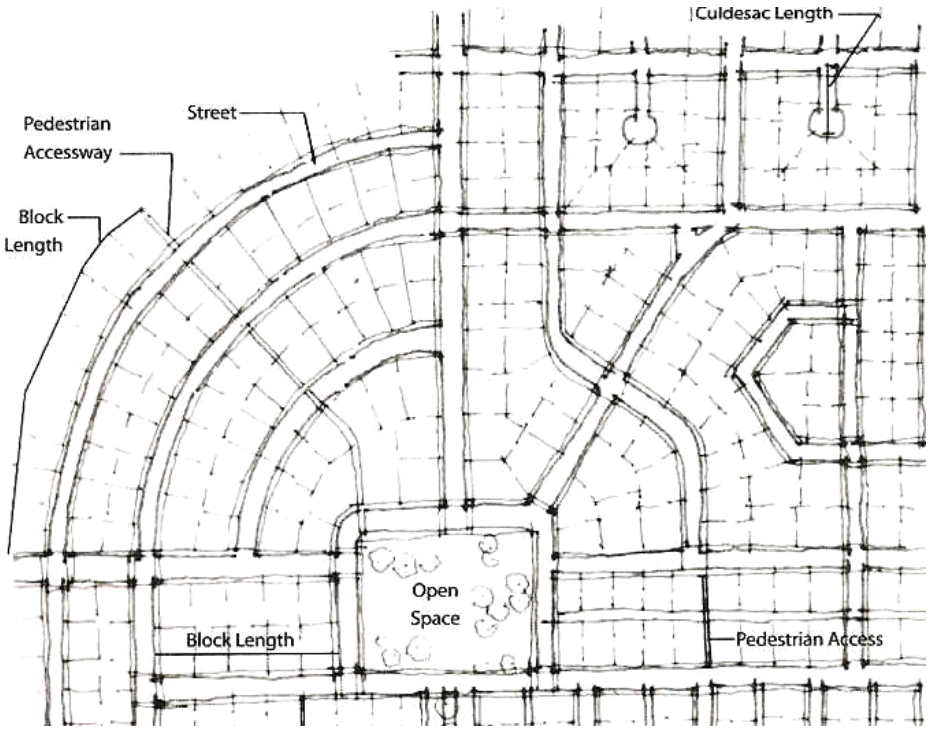
A. Residential Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter

B. Old Town and Main Street Districts: Block lengths shall be consistent with the existing town plat, as of June 2009.

C. General Commercial, North Commercial and Highway Commercial Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter

D. Not applicable to the Industrial Districts

Figure 10-36(2): Street Connectivity and Formation of Blocks



10-36-2-11: Traffic Controls:

A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.

B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.

C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

10-36-2-12: Medians: The use of landscaped medians improve community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel. Medians will be landscaped with water efficient plant materials unless otherwise indicated below.

A. At intersections where left turn pockets are constructed, the 16-foot wide median will transition to an 11-foot wide left turn lane with a five-foot pedestrian refuge median separating the left turn lane from oncoming traffic. Intersections and access must comply with Chapter 35, Access and Circulation.

B. Medians on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

10-36-2-13: Street Alignment, Radii:

A. On Arterial and Collector Roadways, intersections shall be spaced at a minimum of 250 feet, as measured from the centerline of the street.

B. On Local Streets, street centerlines at intersections may not be offset by more than two feet. Intersections shall be spaced at a minimum of 125 feet, as measured from the centerline of the street.

C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.

10-36-2-14: Intersection Angles: Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) and (4) for illustrations). In addition, the following standards shall apply:

A. Streets design shall provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way unless a lesser distance is approved by the Public Works Director (see Figure 10-36(5) for illustration).

