



Florence City Code

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The City of Florence has posted the City Code in PDF format. To view the City Code you will need Adobe Acrobat Reader. If you do not have Acrobat Reader, you can download it free of charge from [Adobe](#).

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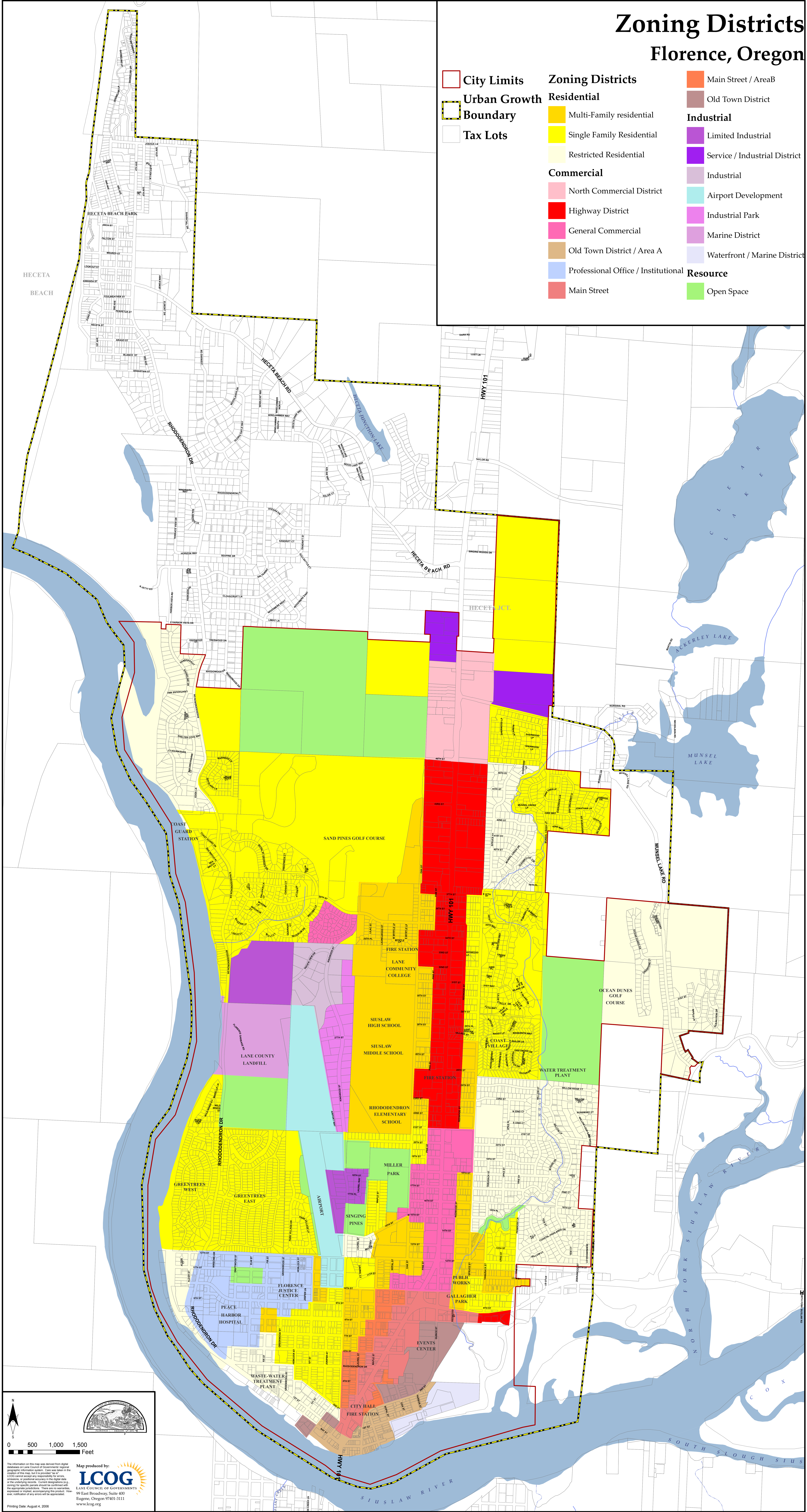
[Title 10 Chapter 31 Service Industrial District](#)

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Zoning Districts Florence, Oregon

- | | | |
|-----------------------|-------------------------------------|-------------------------------|
| City Limits | Zoning Districts | Main Street / AreaB |
| Urban Growth Boundary | Residential | Old Town District |
| Tax Lots | Multi-Family residential | Industrial |
| | Single Family Residential | Limited Industrial |
| | Restricted Residential | Service / Industrial District |
| | Commercial | Industrial |
| | North Commercial District | Airport Development |
| | Highway District | Industrial Park |
| | General Commercial | Marine District |
| | Old Town District / Area A | Waterfront / Marine District |
| | Professional Office / Institutional | Resource |
| | Main Street | Open Space |



0 500 1,000 1,500 Feet

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LCOG

 LANE COUNCIL OF GOVERNMENTS

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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, acceptance of an application or petition regulated by Titles 10 and 11 of this Code:
 - 1. May be received by the Planning Director at any time and shall not be considered as accepted solely because of having been received.
 - 2. Shall be reviewed by the Planning Director within fourteen (14) days to determine if the application is complete, including required drawings, plans, forms, statements and fees paid.
 - 3. Shall be determined to be complete and shall be accepted when the required information, forms and fees are included.
 - 4. Shall not be accepted when the Director determines that an application is incomplete. 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 the missing information, forms or fees. If the applicant refuses to submit the missing information or forms, the application shall be deemed complete for review and action on the 31st day after the Director first received the application. The Director shall mail written notice to the applicant when the application is accepted.
- 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)

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 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.
 - 2. For a zone change application, notice of hearing shall be published three (3) times in a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.
 - 3. For other land use applications, i.e. Variance, Conditional Use Permits, Planned Unit Development and quasi-judicial amendments to Title 10, notice of hearing shall be published two times in a newspaper of general circulation not more than ten (10) days prior to the date of the hearing.

C. Notice - 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:

1. At the commencement of any quasi-judicial hearing required by this Title, a statement shall be made to those in attendance that:
 - a. Lists the applicable substantive criteria;
 - b. States that testimony and evidence must be directed toward the criteria described in paragraph (a) of this subsection or other criteria in the plan or land use regulations which the person believes to apply to the decision; and
 - c. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes further appeal based on that issue.
2. The record shall be closed upon conclusion of the evidentiary hearing unless there is a continuance. If a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open, at the discretion of the Planning Commission or Council, for at least 7 days after the hearing. Such an extension shall not be subject to the limitations of ORS 215.428 or 227.178.
3. When a quasi-judicial proceeding's record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony or criteria for decision-making which apply to the matter at issue.
4. If additional documents or evidence is provided in support of the application, any party shall be entitled to a continuance of the hearing. Such a continuance shall not be subject to the limitation of ORS 215.428 or 227.178.

5. The failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the Planning Director can demonstrate by affidavit that such notice was given. The notice provisions of this section shall not restrict the giving of notice by other means, including posting, newspaper publication, radio and television.
- 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 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, as well as any party who testified either in writing or verbally at the hearing. 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 the Renewal or 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, Design Review or Sign Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 30, Series 1990)

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

- C. The Director may, at her/his discretion, 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 provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made, to the Planning Commission, and shall provide notice in the local newspaper. The list of property owners will be compiled from the most recent property tax assessment roll.
 - 2. 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, as well as any party who submitted written testimony. 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 10-1-1-6 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 quasi-judicial decision of the Planning Commission or Design Review Board may be appealed to the City Council in accordance with the following procedure:

- A. Such appeal shall be initiated within fifteen days after the Planning Commission or Design Review Board has rendered the decision appealed from by filing written notice of intent to appeal with the City Recorder. 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 affected parties. If a person filing the notice of intent to appeal fails to so certify in writing, the City Recorder shall not accept for filing the notice of intent to appeal. Except when extended as provided in paragraph C of this subsection, all affected parties shall have ten days from the date the notice of intent to appeal was delivered or mailed in which to file a written petition which complies with paragraph D of this subsection. If a notice of intent to appeal is not filed within the fifteen days specified or if the person

filing the notice of intent fails to file a written petition within the fifteen days specified the decision of the Commission or Board shall be final.

- B. A notice of intent to appeal must be filed by an affected party, which includes persons mailed notice of the hearing and persons testifying orally or in written form at the hearing held on the matter.
- C. In the event the minutes (approved or unapproved) of the proceedings before the Planning Commission or Design Review Board are not available to the affected parties within five days of the filing of the notice of intent to appeal or the request for review, the fifteen day time limit in paragraph A of this subsection shall be extended to allow the affected parties to have ten days from the date the minutes become available to file the written petitions required by this paragraph. When the minutes (approved or unapproved) are available, the Planning Director shall notify the City Recorder in writing of their availability and any extension required by this paragraph.
- D. The written petition on appeal shall include:
 - 1. A statement of the interest of the petitioner to determine his 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 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 City Council, the review of the initial action shall be confined to 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 by the Planning Commission or Design Review Board as evidence.
 - 2. All materials submitted by the City staff with respect to the application.
 - 3. The minutes of the hearing.
 - 4. The Findings and action of the Planning Commission or Design Review Board
 - 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 before the Council.
- F. The City Council may affirm, reverse or amend the decision of the Planning Commission or Design Review Board 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 for additional information. When rendering its decision the Council 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 City Recorder a written request for review within fifteen days 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 City Recorder 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 following zoning districts:

- Restricted Residential District (RR)
 - Single-Family Residential District (RS)
 - Mobile Home Residential District (RMH)
 - Multiple-Family Residential District (RM)
 - Neighborhood Commercial District (CN)
 - Commercial District (C)
 - Highway District (H)
 - Waterfront District (WF)
 - Marine District (M)
 - Natural Estuary District (NE)
 - Limited Industrial District (LI)
 - Airport Development District (AD)
 - Airport Noise Corridor Overlay District (AN)
 - Airport Approach Safety Overlay District (AS)
 - Airport Obstruction Overlay District (AO)
 - Open Space District (OS)
 - Estuary & Shoreland Overlay Districts
- (Amd. by Ord. No. 30, Series 1990).

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 designation 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 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.

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.

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 usable ingress and egress to a property, use or parking space.

ACCESSORY BUILDING	Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.
AGED PERSON	An individual 65 years of age or older. (Ord. 711, 1-24-84)
ALLEY	A public way not over thirty feet (30') wide providing a secondary means of access to private property.
ALTER	Any change, addition or modification of construction or occupancy of a building or structure.
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"
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.
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).
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.
BUILDABLE AREA	That 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 to the average height of the highest gable of a pitch or hip roof.
CEMETERY	Land used 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 only 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.
COMMISSION	The Florence Planning Commission
CORNER LOT	See "Lot Types"
COURT	An open unoccupied space, other than a yard, on the same lot with a building.
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.
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) families living independently of 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 FAMILY	<p>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</p> <p>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.</p> <p>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 6-7-94)</p> <p>One or 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; or 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</p>

their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711, 1- 24-84)

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).
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 may 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.
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.
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 aboveground level shall be measured at the elevation of the sidewalk, alley or public way.
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.
HOME FOR 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 or more, or persons of less than sixty five (65) years who, by reasons of infirmity, require domiciliary care.
HOME OCCUPATION	<p>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:</p> <ul style="list-style-type: none">A. No employment of help other than the members of the resident family.B. No use of material or 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.
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.
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	<p>A. Front: The private property line contiguous with the public street line or place. For corner lots the front lot line shall be the narrowest street frontage or as shown on the official plat of the property.</p> <p>B. Rear: The property line which is opposite and most distant from the front lot line. In the case of a triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length with the lot, parallel to and at the maximum distance from the front lot line.</p> <p>C. Side: Any property line which is not a front or rear lot line.</p>
LOT MEASUREMENTS	<p>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</p> <p>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.</p>
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.

MANUFACTURED HOME

A. Except as authorized in B of this definition, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or

B. For purposes of implementing any contract pertaining to manufactured homes between the State Building Codes Agency and the Federal Government, "manufactured home" has the meaning given the term in the contract. (Ord. No. 7, Series 1994 - 6-7-94)

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 PARK

A place where four (4) or more mobile 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".

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.

PARKING AREA

Private or publicly-owned property, other than

PRIVATE	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).
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).
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 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.
ROOMING HOUSE	See "Boarding House".
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.
SIGN	Any fabricated emblem or display including its structure, consisting of any letter(s), character, design, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. The term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group; except such emblems shall conform to the illumination standards set forth in Chapter 4 of Title 4 of this Code.
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 thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing the primary roadway for ingress and egress from the property abutting thereon.
STRUCTURE	See "Building".
TOURIST COURT	See "Hotel".
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').

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 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

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: Signs
- 10-2-9: Guarantee of Performance
- 10-2-10: Mobile Homes and Pre-manufactured Housing
- 10-2-11: Public Uses
- 10-2-12: Exemption From Partitioning Requirements
- 10-2-13: Uses and Activities Permitted in All Zones
- 10-2-14: Fences
- 10-2-15: Vision Clearance

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. 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: SIGNS: In accordance with the sign regulations of the City and amendments thereto.

10-2-9: 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.

10-2-10: MOBILE HOMES AND PREMANUFACTURED HOUSING: The definitions, standards and provisions of the mobile home regulations of the City may be applied to all mobile homes and pre-manufactured housing, as applicable. (Ord. 625, 6-30-80)

10-2-11: 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)

10-2-12: 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.*

10-2-13: 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, with the following exceptions:
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.

10-2-14: FENCES:

1. In residential zones, fences, walls, hedges and landscaping shall be permitted as set forth below:
 - a. For corner lots, not greater than three feet (3') in height in the front yard or the area of the side yard forward of a line immediately parallel to the front corner of the structure and extending to the side lot line. Fences extending from a line parallel to the front corner of the structure to the rear lot line may be up to 6' in height.
 - b. Not greater than six feet (6') in height in rear yards or side yards.
 - c. On corner lots, solid fences shall not be greater than two and one-half feet (2½') in height above street grade in the vision clearance area.
 - d. Specifically for RV parking, one solid fence gate not greater than eight feet (8') in height above grade at the gate location, nor greater than twelve feet (12') in width. Subject to the approval of the Community Development Director, a wider gate may be allowed if the applicant can prove that the geometrics of the lot make it necessary. (Ord. No. 2, Series 2000)
2. Fence materials and type of construction shall be approved by the Building Official prior to the issuance of a building permit.
3. Fence materials may include, but are not limited to, the following:
 - a. Wood pickets with minimum 4x4 posts and 2x4 stringers.
 - b. Woven or basket weave wood with minimum 4x4 posts.
 - c. Solid wood with minimum 4x4 posts and 2x4 stringers.
 - d. Steel post and top rail or bar with woven wire screening.
 - e. Masonry fencing meeting UBC requirements.
 - f. Other similar materials.
 - g. Barbed wire fencing may be permitted only on commercial, industrial or public property at the discretion of the Planning Commission/Design Review Board subject to the criteria in FCC 6-1-6-14.
 - h. Electric or razor wire fences are not permitted on any property within city boundaries.

10-2-15: VISION CLEARANCE: Refer to Section 10-1-4 of this Title for definition. The following requirements shall apply in all zoning districts:

1. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
2. At the intersection of an alley and a street, the minimum vision clearance shall be ten feet (10').

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 2, Series 2000
Amended by Ordinance No. 12, Series 2002

OFF-STREET PARKING AND LOADING

SECTION:

- 10-3-1: Purpose
- 10-3-2: General Provisions
- 10-3-3: Minimum Spaces Required
- 10-3-4: Parking Requirements for Uses Not Specified
- 10-3-5: Common Facilities for Mixed Uses
- 10-3-6: Parking Area Improvement Standards
- 10-3-7: Off-Street Loading
- 10-3-8: Parking Table and Diagram
- 10-3-9: Parking Space Dimensions

10-3-1: PURPOSE: The purpose of this Chapter is to set forth the off-street parking requirements for various buildings and uses.

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, 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.
- 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. (Ord. 625, 6-30-80)
- 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. For nonresidential uses, a portion of a parking lot, not to exceed a maximum of thirty percent (30%) of the total number of spaces may be reserved for compact and/or subcompact vehicles only. For purposes of this Section, the following definitions shall apply:
 - 1. Compact/Subcompact Vehicle: Any vehicle which has a turning diameter of thirty six feet (36.0') or less.
 - 2. Standard Size Vehicle: Any passenger vehicle which has a turning diameter of more than thirty six feet (36.0).
- H. Provisions of this Chapter shall not apply to any property located in an organized parking district. (Ord. 669, 5-17- 82)

10-3-3: MINIMUM SPACES REQUIRED: Where square footage is specified, the area measured shall be the combined floor area on each level of a building exclusive of private office space, walk-in coolers, vent

shafts, courtyards, stairwells, elevator shafts, restrooms, rooms designed and used for the purpose of storage and operation of maintenance equipment, and covered or enclosed loading docks. The number of employees shall include those working on the premises, plus proprietors.

During the largest shift at peak season, fractional space requirements shall be counted as the next highest whole space.

A. Residential and Commercial Dwelling Types:

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|----|---|--|
| 1. | Single-family dwellings | 2 spaces for each dwelling unit on a single lot. |
| 2. | Single-family dwelling in the Commercial District | 1 1/2 for each dwelling unit. |
| 3. | Multiple-family dwelling (except senior citizen & student housing)
Studio & one bedroom unit
Two-bedroom units
Three & four bedroom unit | 1 space per unit
1 1/2 spaces per unit
2 spaces per unit |
| 4. | Mobile home parks | 2 spaces per each mobile home, plus 1 space per each 4 mobile homes. |
| 5. | Student housing (fraternities, sororities & dormitories) | 1 space for each 2 students of capacity. |
| 6. | Senior citizen apartments | 1 space for each 2 bedrooms |
| 7. | Motels, hotels, motor | 1 spaces per rental unit, hotels, etc. plus additional spaces as required for restaurants, gift shops, bars, public assembly rooms and other activities. |
| 8. | Boarding and rooming houses, excluding group home facilities | 1 space per each 2 occupants at capacity. |

B. Institutions and Public Assembly Types:

- | | | |
|----|---|---|
| 1. | Elementary, junior high other children's day schools. | 1 space per classroom plus 1 and space for each full-time employee. |
| 2. | High schools, colleges universities | 1½ for each teaching station plus 1 for every 3 classroom seats or every 28 square feet of instruction area. Special review may be given by the Planning Commission. |
| 3. | Libraries, reading rooms museums and art galleries | 1 space for each 2 employees plus 1 space per each 500 square feet of floor area. |
| 4. | Churches and other places | 1 space for every 4 fixed seats or every 8 feet of of religious assembly bench length or every 28 square feet of main assembly room (sanctuary) where no permanent seats or benches are maintained. |

5.	Stadiums, grandstands,	1 space for each 4 persons of seating capacity, coliseums, auditoriums 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.
6.	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.
7.	Golf courses (including any accessory uses)	Special review by the Planning Commission.
8.	Swimming pools, for pool only of pool surface area.	10 spaces plus 1 space per each 150 square feet
9.	Public and semi-public buildings	1 for every 400 square feet of floor area. Special review may be given by the Planning Commission.
10.	Hospitals	1 space per each 2 beds plus 1 space for each staff doctor plus 1 space for each 2 full- time employees.
11.	Medical and dental clinics	1 space per each 200 square feet of floor area.
12.	Animal hospitals and clinics	1 space per each 400 square feet of floor area.
13.	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.
14.	Airports	Special review by the Planning Commission.
15.	Rail and bus passenger terminals	5 spaces plus 1 space per each 100 square feet of waiting area.
C.	Commercial and Retail Trade Types:	
1.	Central Business District retail trade	1 space for each 3 employees, plus 1 space per each 400 square feet of sales area.
2.	Off-Street Parking Assessment District	Members of this District shall meet the requirements of the District as established by the Planning Commission and City Council and shall be exempt from all other space requirements provided herein.
3.	Shopping centers, food, hardware, variety and department stores	1 space per each 200 square feet of floor area.
4.	Specialty shops and other retail stores(under 6,000 sq. ft.)	1 space per each 300 square feet of floor area plus 1space for each 3 employees.

5.	Sales and rental of motor vehicles, trailers mobile homes, boats, modular homes.	2 spaces for each employee.
6.	Greenhouses and nurseries	2 spaces for each employee
7.	General offices and professional businesses	1 space for each employee plus 1 space per each 400 square feet of floor area.
8.	Banks and financial institutions	1 space per each 200 square feet of floor area plus 1 space for each employee.
9.	Motor vehicle repair and service stations	1 space for each 2 employees, plus 2 spaces per each service stall.
10.	Bowling Centers	6 spaces per each lane
11.	Skating rinks	1 space per each 200 square feet of floor area
12.	Funeral homes chapel	1 space per 4 seats or 8' of bench length in the chapel
13.	Laundries & cleaners	1 space per each 300 square feet of floor area.
14.	Commercial recreation and amusement	Special review by the Planning Commission
15.	Furniture, machine and office equipment sales	1 space per 500 square feet of floor area plus 1 space for each 2 employees
16.	Furniture, machine and equipment sales	1 space per 500 square feet of floor area plus 1 space for each 2 employees.
17.	Beauty and barber shops and other personal space for	1 space per 200 square feet of floor area plus 1 services each employee.
18.	Drive-in restaurants	1 space per each 50 square feet of floor area.
19.	Sitdown and carryout restaurants, taverns, bars and night clubs.	1 space per 100 square feet of floor area.
D.	Manufacturing, Storage and Wholesale Types:	
1.	Production or processing of materials, goods or products.	2 spaces for each 3 employees during maximum shift, plus 1 space per each company vehicle permanently stored or maintained on the premises.
2.	Warehouse and wholesale	1 space for each 2 employees plus 1 space per 300 square feet of patron serving area, plus 1 space per each company vehicle permanently stored or maintained on the premises.
3.	Building material sales	1 space per each 500 square feet of floor area.

10-3-4: PARKING REQUIREMENTS FOR USES NOT SPECIFIED: The parking space requirements for buildings and uses not specified in this Chapter shall be determined by the Planning Director, and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the Planning Director may be appealed to the Planning Commission in writing within fifteen (15) days of such decision.

10-3-5: 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 and shall be supported by information contained in a traffic engineering investigation, prepared by a registered traffic engineer. The investigation shall generally follow the format outlined below based upon the document "Shared Parking" authored by the Urban Land Institute.

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

3. The traffic engineering 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 be no further than one thousand feet (1000') from the building or use required to provide parking. The Design Review Board, upon submittal of a Design Review applications, may grant approval for off-site parking only if affirmative findings can be made that:
1. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,
 2. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,
 3. 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,
 4. The applicant requesting off-site parking has furnished a copy of a recorded exclusive, perpetual easement granting to 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.
- 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. (Ord 19 Series 1994).

10-3-6: 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 or other materials approved by the City. (Ord 14 Series 1995)

- A. Parking for new single family dwellings 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. (Ord 12 Series 1994, 7-5-94)
- 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. 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 C2 of this subsection.
 2. Except for places of ingress and egress, a three foot (3') 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 Planning Commission may approve other landscaped areas on the property in lieu of the required three foot (3') landscaped area.
- D. No parking area shall extend into the public way except by agreement with the City.

- E. 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.
- F. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- G. 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.
- H. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.
- I. Building permits are required for all parking lot construction or resurfacing.
- J. 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.
- K. Other pertinent details.
- 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)

10-3-7: OFF-STREET LOADING:

- A. 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.
- B. 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.
- C. 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.