B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

Figure 10-36(3): Street Intersection Angle

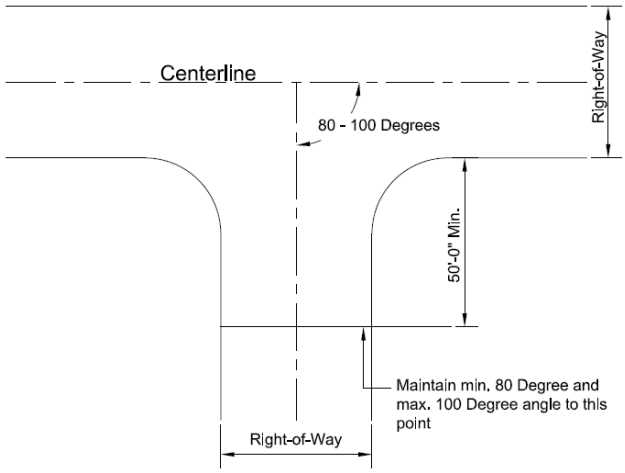


Figure 10-36(4): Elbow and Knuckle Corners are Prohibited

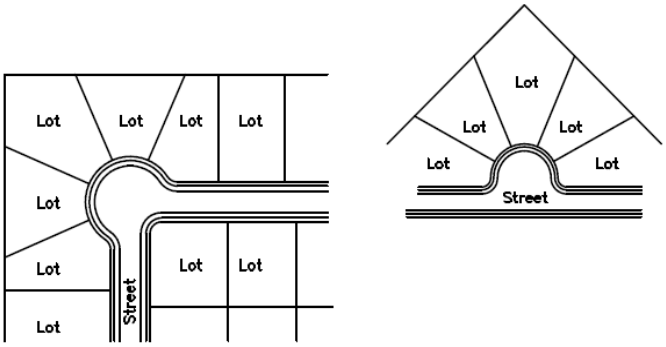
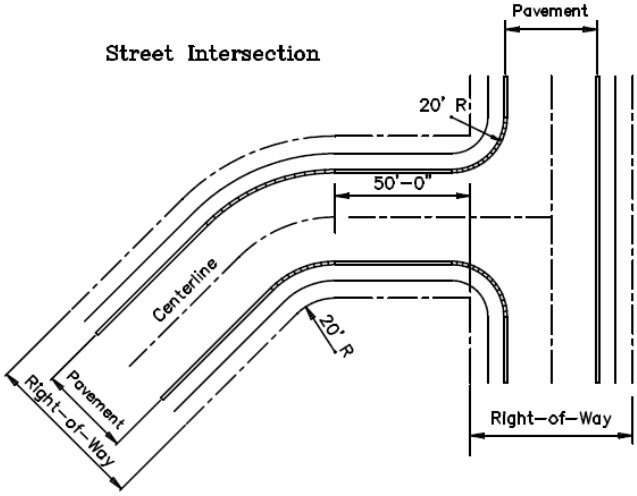


Figure 10-36(5): Street Intersection



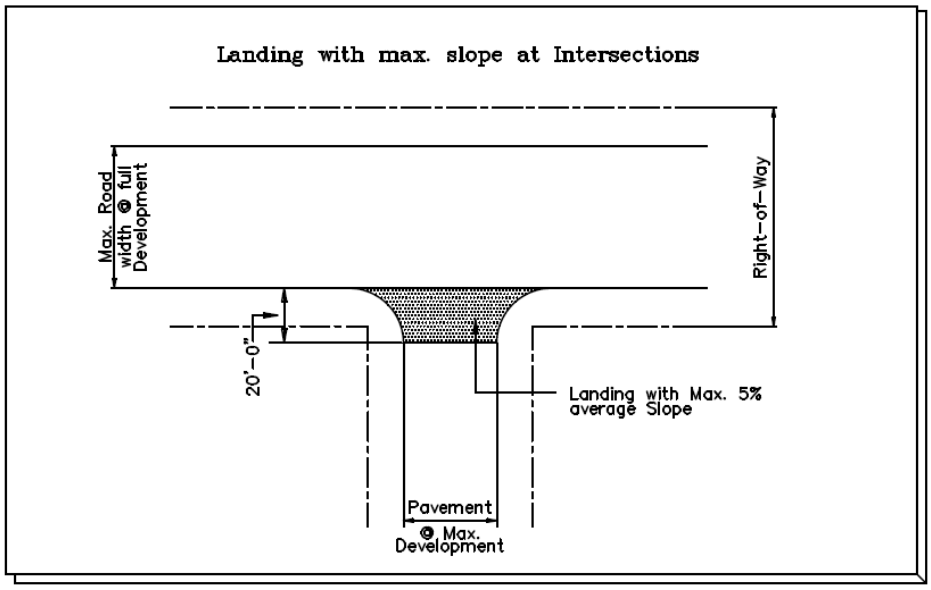
10-36-2-15: Grades and Curves: Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.

B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.

C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Figure 10-36(6): Street Intersection Landing



10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes: Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:

A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.

B. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.

C. Bicycle lanes shall be constructed on all newly constructed arterial and collector streets as well as all arterial and collector streets that are widened to provide additional vehicular capacity, as indicated in the TSP, unless otherwise designated.

D. Sidewalks shall be provided on both sides of the street for all arterial and collector streets. Sidewalks shall be provided on at least one side of the street for local streets. Exceptions may be granted if the City determines that hillsides, drainage facilities, ditches, waters of the state, or natural landscapes are to be preserved, then sidewalks on one side or a multi-use path may be approved. Sidewalks are not required on T-courts (hammer-head).

E. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.

F. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

10-36-2-17: Existing Rights-of-Way: Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches: Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following standards:

A. Curb exposure shall be per City Standards and Specifications.

B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.

C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

10-36-2-19: Street Names: The developer shall submit proposed street names to the City of Florence Community Development Department for review and submittal to the Lane County Road Naming Committee for approval prior to recording final plat. No new street name shall be used that duplicates or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

10-36-2-20: Survey Monuments: Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

10-36-2-21: Street Signs: The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

10-36-2-22: Mail Boxes: Plans for mail boxes shall be approved by the United States Postal Service.

10-36-2-23: Street Light Standards: Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in

accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND FIRE PROTECTION:

A. **Sewers, Water, and Stormwater Mains Required:** Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.

B. **Sewer, Water, and Stormwater Plan Approval:** Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.

C. **Existing Watercourse:** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety and consistency with the Stormwater Manual.

D. **Over-Sizing:** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.

E. **Fire Protection:** All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.

F. **Inadequate Facilities:** Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

10-36-4: EROSION CONTROL: In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

10-36-5: UTILITIES:

A. Underground Utilities:

1. Generally. All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

2. Subdivisions. In order to facilitate underground placement of utilities:

a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.

b. The City reserves the right to approve the location of all surface-mounted facilities.

c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.

d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

C. **Exception to Undergrounding Requirement**: An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or high water table or existing development conditions.

10-36-6: EASEMENTS:

A. **Provision:** Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.

B. **Recordation:** As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES:

A. **Plan Approval and Permit:** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.

B. **Performance Guarantee:** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

10-36-8: INSTALLATION:

A. **Conformance Required:** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.

B. **Adopted Installation Standards:** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.

C. **Commencement:** Work shall not begin until the City has been notified in advance in writing.

D. **Resumption:** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

E. **City Inspection:** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.

F. **Engineer's Certification and As-Built Plans:** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.

G. **Acceptance of Public Improvements:** Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.

H. **Warranty of Public Facilities:** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period.

10-36-9: PARKLANDS:

A. **Purpose:** For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments.

B. **Parklands:**

1. Developers are encouraged to work with the City to identify parkland facilities proposed in their service area. If the City has an interest in acquiring a portion of a proposed land division or development, or if the City has been advised of such interest by another district or public agency, and there is reasonable assurance that the steps will be taken to acquire the land, then the Planning Commission may require that those portions of the land division be reserved for public acquisition, for a period not to exceed one year, at a cost not to exceed the value of the land prior to subdivision.

2. Areas smaller than one acre for new public parkland is generally impractical. If less than one acre of public parkland is proposed, the dedication should add on to an existing park area within or adjacent to the development site or provide some special public benefit acceptable tot eh city such as a trail connection.

C. **Standards for Parkland:**

1. Ownership and Maintenance Requirements. Land provided for parkland shall be owned and maintained in one or more of the following ways:

   a. Dedicated to, and accepted by, the City;
   b. Privately owned, developed, and maintained by the property owner or Home Owners Association;
   c. Owned and maintained by a land conservation entity, such as The Nature Conservancy;
   d. Accessible to the public through a public easement.