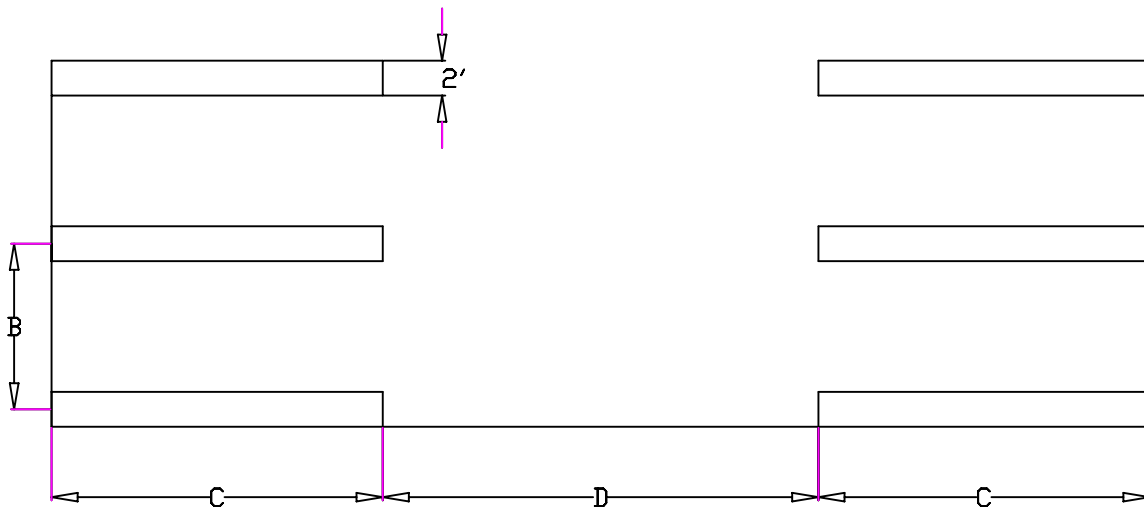
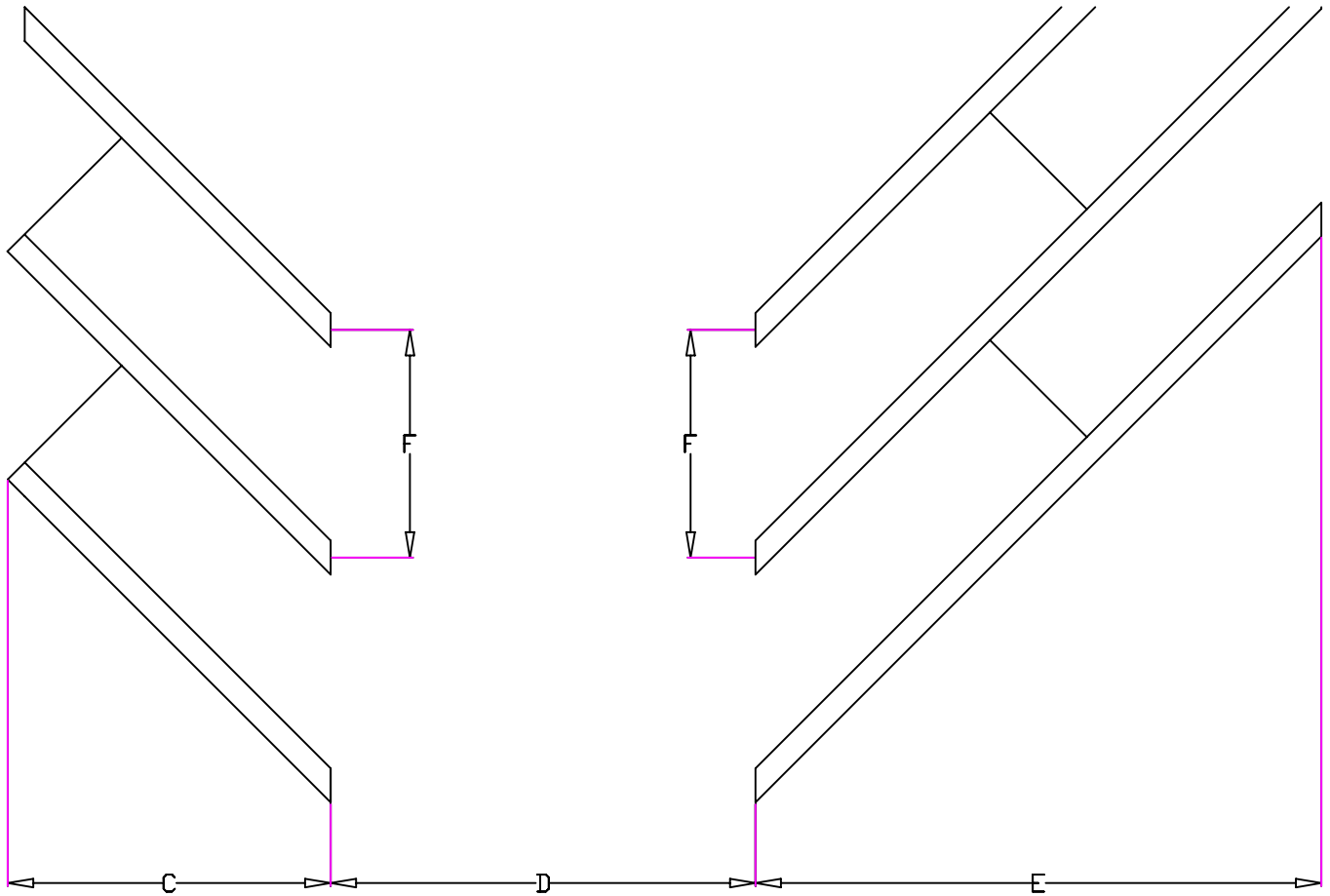
10-3-8: PARKING TABLE AND DIAGRAM: The following provides the minimum dimensions of public or private parking areas based on the following diagram where "A" equals the parking angle, "B" equals the minimum stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the stall distance at bay side, "F" equals the minimum clear bay width, "K" equals double line striping. (Ord. 625, 6-30-80)

- A. Standard Size Vehicles: The parking diagram and table entitled "Parking Lots: Standard Size Vehicles" provides the minimum dimensions for parking areas for standard size vehicles.
- B. Compact/Subcompact Vehicles: The parking diagram and table entitled "Parking Lots: Compact/Subcompact Vehicles" provides the minimum dimensions for parking areas for compact and subcompact vehicles.
- C. When standard and compact/subcompact parking bay modules are facing, the D dimension "clear aisle width" for the standard vehicle shall govern. (Ord. 669, 5-17-82)

10-3-9: PARKING SPACE DIMENSIONS:

- A. Parking stalls shall be a minimum of nine and one-half feet wide and nineteen feet in length (9 1/2' x 19'), with double line striping, two feet (2') wide on center. (Ord. 625, 6-30-80)
- B. Parking spaces for compact cars shall be minimum of seven and one-half feet wide and seventeen feet in length (7 1/2' x 17') with double line striping, 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. (Ord. No. 2, Series 2000)

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



STALL AND AISLE DIMENSIONS
STANDARD CAR

"A" EQUALS ANGLE OF
PARKING

STALL AND AISLE DIMENSIONS
COMPACT CARS

A	B	C	D	E	F
30°	9.5	19	11	28	19
45°	9.5	18	13	33.3	24
60°	9.5	21	18	33.5	11
70°	9.5	21	19	39	10
80°	9.5	20.3	24	43.5	9.5
90°	9.5	19	25	42	9.5

A	B	C	D	E	F
30°	8.5	17	12	25.6	17
45°	8.5	18	13	30.1	12
60°	8.5	18.9	15	34.8	9.8
70°	8.5	18.9	17.6	35.3	9
80°	8.5	18.9	18	39.4	8.6
90°	8.5	17	22	38	8.5

TITLE 10
CHAPTER 4

CONDITIONAL USES

SECTION:

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

10-4-3: 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 the site.
- 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.

10-4-4: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application. The procedures for the public hearing and notice shall conform to the requirements as stated in Section 10-1-2-2 of this Title.

10-4-5: 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.

10-4-6: EFFECTIVE DATE: No conditional use permit shall become effective until the fifteen-day appeals period, stipulated in Section 10-1-1-4 of this Title, has elapsed without an appeal being filed.

10-4-7: EXPIRATION OF CONDITIONAL USE PERMIT: When the activity permitted by a conditional use permit is commenced within six (6) months from the effective date and diligently advanced to completion, the permit shall become permanent for the duration of that activity. If no progress is made to commence the activity within six (6) months of the effective date, the conditional use permit shall expire.

However, within the allowed time period for commencement, the Planning Commission may, with a written request from the applicant and without further notice, extend the expiration date for periods of up to six (6) months, but not beyond the date which is eighteen (18) months from the original date that the conditional use permit became effective.

10-4-8: 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).

10-4-9: 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).

10-4-10: 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 signs.
- E. Regulation of noise, vibration, odors, and sightliness.
- F. Requiring surfacing of parking areas.
- G. Requiring rehabilitation plans.
- H. Regulation of hours of operation and duration of use or operation.
- I. Requiring a time period within which the proposed use shall be developed.
- J. Requiring bonds to insure performance of special conditions.
- K. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.
- L. 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.

10-4-11: 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: No less than ten percent (10%) of the total site area will be landscaped. The Design Review Board shall consider aesthetic and maintenance factors.
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 the City,¹ and amendments thereto.
6. Hazards and Nuisances: Noise and lighting shall be controlled so as not to exceed the normal ground level of adjacent uses. Lighting shall be reflected away from adjoining properties and shall not cause a traffic hazard by blinding, distracting or confusing traffic.
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, at the end of each calendar year, will review a conditional use permit approved for a bed and breakfast facility and the permit renewed for an additional year if permit conditions have been met. 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)

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. Suitability of alternate sign materials or methods of construction; interpretation and enforcement; height, or location of signs.
- J. Grant only the minimum variance necessary to meet the hardship or practical difficulties.
- K. 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 a the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
- E. In the case of a variance to the sign provisions, the power to grant variances does not extend to the convenience of the applicant, nor is it intended to extend to the convenience of regional or national businesses which wish to use a standard sign when these do not conform to these provisions.

10-5-5: PUBLIC HEARING: Upon receipt of a verified petition for a variance, the Planning Commission shall set a time and place for public hearing in accordance with the requirements of Section 10-1-2-2 of this Title.

10-5-6: EFFECTIVE DATE: No variance shall become effective until the fifteen (15) day appeals period, required in Section 10-1-1-4 of this Title, has elapsed.

10-5-7: EXPIRATION OF VARIANCE: When the development permitted by a variance is commenced within six (6) months from the effective date and diligently advanced to completion, it shall become a permanent variance so long as the practical difficulty and physical hardship continue to exist. If no progress is made on the development permitted by the variance within six (6) months of the effective date, the variance shall expire. However, within the allowed time period, the Planning Commission may, with a written request from the applicant and without further notice, extend the expiration date for periods of up to six (6) months, but not beyond the date which is eighteen (18) months from the original date the variance becomes effective. (Ord. 625, 6-30-80)

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 8, Series 1997

TITLE 10
CHAPTER 6

DESIGN REVIEW

SECTION:

- 10-6-1 Purpose
- 10-6-2: Design Review Board
- 10-6-3: General Conditions
- 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: Action of Design Review Board
- 10-6-9: Appeal
- 10-6-10: 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 CONDITIONS:

- A. The Design Review Board shall, in exercising or performing its duties or functions, determine whether the proposed development with the exception of single-family residences, is appropriate to the character of the neighborhood, according to the general criteria listed in Section 10-6-5.
- B. The Design Review Board shall provide this monitoring in the Multiple-Family Residential, Neighborhood Commercial, Commercial, Highway, Waterfront, Marine, Limited Industrial and Open Space Districts for all signs, new construction, alterations to the exterior of structures or additions involving twenty five percent (25%) or more of the floor area of a building, prior to the issuance of a building permit. In addition, all conditional use permits granted by the Planning Commission and any expansion of a pre-existing, nonconforming use require approval by the Design Review Board. Single Family and Duplex use are exempt from Design Review requirements.
- C. When a use changes in the Commercial, Highway, Waterfront, Marine or Limited Industrial Districts, the applicant will be required to receive approval of the site and structures in accordance with Section 10-6-5 of this Chapter.
- D. The Design Review Board shall have authority to require changes in the planned appearances of proposed signs, buildings, structures and alterations in accordance with Section 10-6-1 hereof.
- E. 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)

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 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. Visual buffers, setbacks, yards, coverage, height, density and similar design features.
- B. Lot area, dimensions and percentage of coverage.
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping.
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways.
- 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.
- G. Signs.
- H. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.
- I. Color, building materials and exterior appearance in accordance with the policies established by the City.
- J. Exterior lighting and security.
- K. Public health, safety and general welfare.
- 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, showing the location of existing trees with trunks six inches (6") or more in diameter (this measurement to be at 2 feet above ground level), and major shrubbery such as "was" myrtle and rhododendrons (any shrubs 3 feet in height or more) proposed to be removed and to be retained on the site; the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site; other pertinent landscape features; and irrigation systems required to maintain trees and plant materials.

- 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. Scale drawings of all signs that are subject to design review showing size, location, materials, colors and illumination, if any.
- E. 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.
- F. It is expressly understood that single-family residential homeowners are exempted from the above plans, scale drawings and architectural drawings enumerated above except as required for the issuance of a building permit or under State law. (Ord. 625, 6-30-80)

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: ACTION OF DESIGN REVIEW BOARD: Within thirty (30) days of the date the drawings are submitted, the Design Review Board shall approve, conditionally approve or disapprove the drawings, or shall request the applicant to revise the. (Ord. 625, 6-30-80)

10-6-9: APPEALS: See Code Section 10-1-1-4.

10-6-10: LAPSE OF DESIGN REVIEW APPROVAL: Design review approval shall lapse and shall be void one year following the date upon which the drawings were approved, unless prior to the expiration date of one year a building permit is issued and construction is commenced and diligently pursued toward completion. (Ord. 625, 6-30-80)

Amended by Ordinance No. 15, Series 1988

SPECIAL DEVELOPMENT STANDARDS

SECTION:

- 10-7-1: Purpose
- 10-7-2: Identification of Potential Problem Areas
- 10-7-3: Development Standards
- 10-7-4: Site Investigation

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with potential natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. These 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.

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

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

10-7-3: DEVELOPMENT STANDARDS: The following standards shall be applied to development in potential problem areas unless an on-site examination shows that the condition which was identified in the Comprehensive Plan did not in fact exist on the subject property. These standards shall be applied in addition to any standards which may be shown to be necessary as a result of a site investigation.

- A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.
- B. Munsel Creek and Other Drainageways: A fifty foot (50') setback shall be required for all buildings from the creek channel, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment that no erosion hazards, slide potential, or possible flood damage are likely to occur, and that riparian vegetation will be protected.
- C. Foredunes: No grading or breaching of foredune is permitted.
- D. River Cutbanks: No building shall be permitted within fifty feet (50') of a river cutbank unless the bank has been stabilized. Planning Commission approval, upon review of findings from site investigation report, is necessary for a lesser distance, using the same criteria as for Munsel Creek (see item C2 herein).
- E. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune.
- F. Ocean Flooding Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).
- G. Slopes Greater than Twelve Percent: For development on steep slopes, a foundation design and grading with provision for retaining walls or excavated banks shall be carried out according to plans prepared by a registered engineer and approved by the City.
- H. Active Dune Sands: Open sand will require primary stabilization as with European beach grass and secondary stabilization with any of a variety of shrubs and trees in conjunction with any development. Stabilization may be required prior to development in cases where there are large unstabilized areas.

- I. 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.
- J. Yaquina Soils and Wet Areas: 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)

10-7-4: SITE INVESTIGATION:

- A. Areas Requiring a Site Investigation: Areas identified on the "Hazards Map", "Soils Map", or Resource Inventory are subject to the site investigation procedure contained in site investigation reports by Wilbur E. Ternyik, published by OCZMA. No building permit, conditional use permit or other permit subject to the provisions of this Title may be issued except with affirmative findings that:
 - 1. Upon specific examination of the site, the condition identified on the "Hazards Map" or "Soils Map" or supporting inventory documents did not exist on the subject property; or
 - 2. That harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas.

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. Site Preparation Permit Required: A site preparation permit is required for sites identified as subject to a site investigation. A permit will be issued by the Planning Director based on criteria 1 and 2 of 10-7-4-A.
- C. Permit Fee: A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.
- D. Conditions may be placed or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects are mitigated or eliminated.

Amended by Ordinance No. 15, Series 1988

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

10-8-1: 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, a nonconforming building or structure may be restored in accordance with the Uniform Building Code and use which existed at the time of such damage or destruction may continue unless the Planning Commission determines that the continuation of the use would be detrimental to the health, safety or welfare of the community.

Restoration shall be commenced within six (6) months 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 six (6) months.

10-8-5: ABANDONMENT OF NONCONFORMING USE: The discontinuance of a nonconforming use for any six (6) months out of any twelve (12) consecutive months shall constitute abandonment and 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).

Amended by Ordinance No. 15, Series 1988

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 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)
- F. Bed and Breakfast Facility (Ord. 13, 2002)

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. See Code Section 10-2-15 of this Title
- C. Vision Clearance: Refer to Section 10-1-4 and 10-2-16 of this Title for definition, and requirements.
- D. Off Street Parking:
1. Residential dwellings shall have at least two (2) permanent parking spaces. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least nineteen feet long and nine and one-half feet wide (19x9 1/2'). Regular off-street parking shall not be permitted within the required yards adjacent to a street.
 2. Nonresidential uses shall provide parking in accordance with Chapter 3 of this Title.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 4 of this Code, and amendments thereto. (Ord. 625, 6-30-80)

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 3, Series 1999
Amended by Ordinance No. 13, Series 2002

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 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 10-2-15.
- C. Vision Clearance: Refer to Section 10-1-4 and 10-2-16 of this Title for definition, and requirements.
- D. Off-street Parking: Residential dwellings shall have at least two (2) permanent parking spaces. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be at least nineteen feet long and nine and one-half feet wide (19' x 9 1/2'). Regular off-street parking shall not be permitted within the required yards adjacent to a street.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 4 of this Title.

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 feet (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

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
- 10-12-2-3: Mobile Home/Manufactured Home Restrictions
- 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 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 10-2-15 of this Title.
- C. Vision Clearance: Refer to Section 10-1-4 and 10-2-16 of this Title for definition, and requirements.
- D. Off-Street Parking: Residential dwellings shall have at least two (2) permanent parking spaces. Such a parking space, garage or carport shall provide for the ingress and egress of a standard size automobile. Each parking space must be a least nineteen feet long and nine and one-half feet wide (19' x 9 1/2'). Regular off- street parking shall not be permitted within the required yards adjacent to a street.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 4 of this Code.
- 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)

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 as follows:

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.
ARTERIAL STREET	A street used primarily for through traffic and identified in the Comprehensive Plan.
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.

CARPORT	A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.
COLLECTOR	A street supplementary to the arterial street system and means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
COMMON AREA	Any area or space designed for joint use of tenants occupying mobile home developments. Not to include off-street parking areas.
COMPREHENSIVE PLAN	A plan adopted by the Planning Commission and the City Council as a guide to the growth and improvement of the City, including modifications or refinements which may be made from time to time.
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).
CUL-DE-SAC/DEAD END STREET	A minor street with only one outlet.
CURB LINE	The line dividing the roadway from the planting strip or footway.
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.
EASEMENT	A grant of the right to use a strip of land for specific purposes.
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.
LOCAL STREET	A street primarily for access of abutting properties.
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.
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.
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, and was built prior

to June 15, 1976 under the State Mobile Home Code in effect at time of construction.

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 and the exclusive use of its occupants.
MOBILE HOME/ MANUFACTURED HOME PARKS	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/- 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.
OFFICIAL MAP	The map or maps upon which the zone locations in the City are indicated in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.
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.
PEDESTRIAN WAY	A right of way for pedestrian traffic.
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.
RIGHT OF WAY	The area between boundary lines of a street or other easement.
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)

10-12-2-3: MOBILE HOME/MANUFACTURED HOME RESTRICTIONS:

- A. Permitted Locations: Unless otherwise provided herein, upon compliance with applicable regulations and processes, mobile homes/manufactured homes for dwelling purposes shall be permitted only in:
 - 1. Licensed and approved mobile home/manufactured home parks.
 - 2. Approved mobile home/manufactured home subdivisions.
 - 3. Approved planned unit developments.
 - 4. Mobile Home/Manufactured Home Residential Districts (HR).
- B. Temporary Location: In the event of a disaster situation, the City Council may designate sites or allow the siting of mobile homes/manufactured homes in areas in which mobile homes/manufactured homes were previously excluded, to provide housing on a temporary basis for disaster victims until said conditions have been alleviated. (Ord. 614, 9-10-79)

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. Adequate street lighting shall be provided within the park.
- 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. An appeal must be filed with the City Planning Director within thirty (30) days of mailing of the decision of the Planning Commission.

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 4 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

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 22 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 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. At least ten percent (10%) of the total lot area shall consist of live plant material.
 - 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. At least ten percent (10%) of the total lot area shall consist of live plant material.
- 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 10-2-15 of this Title.
- D. Vision Clearance: Refer to Section 10-1-4 and 10-2-16 of this Title for definition, and requirements.
- E. Off-Street Parking: Refer to Chapter 3 of this Title (Off- Street Parking and Loading).
- F. Vehicle Access: 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. Utilities: 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. Extra capacity utilities include water lines in excess of six inches (6"), sanitary sewer lines in excess of eight inches (8") and storm sewer lines in excess of twelve inches (12").
- H. Signs: Signs shall be in accordance with Title 4, Chapter 4 of this Code, and amendments thereto.
- I. Open Space: Each multiple-family development 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 twenty 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)

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 3 of this Code, and amendments thereto.
- D. Appeal: Shall be in accordance with Section 10-1-14 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 10-2-16 of this Title for definitions, and requirements.
- 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).

Amended by Ordinance No. 15, Series 1988

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:

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

Ambulance services

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.

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') and not more than fifty percent (50%) of the ground floor facing the principal commercial street; 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)

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: One hundred percent (100%) lot coverage may be permitted by the Design Review Board.
- D. Yard Regulations:
 - 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 commercial use abuts a residential use; in such instances a fifteen foot (15') buffer may be required.
 - 3. 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; in such instances a fifteen foot (15') buffer may be required.

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: Where a commercial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The buffer shall not be less than five feet (5') nor more than eight feet (8') in height, except where vision clearance would be interrupted. The Design Review Board shall consider aesthetic and maintenance factors. (Ord. 625, 6-30-80)
- 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 10-2-16 of this Title for definitions, and requirements.
- E. Signs shall be in accordance with Title 4, Chapter 4 of this Code, and amendments thereto.

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

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.

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

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. Visual buffers, setbacks, yards, coverage, height, density and similar design features.
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping.
- C. The location and design of access points for vehicles and pedestrians.
- D. Noise, vibration, smoke, dust, odor, light intensity and electrical interference.
- E. Parking areas and on site traffic circulation.
- F. Signs.
- G. Architectural quality and aesthetic appearance.
- H. Public health and safety.
- I. Security.
- J. Lot area, dimensions and percent of coverage.

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 3 of this Code, and amendments thereto.
- G. Appeal: Shall be in accordance with Section 10-1-1-4 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 10-2-16 of this Title for definitions, and requirements.

Amended by Ordinance No. 15 Series 1988

**TITLE 10
CHAPTER 17**

OLD TOWN DISTRICT

SECTION

- 10-17-1 Purpose
- 10-17-2 Permitted Buildings and Uses
- 10-17-3 Buildings and Uses Permitted Conditionally
- 10-17-4 Lot and Yard Provisions
- 10-17-5 Site and Development Provisions

10-17-1 Purpose: The Old Town District is intended to provide an area for small-scale, pedestrian oriented, mixed land uses that are appropriate in an area related to, or along a waterfront, and that are consistent with the character of Old Town. It is also intended to encourage restoration, revitalization and preservation of the District.

- 10-17-2 Permitted Buildings and Uses
- a. auction sales located entirely within a structure
 - b. auditoriums
 - c. banks
 - d. barber and beauty shops
 - e. bed and breakfast establishments
 - f. boat and motor sales, rental and repair
 - g. building maintenance service
 - h. catering service
 - i. clubs, lodges and meeting halls
 - j. eating and drinking establishments (except drive-in)
 - k. community centers
 - l. confectionary/ice cream with or without fountain
 - m. day care
 - n. health studios
 - o. interior decorators studios
 - p. laundries, laundry services and dry cleaners
 - q. locksmith shop
 - r. marinas
 - s. mortuaries
 - t. theaters and movie theaters
 - u. museums and art galleries
 - v. newspaper offices
 - w. newsstands
 - x. non-motorized river-related recreation businesses
 - y. offices for the following:
 - accountants
 - attorneys
 - licensed health care practitioner
 - engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics
 - general administration
 - z. parking areas, public or private
 - aa. parking garages, public or private
 - bb. parks
 - cc. photography and artist studios
 - dd. planned unit development
 - ee. public buildings and facilities similar to other permitted uses such as offices, auditoria, meeting halls, community centers, museums and galleries, etc.
 - ff. Residential units as defined below:

In Area A shown on the map on the following page, residential units are a permitted use, provided that a dwelling does not occupy the front 25' of a building's ground floor facing the principal commercial street, except that one 6' wide (or as required by ADA) separate entrance to the residential use may be allowed off the principal commercial street at the ground floor. Existing residences remain grandfathered until such time as a conversion is made to commercial use.