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Created by Ord. No. 9, Series 2009
Section 10-36-9 Added by Ord. No. 2, Series 2011 – effective March 11, 2011
Sections 10-36-1-C and 10-36-3-C amended by Ord. No. 18, Series 2011 – effective September 19, 2011
Sections 10-36-2-5, 10-36-2-10, 10-36-2-16 amended by Ord. No. 5, Series 2012 – effective January 16, 2013
Section 10-36-1 amended by Ord. No. 3, Series 2013 –effective 7-31-13
Section 10-36-2-9-C-2 amended by Ord. No. 12, Series 2014, effective 12-31-14

TITLE 10
CHAPTER 37

LIGHTING

SECTION

10-37-1: Purpose
10-34-2: Applicability
10-34-3: Lighting Plans Required
10-34-4: Lighting Standards
10-34-5: Exemptions
10-34-6: Prohibitions
10-34-7: Enforcement
10-34-8: Definitions

10-34-1: PURPOSE: The purpose of this provision is to make exterior lighting used for residential, commercial and public areas appropriate to the need, and to minimize light from shining skyward or offsite onto adjacent public rights of way or private properties. Nothing in this ordinance should be interpreted to restrict the amount of lighting necessary for safe and efficient operations. Further, it is to encourage through regulation of type, kinds, construction and uses of exterior illumination devices, lighting practices and systems to conserve energy without decreasing safety, utility, security and productivity while enhancing nighttime (dark skies) enjoyment of property within the City of Florence.
Refer to the Exterior Lighting brochure for additional guidance and information.

10-34-2: APPLICABILITY: Section 10-37 applies to installation of all lighting fixtures as of the effective date of this Ordinance, except as exempted by provision of this Ordinance. Devices include but are not limited to, lights for: buildings and structures, recreational areas, parking lot and maneuvering areas, landscape areas, streets and street signs, product display areas, building overhangs and open canopies, holiday celebrations, and construction lights.

A. Resumption of Use - If a property with non-conforming lighting is abandoned for a period of one year or more, then all exterior lighting shall be brought into compliance with this Ordinance before any further use of the property occurs.

B. Major Additions or Alterations - If a major addition occurs on a property, lighting for the entire property shall comply with the requirements of this Code. For purposes of this section, the following are considered to be major additions:

1. Additions of 26 percent or more in terms of additional dwelling units, gross floor area, seating capacity, or parking spaces, either with a single addition or with cumulative additions after the effective date of this Ordinance.

2. Single or cumulative additions, modification or replacement of 25 percent or more of installed exterior lighting luminaires existing as of the effective date of this Ordinance.

3. Existing lighting on sites requiring a conditional use permit or variance after the effective date of this ordinance.

C. Amortization - On or before 10 years from the effective date of this code, all outdoor lighting shall comply with this Code. Most outdoor lighting will be fully depreciated at the end of 10 years if not sooner. “Easy fixes” such as re-aiming or lowering lumen output of lamps is recommended in advance of the effective date of the ordinance. Where lighting is judged to be a safety hazard immediate compliance is required.

10-34-3: LIGHTING PLANS REQUIRED: All applications for building permits and land use planning review which include installation of exterior lighting fixtures, not exempted, shall include the number of luminaires, the number of lamps in each luminaire, a photometric report for each type of luminaire and a site plan with the photometric plan of the lumen output.

The City shall have the authority to request additional information in order to achieve the purposes of this Ordinance.

10-34-4: LIGHTING STANDARDS:

A. All exterior lighting fixtures subject to this code section must be designed as a full cut-off fixture or have a shielding method to direct light emissions downward below the horizontal plane onto the site and does not shine illumination or glare skyward or onto adjacent or nearby property.

B. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination at any point in the entire lot with a maximum of five (5) foot-candles over parking spaces and walkways. The Design Review Board may decrease the minimum if the applicant can provide documentation that the overall parking lot has adequate lighting. The Design Review Board may increase the maximum on a case-by-case basis, with no greater than 7 foot-candles measured directly under the light fixture.

C. Lighting in or adjacent to residential zones or residential uses shall not exceed twenty feet in height as measured from the adjacent grade to the top of the light fixture. Heights in other zoning districts shall not exceed 25 feet unless the Design Review Board adopts findings that the higher light fixtures are necessary to achieve proper illumination levels.

D. Main exterior lights for commercial, institutional, and industrial buildings, landscaping and parking lots shall be extinguished at end of business hours with a minimum lighting remaining for personal and building security and safety after hours.

E. A thirty-day review period beginning with the first day in business using the new lighting system shall be required to evaluate and adjust illumination levels of lighting. The City may ask for lighting to be adjusted in this time period based on public comments or staff inspections.

F. All externally lit commercial signs should shine from the top and point down toward the ground. Signs with uplighting must be shielded so that illumination is restricted to the sign face and glare is eliminated.