In the remaining area of the Old Town District, residential units except for single family dwellings are permitted subject to remaining requirements of the District. Existing residences are grandfathered.

FCC 10-8 provides for expansion of up to 25% for a pre-existing, non-conforming use. In the event of damage or destruction of a non-conforming building or use, the structure may be restored to the use which existed at the time of the damage or destruction. Any restoration must conform to the Uniform Building Code. Such restoration must commence within 6 months of the damage or destruction and continue to completion. The Planning Commission may grant a 6 months extension to this time period.

- gg. retail sales located primarily within buildings
- hh. schools, public or private
- ii. shoe repair shops
- jj. tailor shops
- kk. telephone, telegraph and internet services
- ll. travel agencies
- mm. upholstery: automobile, boat and furniture
- nn. wharves, piers and docks
- oo. wholesale seafood buyers
- pp. woodworking shops, provided that all activities are carried on within a building or buildings
- qq. accessory buildings and uses normal and incidental to the buildings and uses permitted in this section
- rr. 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 adjoining areas than those buildings and uses specifically permitted.

10-17-3 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. Churches, except rescue missions or temporary revivals
- b. Condominiums
- c. Hotels, motels
- d. Motorized river-related recreation businesses
- e. Multiple family dwellings including townhouses, clusters and apartments
- f. Public buildings and facilities not included as permitted uses
- g. Single family residences
- h. Taxi stands, depots
- i. Water dependent and water related uses consistent with the historic and/or waterfront character

10-17-4 Lot and Yard Provisions

- A. Lot area: The lot area shall be a minimum of 1500 square feet.
- B. Lot dimensions: The minimum lot width shall be 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:
 - a. For Area A shown on the map on the following page, yards shall be as follows:
 - Front yards: Building fronts may vary from 0' to 10' setback from the front property line. Ten percent (10%) of the frontage, or a minimum of 6', may be utilized for

pedestrian walkways connecting to interior parking lots or for river viewing areas. Upper story windows, balconies, benches and tables may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.

- Side yards: Buildings may be zero lot line, provided that all UBC requirements are met. In each block, there will be at least one opening for public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River.

- Rear Yards: On all lots except for single family dwellings, rear yards may vary from zero lot line to 10' depending on site specific conditions such as surrounding uses, rear yards on surrounding lots, rear yard amenities proposed, connection to interior parking lots and landscaping requirements.

b. For all other yards in the Old Town District, the following shall apply:

- Front yards may vary from 0' – 15', depending on site specific conditions such as front yards on surrounding uses, distance from Bay Street, proposed use relative to the need to be closer to the sidewalk for pedestrian convenience, and building height and design.

- Side yards may vary from 0' – 10' depending on site specific conditions such as surrounding uses, side yards on surrounding uses, the proposed use, the need for pedestrian and/or vehicular access to interior parking lots, need to provide for views, or to provide for or preserve landscaping or mature trees.

- Rear yards: On all lots except for single family dwellings, rear yards may vary from 0' – 10' depending on site specific conditions such as surrounding uses, rear yards on surrounding lots, rear yard amenities proposed, connection to interior parking lots, landscaping requirements, including need to preserve landscaping or mature trees. For single family dwellings, rear yards shall be a minimum of 10'.

10-17-5 Site and Development Provisions

A. Building or Structural Height Limitations: The maximum height for buildings abutting the bay side of Bay Street between Nopal Street and the Siuslaw River Bridge shall be 2 stories or 28'. The maximum height for all other buildings in the District shall be 3 stories or 38'. The building facade and roofline shall be designed to provide architectural interest and avoid façades that propose large expanses of straight planes with little or no architectural relief, or inclusion of architectural features which are not in character with Old Town.

The Planning Commission/Design Review Board may allow building heights of up to 4 stories or 50' in any area in the District except for properties abutting either side of Bay Street between Nopal Street and the Siuslaw River Bridge provided that:

- a. The building has an approved fire extinguishing system
- b. The building is in scale with and/or complements surrounding structures
- c. The building will contain mixed uses with retail at the street level.
- d. The building facade 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.
- e. The site has physical constraints/opportunities which are best addressed by a taller building.

B. Access: ADA approved access must be provided to all floors of buildings and structures as required by the UBC.

C. Parking and Loading Spaces: 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. Parking may not be located in any front yard. Parking for residential units may be specifically designated within any parking area. Site specific, individual parking areas or lots will not be approved unless no other alternative exists. The number of parking spaces as provided in Chapter 3, Title 10 shall be used as a guideline when determining parking needs. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site parking lot is planned and approved, but not yet constructed, and/or may require a non-remonstrance agreement where applicable.

Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required 8' minimum pedestrian walkway.

D. Vision Clearance: All development shall comply with Sections 10-1-4 and 10-2-4 of this title.

E. Signs: Where a building abuts the sidewalk, only awning, projecting, window and wall signs are permitted. Size and placement shall conform to the standards of the Sign Code, Section 10-26 of the City Code. Signs may not be internally illuminated. Use of readerboard signs is subject to approval as part of Design Review.

F. Fences, Hedges, Walls and Landscaping:

a. 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.

b. Walls, Fences and Hedges: Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges 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 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.

G. Lighting: Street lighting and lighting of interior parking lots and walkways shall conform to the following lighting standards:

- Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
- Lighting shall be pedestrian scaled.
- Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement. Lighting plans shall show the illumination fields for each fixture.
- Wiring for historic light fixtures shall be placed underground.
- Other overhead wiring shall be placed underground, where possible.

H. 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.

I. Design Review: All uses except single family and residential duplex units in the 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 Guidelines to determine compatibility with the character of the district.

The Official Zoning Map is amended as shown on Attachment "A". Parcels described as Map No. 18-12-34-12, Tax Lots 8300 and 8400 are rezoned from Waterfront District to Restricted Residential District.

Amended by Ordinance No. 3, Series 2003, effective April 17, 2003

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.
- C. Definitions: The following definitions apply to this Chapter only and, if conflicts exist, shall supersede other definitions contained in this Title:

ACCESS Contact with or use of the water required for water dependent uses.

AQUACULTURE The propagation and harvesting of aquatic life.

COASTAL WATER Territorial ocean water of the continental shelf and the estuary.

DREDGED MATERIAL DISPOSAL SITE A site identified as a dredged spoil site in the Siuslaw River Dredged Material Disposal Plan. A site is permanently designated until removed in a revised Siuslaw River Dredged Material Disposal Plan (or the site has reached its capacity to hold spoils material). "Temporary use of the site is allowed..."(quote from section in Comprehensive Plan).

MARINA Public or private piers, docks, boat launching and moorage facilities used for commercial or pleasure craft, including fueling and other similar service activities.

MARINE REPAIR An activity involving major alteration, disassembling, reassembly or other physical change or modification to water craft including, but not limited to, engine work, painting, welding, structural repair or modification and other similar uses.

MARINE SERVICE	A retail activity involving the sale of goods and services for consumption by the boating public including, but not limited to, fuels and lubricants, maintenance activities not involving physical and structural change to the craft, and other similar uses.
MITIGATION SITE	A site which is to be reserved for use to restore or create an area of similar biological potential in compensation for an area destroyed through dredge or fill activities.
RECREATION	An activity requiring water access for fishing, swimming, boating, etc. Although water access might be desired for a recreational purpose, it would not be required unless the use of the water body was an integral part of the activity.
REQUIRES	When applied to a use requiring water access, it is assumed that by its very nature (e.g., fishing, navigation, boat moorage), or at the current level of technology, the use cannot exist without water access.
SOURCE OF WATER	Water which must be appropriated for cooling, processing or other integral functions of a permitted use.
WATERBORNE TRANSPORTATION	Uses of water access which are themselves transportation (e.g., navigation), which are necessary to support waterborne transportation (e.g., moorage, fueling, servicing of ships, terminal and transfer facilities), or which require the receipt of shipment of goods by water.
WATER DEPENDENT	A use or activity which can be carried out only on, in or adjacent to, water areas because the use requires access to the water body for waterborne transportation, recreation or source of water.
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.

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:

A. Water Dependent Uses:

Aquaculture

Bait and tackle shop

Boat charter service

Boat launching

Dredge or fill activities, in connection with water dependent uses, in intertidal or tidal marsh areas when their effects are mitigated according to State approved requirements.

Dry dock facilities for boat repair and maintenance, and marine railway facilities.

Loading or unloading facilities for products and materials utilizing estuarine waters as a means of transportation.

Marina

Marine service

Moorage facilities

Office in conjunction with a permitted use

Public aids to navigation

Public boat ramp

Rental and fueling of marine equipment

Wharves, docks and piers in conjunction with a permitted use

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Section.

Other water dependent buildings and uses similar to the above list, which shall not have any different or more detrimental effect on the area or estuary than the buildings and uses specifically listed.

B. Water Related Uses:

Caretaker's dwelling for an approved use when it is determined by the Planning Commission that the business requires the on-site residence of such a person.

Cold storage or ice processing plants for sea products

Holding areas for trans-shipment of goods by water

Laboratory for research of marine products or resources

Manufacture of items to be used in the extraction and processing of resources found in coastal waters

Manufacture or repair of boats, barges, ships and related marine equipment

Manufacturing, assembling, processing, packaging and wholesaling of sea products

Public buildings or uses which are essential to the physical, social or economic welfare of the area

Public utility or communication facility

Public water related outdoor recreation area

Restaurant

Retail sales of marine equipment

Retail sales of sea products in conjunction with seafood packing and processing

Warehousing and storage facilities for marine equipment or sea products

Other buildings or uses which are water related and similar to the above list which shall not have any different or more detrimental effect on the area or estuary than the buildings and uses specifically listed.

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:
1. The proposed use must be a water dependent or water related use.
 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. There are no alternative upland locations in other districts which would be suitable for the proposed use; and
 - b. There are sufficient sites available to meet projected needs for water dependent uses, especially sites adjacent to the estuary.
- 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: One hundred percent (100%) lot coverage may be permitted, exclusive of setback requirements.
- 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. (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 10-1-3 and 10-2-16 of this Title for definition and requirements.
- I. Signs: Signs shall be in accordance with Title 4, Chapter 3 of this Code, and amendments thereto.
- 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.
- L. Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title. (Ord. 625,6- 30-80)

Amended by Ordinance No. 15, Series 1988

ESTUARY AND SHORELANDS

SECTION:

- 10-19-1: Natural Estuary District (NE)
- 10-19-2: Conservation Estuary District (CE)
- 10-19-3: Development Estuary District (DE)
- 10-19-4: Natural Resources Conservation Combining District (/NRC)
- 10-19-5: Shorelands Mixed Development Combining District (/MD)
- 10-19-6: General Provisions
- 10-19-7: Administrative Review
- 10-19-8: Dredge Material/Mitigation Site Combining District (/DMS)
- 10-19-9: Prime Wildlife Shorelands Combining District (/PW)
- 10-19-10: Significant Natural Shorelands Combining District (/SN)

10-19-1: NATURAL ESTUARY DISTRICT (NE):

- A. Purpose: 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.
- B. Permitted Uses: In the NE District, the following types of uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Section.
 - 1. Low intensity recreation which is water dependent.
 - 2. Education and scientific observation.
 - 3. Navigational aids.
 - 4. Passive estuarine restoration.
 - 5. Protection of habitat, nutrient, fish, wildlife and aesthetic resources.
 - 6. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures. (Ord 9, 1991)
 - 7. Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities. (Ord 9, 1991)
 - 8. Bridge crossings. (Ord 9, 1991)
- C. 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 satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6B, except for major projects requiring an impact assessment as set forth in subsection 10-19-6C.
 - 1. Uses:
 - a. Communication facilities.
 - b. Active restoration of fish and wildlife habitat or water quality and estuarine enhancement. (Ord 9, 1991)

Criteria:

- a. No fill or dredging is required.
- b. The use will have minimal impact on natural resources in the area affected by the proposed use. These natural resources are as identified in the Florence Comprehensive Plan.

2. Uses:

- a. Aquaculture which does not involve estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks. (Ord 9, 1991)

Criteria:

- a. No dredge or fill is required.
- b. The use is consistent with the Florence Comprehensive Plan.

3. Uses:

- a. Boat ramps for public use where no dredging or fill for navigational access is needed.
- b. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
- c. Installation of tidegates in existing functional dikes.
- d. Bridge crossing support structures and dredging necessary for their installation.

Criteria

- a. The use is consistent with the resource capabilities of the area in that 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.
- b. Substantial public benefit is demonstrated. (Ord 9, 1991)

4. Uses, Temporary alterations:

Criteria:

A resource capabilities test shall be applied to temporary alteration proposals to ensure:

- a. That the short-term damage to resource is consistent with resource capabilities of the area.
- b. That the area and affected resources can be restored to their original condition.
- c. The proposed use is otherwise in compliance with uses allowed by Goal 16 within the applicable Management Unit. (Ord 9, 1991)

D. Nonconforming Use Exceptions:

1. Docks and Piers: Actively utilized piers, docks and other structures occupying the water surface by means other than fill existing as of ____ may be rebuilt within two (2) years, but not expanded if damaged or destroyed, notwithstanding the provisions of Chapter 8 regarding nonconforming uses.
2. Log Storage: Leases for storage sites are prohibited.

- E. Applicable Natural Features: 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 defined on the City zoning maps as specified by this Title.
- F. Uses Subject to State and Federal Permits. (Ord 9, 1991)
 - 1. When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, information required as part of the State or Federal permit process may be required to be made available to the County for the determination that applicable criteria are satisfied.
 - 2. Applicants shall make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within 10 days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.
 - 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.
- G. Additional Criteria Required for Projects Involving Dredge or Fill. Any use or activity permitted above which requires dredging or filling of the estuary must meet the following criteria: (Ord 9, 1991)
 - 1. The use is required for navigation or is otherwise water-dependent, and requires an estuarine location, or is specifically allowed by the applicable Management Unit requirements of Goal 16.
 - 2. A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights.
 - 3. No feasible alternative upland locations exist.
 - 4. Adverse impacts on identified estuarine values are minimized.
 - 5. Mitigation requirements of ORS 541.605 to 541.695 are met.

10-19-2: CONSERVATION ESTUARY DISTRICT (CE):

- A. Purpose: 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.
- B. Permitted Uses: In the CE District, the following types of uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Title.
 - 1. Low-intensity recreation which is water dependent.
 - 2. Scientific and educational observation.
 - 3. Navigational aids, such as beacons and buoys (Ord 9, 1991)
 - 4. Passive estuarine restoration measures. (Ord 9, 1991)
 - 5. Dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels and bridge crossing support structures. (Ord 9, 1991)
 - 6. Natural resource preservation, including protection of habitat, nutrient, fish, wildlife and aesthetic resources.

7. Aquaculture facilities 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. (Ord 9, 1991)
8. Communication facilities not requiring dredge or fill.
9. Noncommercial clamming and fishing.
10. Log storage, provided the storage occurs at sites under lease from Division of State Lands upon passage date of this Chapter, and provided all State and Federal agency requirements are met.
11. Rip-rap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archeological values, and public facilities. (Ord 9, 1991).
12. Bridge crossings. (Ord 9, 1991).

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 Section 10-19-7, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6B except for major projects requiring an impact assessment as set forth in subsection 10-19-6C.

1. Uses:

- a. Private single-family, single-purpose piers or docks.

Criteria and Conditions:

- a. The use will have minimal adverse impact on natural resources in the area affected by the proposed use. The resources are as identified in the Florence Comprehensive Plan
- b. The use is compatible with requirements to adjacent Shorelands' Comprehensive Plan designation.
- c. The applicant attests in writing on a form provided by the Planning Director that no alternatives to the proposed structure are feasible.
- d. The size and design of the structure is limited to that required for the intended use.

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 satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6B, except for major projects requiring an impact assessment as set forth in subsection 10-19-6C.

1. Uses:

- a. New or expanded log storage sites.

Criteria and Conditions;

- a. Water storage is integral to continued operation of the associated wood processing facility.
- b. There are no feasible upland alternative.

- c. The log storage operation meets Department of Environmental Quality standard for log storage.
- d. The use is not proposed at sites which have long- established use for public recreation such as a boat launching site or a marina site.

2. Uses:

- a. Public docks and piers.
- b. Private multi-family docks and piers.
- c. Mooring buoys which are permanently anchored to estuary floor.
- d. Dolphins.

Criteria and Conditions:

- a. The use will have minimal impact on natural and recreational resources in the area affected by the proposed use. The resources are as identified in the Florence Comprehensive Plan.

3. Uses

- a. Boat launching ramps.
- b. Public beaches requiring estuarine modification.
- c. Minor dredging to improve navigability.

Criteria and Conditions:

- a. No estuarine location is required.
- b. No alternative locations exist which are designated as "development" in the Florence Comprehensive Plan.
- c. Adverse impacts on resources are minimized. These resources are as identified in the Florence Comprehensive Plan.
- d. No alternative shoreland location exists for the portions of the use requiring fill.
- e. Dredge or fill is permitted only where consistent with the resource capabilities of the area and the purposes of the management unit.

4. Uses:

- a. Bridge crossing support structures.

Criteria:

- a. An estuarine location is required.
- b. No alternative locations exist which are designated as "development" in the Florence Comprehensive Plan.
- c. Adverse impacts on identified resources are minimized. These resources are as identified in the Florence Comprehensive Plan.
- d. Other requirements of this Section are met.

5. Uses:

- a. Placement of rip-rap

Criteria:

- a. The rip-rap is needed to protect an existing or permissible use as otherwise allowed by Goals 16, 17 and the Estuary Rule.

- b. Land use management practices and non-structural solutions are inadequate.
- c. Adverse impacts on water currents, erosion and accretion patterns are minimized.
- d. Placement of rip-rap is consistent with the resource capabilities of the area and the purposes of maintaining conservation management units. (Ord 1, 1999)

6. Uses:

- a. Erosion control structure, including, but not necessarily limited to seawalls, bulkheads, groins and jetties.

Criteria:

- a. An estuarine location is required.
- b. No alternative locations exist which are designated as "development" in the Florence Comprehensive Plan.
- c. Adverse impacts on resources are minimized. These resources are as identified in the Florence Comprehensive Plan.
- d. No alternative shoreland locations exist for the portions of the use requiring fill.
- e. The use being protected is water dependent, a structure existing prior to October 7, 1977, public or private roads, bridges or railways, or public access ways. (Ord. 3, Series 1988).
- f. Adverse impacts on water currents, erosions and accretion patterns are minimized as much as feasible.
- g. Nonstructural solutions are inadequate to protect the use.

7. Uses:

- a. Active estuarine restoration, involving dredge or fill.

Criteria:

- a. Adverse impacts on identified estuarine resources are minimized.

8. Uses:

- a. High-intensity water-dependent recreation, including boat ramps, marinas and new dredging for boat ramps and marinas. (Ord 9, 1991)
- b. Aquaculture requiring dredge and/or fill or other alteration of the estuary. (Ord 9, 1991)
- c. Minor navigational improvements. (Ord 9, 1991)
- d. Mining and mineral extraction, including dredging necessary for mineral extraction. (Ord 9, 1991)
- e. Other water dependent uses requiring occupation of water surface area by means other than dredge or fill. (Ord 9, 1991)

Criteria and Conditions:

- a. An estuarine location is required
- b. No alternative locations exist which are designated as "development" in the Florence Comprehensive Plan.
- c. Adverse impacts on resources are minimized. These resources are as identified in the Florence Comprehensive Plan.
- d. No alternative shoreland locations exist for the portions of the use requiring fill.
- e. The use is consistent with the resource capabilities of the area and the purposes of the Management Unit, when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant, or it is documented 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 biological productivity, recreational and aesthetic values and aquaculture. (Ord 9, 1991)

- f. Associated land uses, if any, on adjacent shorelands comply with applicable land use and zoning regulations. (Ord 9, 1991)
- 9. Uses, Temporary Alterations (Ord 9, 1991)

Criteria: A resource capabilities test shall be applied to temporary alteration proposals to ensure:

- a. That the short-term damage to resource is consistent with resource capabilities of the area.
- b. That the area and affected resources can be restored to their original condition.
- c. The proposed use is otherwise in compliance with uses allowed by Goal 16 within the applicable Management Unit.

E. Additional Criteria Required for Projects Involving Dredging or Fill: Any use or activity permitted herein which requires dredging or filling of the estuary must meet the following criteria:

- 1. The use is required for navigation or is otherwise water-dependent, and requires an estuarine location, or is specifically allowed by the applicable Management Unit requirements of Goal 16. (Ord 9, 1991)
- 2. A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights. (Ord 9, 1991)
- 3. No feasible alternative upland locations exist. (Ord 9, 1991)
- 4. Adverse impacts on identified estuarine values are minimized.
- 5. Mitigation requirements of ORS 541.605 to 541.695 are met.

F. Applicable Natural Features: 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; 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 defined on the City zoning maps, as specified by this Title.

10-19-3: DEVELOPMENT ESTUARY DISTRICT (DE):

A. Purpose: 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.

B. Permitted Uses: In the DE District, the following types of uses are permitted as hereinafter specifically provided for by this Section, subject to the general provisions and exceptions set forth in this Section; provided, that no such use may be permitted which involves dredging or filling of the estuary.

- 1. The following waterborne transportation and associated water-dependent activities and uses:
 - a. Navigational aides.
 - b. Maintenance Dredging.
- 2. The following commercial activities and uses which are water-dependent:
 - a. Marine fueling facilities.
 - b. Marinas.

- c. Loading and unloading facilities such as piers or docks.
 - 3. The following industrial activities and uses which are water-dependent:
 - a. Marine facilities construction and repair facilities.
 - b. Log storage.
 - 4. The following public facilities which are water- dependent:
 - a. Marinas.
 - b. Docks and piers and other moorage's.
 - c. Boat launching ramps.
- 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 Section 10-19-7 upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6B except for major projects requiring an impact assessment as set forth in subsection 10-19-6C.
 - 1. Uses:
 - a. Any water-dependent use not specifically permitted in subsection B herein which involves dredging or filling of the estuary.

Criteria:

 - a. The use is water-dependent.
 - b. Applicable mitigation requirements can be met.
 - 2. Uses: Flow-lane disposal of dredged material. (Ord 9, 1991)

Criteria: Such action shall be monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected natural and Conservation Management Units.
- 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 satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6B except for major projects requiring an impact assessment as set forth in subsection 10-19-6C.
 - 1. Uses:

Flood and erosion control structure, including, but not necessarily limited to, jetties, seawalls, groins and bulkheads.

Criteria and Conditions

 - a. The criteria required for projects involving dredge or fill herein are met
 - b. The structures are designed and sited to minimize erosion and man-induced sedimentation in adjacent areas
 - c. The structures are designed and sited to minimize adverse impacts on water currents, water quality and fish and wildlife habitat.
 - d. The use or uses to be protected by the proposed structures are water-dependent, public or private roads, bridges, or railways, or public access. (Ord 3, 1988).
 - 2. Uses:

Rip-rap and associated minor fills to protect man- made structures existing prior to October 7, 1977, public or private roads, bridges or railways, or public access. (Ord 3, 1988).

Criteria and Conditions:

 - a. Natural bank stabilization measures are inadequate.

3. Uses:
 - a. Other uses which do not require dredging or filling.

Criteria:

 - a. The use will not irrevocably limit future use of the area for water dependent commercial, industrial or public facilities.
 - b. The use will have minimal impact on resources, as identified in the Florence Comprehensive Plan, in the area affected by the proposed use.

4. Uses:
 - a. Low-intensity recreation which is water-dependent.
 - b. Scientific and educational observation.
 - c. Active estuarine restoration.
 - d. Aquaculture.
 - e. Communication facilities.
 - f. Bridge crossing support structures.