G. Lighting for roadway signs and pedestrian ways must be designed or have an opaque shielding method to direct light emissions downward and below the horizontal plane of the fixture in the permanently installed position.

10-34-5: EXEMPTIONS:

A. Exterior light fixtures, except Mercury Vapor lights, lawfully installed prior to and operable on the effective date of the requirements codified in this Ordinance except as follows:

1. All replacement of outdoor lighting fixtures, as of the date of adoption, shall be subject to the provision of this ordinance.

2. Until a date ten years after the date of the adoption of this ordinance.

B. Lighting within public right-of-way or easement for the purpose of illuminating streets or roads. No exemption shall apply to any lighting within the public right of way or easement when the purpose of the luminaire is to illuminate areas outside the public right of way or easement.

C. Fossil Fuel Light. All outdoor light fixtures producing light directly by the combustion of natural gas or other fossil fuels.

D. Carnivals, fairs and temporary events that require the use of exterior lighting require a special events license. Permanent installations at dedicated sites must conform to the requirements of this Ordinance.

E. Seasonal Holiday Lighting - Lights used for decorating during holidays or festivals as defined in this code section and may be blinking or flashing.

F. Lighting for a properly displayed U.S. flag is exempt.

G. Construction lighting necessary for a roadway, building, or utility construction site except that permanent installations at dedicated sites must conform to the requirements of this Ordinance.

H. Up-lighting intended to highlight part of a building or landscaping provided that the light distribution from the fixture is effectively contained by an overhanging architectural element or landscaping element and does not shine beyond the intended target including into the night sky. Such containment elements may include but are not limited to awnings, dense shrubs or year round dense evergreen tree canopies which will contain illumination of the sky.

I. Commercial and industrial low wattage lighting used to highlight driveways and landscaping, or applied to a building providing they are properly aimed and shielded down to not shine glare, emit direct illumination, or cast a shadow into the public right of way or onto abutting or nearby properties.

J. Lighting for public monuments, murals, and statuary providing lighting is properly aimed and shielded to contain light to the art feature and not shine glare into the public right of way or onto abutting or nearby properties.

K. Airport operations lighting and aircraft navigational beacons as established by the Federal Aviation Administration. All other airport outdoor lighting must conform to this ordinance.

L. Underwater lighting in swimming pools and other water features.

M. Temporary lighting for theatrical, television, and performance areas.

N. Athletic field lighting; steps should be taken to minimize glare and light trespass, and utilize sensible curfews. Light directed upward is prohibited.

O. Correctional Facilities

P. Ornamental and architectural lighting of bridges.

Q. Temporary exemptions as granted by the City of Florence.

R. In addition to exceptions mentioned above the below apply to residential uses.

1. One partly shielded or unshielded luminaire at the main entry, not exceeding 630 lumens.
2. Any other partly shielded or unshielded luminaires not exceeding 315 lumens.
3. Low voltage landscape lighting aimed so that glare is not visible from adjacent properties and not exceeding 525 lumens per fixture.
4. Shielded directional flood lighting aimed so that direct glare is not visible from adjacent properties and not exceeding 1,260 lumens.
5. Lighting installed with a vacancy sensor, where the sensor extinguishes the lights no more than 10 minutes after the area is vacated.
6. Decorative low wattage lights.

10-34-6: PROHIBITIONS:

A. Laser Light Source. The use of laser source light or any similar high intensity light for exterior advertising or entertainment is prohibited.

B. Searchlights and Strobe Lights. The use of searchlights or strobe lights for purposes other than public safety or emergencies is prohibited.

C. Blinking & Flashing Lights. All blinking and flashing lights except for traffic control fixtures, those used for public safety or emergencies, and seasonal holiday lights are prohibited.

D. Externally affixed neon lighting is prohibited except in the following manner: As a trim element that surrounds windows, doors, or building edges; when located on building facades that face street frontages or internal driveways within commercial districts; such lighting must not be located more than 15 feet from finished grade and must not be used to define a building roof-line; and, such lighting must not include flashing, intermittent or rotating lights. Notwithstanding the provisions of this subsection, all neon lighting associated with signs must meet the requirements of the City of Florence Sign Code.

10-34-7: ENFORCEMENT: Lighting disputes should be settled between the parties whenever possible. Education and voluntary compliance are encouraged. Non-conformance with this Ordinance is deemed a public nuisance and is subject to abatement in accordance with City of Florence City Code Title 6 Chapter 1.