Criteria and Conditions:

 - a. The criteria specified herein are met for any use or activity requiring dredge or fill.

5. Uses:
 - a. Any uses specified hereinabove which involve dredging or filling of the estuary, except those listed in paragraph C herein which are reviewed administratively.

Criteria

 - a. The criteria required for projects involving dredge or fill in subsection E herein.

6. Uses: (Ord 9, 1991)
 - a. Temporary alterations.

Criteria:

A resource capabilities test shall be applied to temporary alteration proposals to ensure:

 - a. That the short-term damage to resource is consistent with resource capabilities of the area.
 - b. That the area and affected resources can be restored to their original condition.
 - c. The proposed use is otherwise in compliance with uses allowed by Goal 16 within the applicable Management Unit.

- E. Additional Criteria Required for Projects Involving Dredging or Fill: Any use or activity permitted herein above which requires dredging or filling of the estuary must meet the following criteria:
1. The use is required for navigation or is otherwise water-dependent, and requires an estuarine location, or is specifically allowed by the applicable Management Unit requirements of Goal 16. (Ord 9, 1991)
 2. A need (i.e., a substantial public benefit) is demonstrated and the use or alteration does not unreasonably interfere with public trust rights. (Ord 9, 1991)
 3. No feasible alternative upland locations exist. (Ord 9, 1991)
 4. Adverse impacts on identified estuarine values are minimized.
 5. Mitigation requirements of ORS 541.605 to 541.695 are met.
- F. Applicable Physical, Geographical or Natural Features: The DE District is designed to apply to navigation channels, subtidal 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 maps as specified by this Title.

10-19-4: NATURAL RESOURCES CONSERVATION COMBINING DISTRICT (NRC):

- A. Purpose: The Natural Resources Conservation Combining District (NRC) is applied to both natural resources conservation and residential development management units. It is the purpose of the NRC 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.

The NRC 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 and timber industries.
3. Allow for recreation and public access to coastal water.

The NRC District provides a procedure by which to define the exact geographical boundaries of the shorelands within the NRC District which require protection beyond that provided by the district or districts with which the NRC is combined and imposes additional development requirements within these boundaries.

- B. Permitted Uses: In areas found subject to the requirements of the NRC Combining District by the preliminary investigation specified in Section 10-19-6, the following structures and uses, and no others, are permitted. The Forest Practices Act requirements for the maintenance of riparian vegetation shall be strictly 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". In evaluating harvest plans, the Department of Forestry must recognize and protect those areas indicated in the inventory as "major marshes", "coastal headlands" or "exceptional aesthetic resources".

1. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the district or districts with which the NRC is combined.
2. Agricultural activities and general farming uses and structures as permitted by the district or districts with which the NRC is combined.
3. Dredged material disposal when the NRC is used in conjunction with the DMR Combining District.
4. Shore-secured floating moorage facilities in adjacent water areas.
5. Public, commercial or private, multi-family, multi-use piling docks and piers in adjacent lakes and in estuarine districts subject to the requirements of the respective estuarine districts.
6. Boat launching ramps, except where adjacent to a Natural Estuarine (NE) District
7. Harvesting of wild crops.
8. Low intensity recreational activities.

- C. Special Uses Approved by Administrative Review: If found subject to the requirements of the NRC District based on the results of the preliminary investigation specified by Section 10-19-6, 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 Section 10-19-6, upon satisfaction of the applicable criteria.

1. Uses:
 - a. Single-family dwelling units and mobile homes and such accessory buildings as allowed in the underlying zoning district.

Criteria:

- a. All requirements set forth herein in subsections E and F, are met.

2. Uses:

- a. Single-family dwelling units and mobile homes as allowed in the district or districts with which the /NRC is combined where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth herein.

Criteria:

- a. The said parcel existed prior to the date of adoption of this Chapter.
- 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.

3. Uses:

- a. Single-family, single-purpose docks and piers in adjacent coastal lakes of Development or Conservation Estuarine Districts.

Criteria:

- a. The applicant shall attest in writing that there are no viable alternatives to the construction of a private dock or pier. Alternatives include dryland storage, mooring buoys, public piers or the cooperative use of existing private piers.
- b. The size of the structure is limited to that required for the intended use.
- c. All requirements of the respective estuarine districts are met.

4. Uses:

- a. Removal of individual hazardous trees within the required fifty foot (50') strip of shorefront vegetation specified herein.

Criteria:

- a. It can be clearly determined that the trees are a hazard to life or existing property.

5. Uses:

- a. All permitted buildings and uses allowed in the respective district with which the /NRC is combined.

Criteria:

- a. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.
- b. The use will not adversely affect the resource use of adjacent timber or agricultural lands.

- D. Conditional Uses: If found subject to the requirements of the /NRC District based on the results of the preliminary investigation specified by Section 10-19-6, 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, upon satisfaction of the applicable criteria.

1. Uses:

- a. Artificial bank stabilization adjacent to estuaries and lakes.

Criteria:

- a. The stabilization is necessary to protect structures existing on or before October 7, 1977, or to protect public or private roads, bridges or railroads, or to protect uses permitted outright or conditionally in the underlying zoning district.
- b. Natural bank stabilization methods are unfeasible.

2. Uses:

- a. Fills in coastal lakes adjacent to the /NRC District.

Criteria and Conditions:

- 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 must be minimized.
- c. The benefits of the proposed fill to long-term economic development or improved public recreational use shall outweigh the negative impacts on water quality.

3. Uses:

- a. All buildings and uses allowed conditionally or by special permit in the respective district or districts with which the /NRC District is combined, except where expressly prohibited by this Section.

Criteria:

- a. All applicable criteria provided within the respective district with which the /NRC is combined are met.
- b. The use will not adversely affect the resource use of adjacent designated timber and agricultural lands.
- c. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

E. Site Development Requirements: If found subject to the requirements of the /NRC District based on the results of the preliminary investigation specified by Section 10-19-6, the development requirements specified herein shall be in addition to those provided by the respective district or districts with which the /NRC is combined.

- 1. 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, septic requirements, if applicable, and fire safety requirements.
- 2. 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 indigenous 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.
- 3. Thirty feet (30') of indigenous riparian vegetation shall be retained along all coastal water bodies. This shall be measured at right angles from the mean high water line of the coastal water body.
- 4. Existing trees must be retained within an area fifty feet (50') in width measured at right angles from the mean high water line of the coastal water body.
- 5. Cornices, canopies and eaves may extend two feet (2') into the setback area specified below.
- 6. Decks, uncovered porches, stairways and fire escapes may extend a distance of ten feet (10') into the setback area specified below.
- 7. The requirements for parking and vision clearance shall be provided by the respective district or districts with which the /NRC District is combined.

F. Additional Setback Requirements: Setbacks shall be as required in the district or districts with which the /NRC is combined, except for the additional setback requirements specified herein.

1. Structures shall be set back fifty feet (50') from the coastal lakes measured at right angles to the high water line. Use of this fifty feet (50') shall be as specified hereinabove.
2. 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.

10-19-5: SHORELANDS MIXED DEVELOPMENT COMBINING DISTRICT (/MD):

- A. Purpose: The Mixed Development Combining 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 they be preserved for the expansion of existing water-dependent and water-related commercial, industrial or public uses.

The /MD District provides a procedure by which to define the exact geological boundaries of the shorelands within the /MD District that require protection beyond that provided by the district or districts with which the /MD is combined, and imposes additional development requirements within those boundaries.

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 areas found subject to the requirements of the /MD Combining District by the preliminary investigation specified by Section 10-19-6, the following structures and uses and no others are permitted.

1. The following boat moorage and storage facilities.
 - a. Dryland storage.
 - b. Shore-secured floating moorage facilities, mooring buoys, piling-type piers and launch ramps; provided such facilities are located within adjacent Development Estuarine (DE) District or a lake.

- C. Special Uses Approved by Administrative Review: If found subject to the requirements of the /MD District based on the results of the preliminary investigation specified by Section 10-19-6, 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 Section 10-19-7, upon satisfaction of the applicable criteria.

1. Uses:
 - a. Water-dependent and water-related commercial, industrial and public uses.

Criteria and Conditions:

 - a. The site has the potential for water-dependent and water-related uses.
 - b. Short-term economic gain or convenience in development shall be evaluated in relation to potential long-term effects of the estuary and shorelands, as well as long-term economy of the area.
 - c. Visual attractiveness of design and layout is considered.
 - d. Maintain or encourage riparian vegetation for erosion control and temperature and general aesthetics where feasible.

2. Uses: The following moorage facilities attached or connected to the shorelands and located in other than a Development Estuary (DE) District or a lake.

- a. Public or commercial piling-type docks or piers.
- b. Private, multi-family or multi-use piling type docks or piers.
- c. Mooring buoys which are permanently anchored to the estuary floor.
- d. Dolphins.

Criteria:

- a. The moorage facility meets the requirements of the respective Estuarine District.
- b. The use is not in violation of the purposes of the respective district or districts with which the /MD is combined.

3. Uses:

- a. All permitted buildings and uses allowed in the respective district with which the /MD District is combined, except as may be provided otherwise by the provisions of this Section.

Criteria and Conditions:

- a. The use is water-dependent or water-related, or if the parcels are unsuited to water-dependent uses, then uses which are nondependent, nonrelated, conforming to the requirements of the underlying zoning district and the requirements of this Section.

D. Conditional Uses: If found subject to the requirements of the /MD District based on the results of the preliminary investigation specified in Section 10-19-6, 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, upon satisfaction of the applicable criteria:

1. Uses:

- a. Artificial bank stabilization

Criteria:

- a. Natural erosion processes are threatening structures existing as of October 7, 1977, or is required to protect a water-dependent use, public or private roads, bridges, or railways, or public access, or is necessary to protect uses permitted outright or conditionally in the underlying zoning district.
- b. Natural bank stabilization methods are deemed

2. Uses:

- a. Filling coastal lakes or estuary adjacent to /MD.

Criteria and Conditions:

- a. Cumulative effects of all such fills shall be considered.
- b. The fill is required to protect a water-dependent use from erosion.
- c. All requirements set forth herein apply.
- d. If the fill meets the requirements of State and Federal agencies.

3. Uses:

- a. All buildings and uses permitted conditionally or by special use permit in the respective district or districts with which the /MD District is combined, subject to the development, setback and area requirements of this Section, or except as expressly prohibited hereinbelow.

Criteria:

- a. The use is water-dependent or water-related or, if the parcels are unsuited to water-dependent uses, then uses which are nondependent, nonrelated, conforming to the requirements of the underlying zoning district and the requirements herein.

- E. Determination of Land Suitable for Water-Dependent/Water- Related Uses: The following criteria shall be used to determine the suitability of land found subject to the requirements of the /MD District, based on the results of the preliminary investigation, for water-dependent, water- related uses. Land not possessing one or more of the following characteristics shall be considered unsuitable for such uses:
 - 1. Land adjacent to deep water close to shore with supporting land transport facilities suitable for ship and barge facilities.
 - 2. Aquaculture suitability.
 - 3. Protected areas adjacent to shore subject to scour which would require little dredging for marina use.
 - 4. Potential for high-intensity recreational use of water body and existing riparian resources. Such areas include those areas used traditionally for high-intensity recreation or exceptional aesthetic resources.

- F. Site and Development Requirements: If found subject to the requirements of the /MD District based on the results of the preliminary investigation specified by Section 10-19-6, the development requirements specified hereinbelow shall be in addition to those provided by the respective district or districts with which the /MD is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective district with which the /MD is combined, shall conform to Oregon Forest Practices Act rules.
 - 1. Riparian vegetation shall be maintained or encouraged 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 a complete 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.