10-34-8: DEFINITIONS:

END OF BUSINESS HOURS OR END OF BUSINESS	The end of normal or posted business hours when a business or institution is no longer open to serve customers or clients, and (b) the end of a shift or normal work hours when the majority of employees are gone from the business or institution.

EXTERIOR LIGHTING	Temporary or permanent lighting that is installed, located or used in such a manner to cause light rays to shine outside. Fixtures that are installed indoors that are intended to light something outside are considered exterior lighting for the intent of this code.
FIXTURE	The assembly that holds the lamp or bulb in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or refractor (lens), the ballast, housing, and the attachment parts.
FOOTCANDLE	One footcandle is the illuminance produced on a surface one foot square from a distance of one foot. Measured by a light meter.
FULL CUT-OFF	A light fixture designed, constructed, installed, or shielded so that light emitted by the fixture, either directly from the lamps or indirectly from the fixture so that light is projected down and no light is projected above the horizontal plane.
GLARE	Stray unshielded light striking the eye that may result in: A) Nuisance or annoyance such as light shining into a window; B) Discomfort causing squinting of the eyes; C) Disabling vision by reducing the ability of the eyes to see into shadows; D) Reduction of visual performance.
HIGH INTENSITY LIGHTING	High pressure sodium, mercury vapor, metal halide, low-pressure sodium, induction, sulfur, xenon, and other similar lamps.
INSTALLED	Initial installation of outdoor lighting fixtures, poles, electrical wiring and related mounting equipment following the effective date of this Ordinance. Projects with approved construction plans prior to the effective date of this Ordinance are excluded from compliance with the ordinance in the initial installation only.
LAMP OR BULB	The light producing source installed in the socket portion of a fixture.
LIGHT	The form of radiant energy acting on the retina of the eye to make sight possible; brightness; illumination; a lamp, as defined above.
LIGHTING	Any or all parts of a luminaire that function to produce light.
LIGHT TRESPASS	Light falling beyond the property it is intended to illuminate, generally caused by a light on a property that shines onto the property of others.
LOW VOLTAGE / WATTAGE LIGHTS	Individual lamps 525 lumens or less that may or may not be strung together within a translucent or transparent plastic cover.
LUMEN	The unit of measure used to quantify the amount of light produced by a lamp or emitted from a luminaire (as distinct from “watt,” a measure of power consumption).
LUMINAIRE	The complete lighting unit, including the lamp, the fixture, and other parts.
PARTLY SHIELDED	A luminaire with opaque top and translucent or perforated sides, designed to emit most light downward.
RECESSED	When a light is built into a structure or portion of a structure such that the light is fully cut-off and no part of the lamp or bulb extends or protrudes beyond the underside of a structure or portion of a structure.

REPLACEMENT	The installation of a new lighting fixture in place of an existing fixture, and/or the installation of a new lighting housing or head to an existing pole, bracket, wall, tree or other structure. Replacement does NOT mean the changing of light bulbs or lamps in a fixture for the same or lower wattage bulbs.
SAFETY / SECURITY	A) Sufficient lighting at building entrances, exits, walkways and parking areas to allow customers and employees to see any physical barriers and to be seen at all times as they access to vehicles and sidewalks; B) The use of full cut-off fixtures above doors, loading areas, building access points and safety areas.
SEASONAL HOLIDAY LIGHTING	Lighting displayed during and around a federally recognized holiday or local festival on a seasonal basis. For the purposes of this section, local festivals include but are not limited to Rhododendron Days and the Winter Folk Festival.
SHIELDING	An externally applied device such as a shroud or hood or metal, wood, opaque plastic or opaque glass so that light emitted by the fixture is directed downward below the horizontal plane onto the site and does not shine direct illumination skyward or onto adjacent or nearby property. The bulb is not visible with a shielded light fixture and no light is emitted from the side of the fixture. Also considered a full cut-off fixture.
TEMPORARY LIGHTING	Means lighting that is intended to be used for a special event for seven (7) days or less.
UNSHIELDED	Light fixtures lacking any means to restrict the emitted light to below the horizontal plane or to shine or glare skyward or onto adjacent or nearby property.
UPLIGHTED	A shielded light that directs light from the fixture in such a manner as to shine light rays above the horizontal plane.

Created by Ord. 12, Series 2014, effective 12-31-14