10-19-6: GENERAL PROVISIONS:

- A. Preliminary Investigation: Any proposal for development within the (/PW), (/NRC), (/RU) or (/MD) Districts 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 in which it is determined that one or more of the criteria specified hereinbelow apply.
 - 1. Lands which limit, control or are directly affected by the hydraulic action of the coastal waterways. These lands are composed of the following:
 - a. Floodways and the floodways fringe.
 - b. Land lying between the mean high, high water and mean low water mark of coastal water bodies.
 - c. Dikes, dams, levees, or steep embankments which control the coastal water body.
 - d. Lands along the ocean coast at or below the twenty six foot (26') elevation line.
 - 2. Adjacent areas of geologic instability which are composed of:

- a. Areas of geologic instability in which the instability is attributable to the hydraulic action of the water body.
 - b. Areas of geologic instability which have a direct impact on water quality, water temperature or on shoreline stability.
 - 3. Natural or man-made riparian resources. These lands are as follows:
 - a. Extend from ten feet (10') to sixty five feet (65') landward from the mean high water, within which area the existing vegetation serves one or more of the following functions:
 - 1) Shading of coastal water body.
 - 2) Stabilization of shoreline
 - 3) Habitat for rare or endangered wildlife species.
 - 4) Significant riparian vegetation areas as identified in the Lane County Coastal Inventory.
 - 4. Areas of significant shoreland and wetland biological habitat composed of:
 - a. Freshwater marshes identified in the Florence Comprehensive Plan
 - b. Habitat, other than that listed in 3a3) herein, which supports rare or endangered species.
 - 5. Areas necessary for water-dependent and water-related uses, including areas of recreation importance which utilize coastal water or riparian resources, areas appropriate for navigation and port facilities and areas having characteristics suitable for aquaculture. These are as identified in the Florence Comprehensive Plan.
 - 6. Areas identified in the Florence Comprehensive Plan as having exceptional aesthetic or scenic quality derived from or related to the association with coastal water areas.
- B. Resource Capability Determination: Special uses or conditional uses in the Natural Estuary (NE, Conservation Estuary (CE) and Development Estuary (DE) Districts are allowed only if determined to meet the resource capability and 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 capability determination. Major activities or uses in the estuary may require an estuarine impact assessment. Those uses do not also require this resource capability determination.
- 1. Definition of Resource Capability: Resource capability is defined as the degree to which the natural resource can be physically, chemically or biologically altered, or otherwise assimilate an external use and still function to achieve the purpose of the zone in which it is located.
 - 2. Identification of Resources and Impacts: The application for a proposed use or activity in which a resource capability determination must be made shall submit the following:
 - a. Information on the resources present. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in location 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. (Ord 9, 1991).
 - b. Information on impacts to be expected if the proposed use or activity is carried out. This is not intended to be a full impact assessment as specified in subsection 10-19-6C, but a presentation of the major effects on water circulation and flushing patterns, water quality significant adverse impacts which may occur, and impacts on the aquatic and shoreland life forms. Where appropriate to the proposed action, impacts on recreational and aesthetic use, navigation, and other existing and potential uses of the estuary shall be identified as well. (Ord 9, 1991)

- c. Mitigation of Impacts. Where measurable adverse or negative impacts on the resource factors defined in (b) above have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts. (Ord 9, 1991)
 - 3. Resource Capability Determination: Information on resources present and impacts to be expected will be evaluated as part of the special 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.
 - 4. Resource Capability Findings: Based on analysis of resources and impacts, one of the following findings shall be concluded in approving or disapproving the use permit:
 - a. The proposed use of activity does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource. It is (is not) consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district. (Ord 9, 1991)
 - b. The proposed use or activity presents a potential significant impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but reasonable alternatives or mitigating measures are proposed which will eliminate, or minimize to an acceptable level, adverse environmental impact or the mitigation requirements of ORS 541.626 have been met. It is (is not) consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district. (Ord 9, 1991)
 - c. The proposed use or activity will result in unacceptable loss, considering the purpose of the management unit in which the use is proposed. The proposed use or activity represents irreversible changes and actions and unacceptable significant adverse impact or reduction of significant estuarine fish and wildlife habitat or essential properties of the estuary will result; or that the adverse consequences of the proposed use or activity would be likely to result in irreversible trends or changes in estuarine resource properties and functions. It (is) is not consistent with the resource capabilities and existing and potential uses, of the management unit and corresponding zoning district. (Ord 9, 1991)
- C. Estuarine Impact Assessment: 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 impact assessment do not also require a resource capability determination. Uses which are permitted outright do not require an impact assessment. Uses requiring a special use permit or a conditional use permit will require an impact assessment only when an environmental impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
- 1. Information to be presented in the Impact Assessment: Information contained in an 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 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 impact assessment

should apply available information to the following general areas of analysis. The Planning Director may waive inapplicable items for any particular use of 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.
2. Impact Assessment Findings: Based on results of impact assessment analysis and the approval criteria contained in the applicable zoning district, one of the following findings shall be concluded in approving or disapproving the use permit.

- a. The proposed development does not represent a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource.
 - b. The proposed development presents a potential significant adverse impact or reduction of significant fish and wildlife habitats or essential properties of the estuarine resource, but no reasonable alternatives exist and mitigating measures are proposed which will eliminate, or minimize to an acceptable level, adverse environmental impacts. If mitigation is required under ORS 541.626, a mitigation plan shall have been approved by the Division of State Lands before this finding can be made.
 - c. The proposed development will result in unacceptable loss. The proposed use or activity represents irreversible changes and actions. Unacceptable significant adverse impact or reduction of significant fish and wildlife habitat or reduction of essential properties of the estuary will result; or that the adverse consequences of the proposed activity would be likely to result in irreversible trends or changes in estuarine resource properties or functions.
- 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 engineer, geologist, biologist or other qualified consultant.
- E. Fees for Preliminary Investigation: To partially defray the expense in performing the preliminary investigation, a fee to be based on the scale of the development proposal shall be charged the applicant. Such fees shall be as established by resolution of the City Council.
- F. Notification of Preliminary Investigation Determination: The applicant shall be notified of the determination of the preliminary investigation by certified mail within ten (10) days of completion of the preliminary investigation. The notification shall include a map at an appropriate scale detailing the portions of the parcel or parcels subject to the requirements of the district, and shall set forth the basis for the determination based on the criteria specified hereinabove.
- G. Appeal to the Planning Commission: An applicant may appeal to the Planning Commission the determination of the preliminary investigation within ten (10) days of notification of said determination. The appeal shall be filed in written form and shall demonstrate an error in application of the criteria specified hereinabove. Appeal of the Planning Commission decision shall be as specified by the appeal provisions of subsection 10-19-7F of this Chapter.
- H. Exceptions to Nonconforming Uses: If damaged or destroyed, piling-type docks or piers may be rebuilt, but not expanded notwithstanding the provisions of Chapter 8 of this Title.
- I. Uses Subject to State and Federal Permits:
- 1. When State or Federal permits, leases, easements or similar types of authorization are also required for a use, subject to special use approval, 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 make application for all requisite State and/or Federal permits, leases, easements or similar type of authorization within ten (10) days following application for a special use approval in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary for special use review.

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 Oregon Department of Transportation.
- J. Application of Zoning Districts to Federal Lands: The application of the zoning districts shall be held in abeyance until such a time as these lands or portions of these lands may pass into private, State, County or City ownership. The Comprehensive Plan designation shall provide appropriate Federal agencies with local recommendation for proper use of these lands.
- K. Intent: The requirements imposed by the (/NRC), (/MD) or (/DMS) Districts shall be in addition to those imposed by the respective district, or, if the district conflicts with the requirements of the district or districts with which it is combined, the more restrictive requirements shall apply.
- L. Emergencies: Estuarine alterations performed under emergency conditions for which the Division of State Lands or other agency with such authority has issued an emergency permit, such as provided for in ORS 451 and applicable administrative regulations 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.

10-19-7: ADMINISTRATIVE REVIEW:

- A. Purpose: It is the purpose of this Section to establish a procedure for specified uses or applications requiring a special use permit. Nothing herein shall be construed to require the granting of approval.
- B. Conditions: Reasonable conditions may be imposed in connection with an approval as deemed necessary to protect the best interests of the surrounding property or neighborhood and otherwise secure the purpose and requirements of this Chapter. Guarantees and evidence may be required that such conditions will be and are being complied with.
- C. Application: Application for administrative review shall be filed with the Planning Department on the form prescribed by the Department, by any person with a legal interest in the property and shall include the following:
1. Name and address of applicant.
 2. Statement of applicant's legal interest in the property (owner, contract purchaser, lessee, renter, etc.), a description of that interest, and, in case the applicant is not the owner, that the owner knows of the application.
 3. Address and legal description of property.
 4. Four (4) copies of a plot plan, drawn at a scale adequate to illustrate the size and location of existing uses and structures on the property and describing the proposed use.
 5. A statement explaining the intended request.
 6. A fee required by this Section to defray the cost of processing the application.
 7. Any other materials or information as may be deemed necessary by the applicant or the City to assist in the evaluation of the request.
- D. Review Process:
1. The Planning Director shall determine whether the evidence supports a finding that the required criteria have been met and shall approve, approve with conditions or deny the application accordingly. The City's approval or denial shall be in writing and shall include express written findings on each of the applicable criteria. Decisions by the City shall become final after an elapsed period of ten days from the date of the decision, unless appealed to the Planning Commission within that ten (10) day period.

2. The Planning Director's decision with findings shall be sent by mail to the applicant within two (2) working days of the date of action. If the decision is to deny, the same mail shall include notice of the manner in which an appeal of the decision may be made to the Planning Commission. If the decision is to approve the request, the notice of said approval and appeal procedure shall also be sent in the same manner to the owners of property within three hundred feet (300') of the exterior boundaries of the contiguous property ownership involved.
 3. An application for review which is not acted upon within forty five (45) days from the receipt of application by the City may be deemed denied and may be appealed to the Planning Commission in the manner as provided for appeals.
- E. Appeal to the Planning Commission:
1. An appeal may be made to the Planning Commission by an interested person or City official. Such appeal shall be filed in written form with the City within ten (10) days of the date of Planning Director's action, stating how the Planning Director erred in City's application of the requirements of this Section.
 2. Within ninety (90) days of the filing of the notice of appeal, the Planning Commission shall hold a public hearing. Notice of the hearing shall be at least ten (10) days prior to the hearing. Prior to the public hearing, the City shall forward to the Planning Commission a copy of the application, all pertinent data filed with the Director and the Director's decision with findings, if applicable.
 3. In reversing a decision, the Planning Commission shall indicate the basis for the decision, including any necessary findings.
- F. Compliance with Conditions of Approval: Compliance with conditions imposed by the approval and adherence to the submitted plans as approved is required. Any departure from these conditions of approval and approved plans constitutes a violation of this Chapter.
- G. Vested Interest in Approved Reviews: A valid approval supersedes conflicting provisions of subsequent rezoning or provisions of this Section or the conditions of approval.
- H. Revocation: Approval shall automatically be revoked if not exercised within two (2) years of the date of approval, unless a request for an extension of up to a maximum of one year has been granted.
- I. Limitations on Refiling of Application: Applications for which a subsequent similar application has been denied within the previous year shall be heard only after the Planning Commission's separate determination that for good cause the application may be refiled.

10-19-8 DREDGE MATERIAL/MITIGATION SITE COMBINING DISTRICT (/DMS):

- A. PURPOSE: The dredge Material/Mitigation Site District (/DMS) is intended for application to all dredge material disposal sites or mitigation sites within the Siuslaw Estuary as identified in the Florence Comprehensive Plan. The purpose of the (/DMS) District is to protect designated dredged material disposal sites and mitigation sites.
- B. Permitted Uses and Buildings:
1. Dredged material deposition.
 2. Mitigation.

- C. 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:
1. Use:
 - a. Temporary uses permitted outright or conditionally in the underlying district.

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.
- D. 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.
 6. Variance.
- E. 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.
- F. 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 SHORELANDS COMBINING DISTRICT /PW

- A. The Prime Wildlife Combining District (/PW) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resource Management Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species or a diversity of wildlife species. Lands in this District serve to protect wildlife habitat, water quality, bank stability and provide flood control. The /PW District is applied to areas of riparian vegetation and to the habitat limits of specific species of concern.

Code Section 10-19-6 provides a procedure by which to define the exact geographical boundaries of the shorelands within the /PW District that require protection beyond that provided by the District or Districts with which the /PW is combined and imposes additional development requirements within these boundaries.

Intent: The requirements imposed by the /PW District shall be in addition to those imposed by the respective District or Districts with which the /PW District is combined. Where the requirements of the /PW District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply.

- B. Permitted Uses: In areas found subject to the requirements of the /PW Combining District by the Preliminary Investigation specified by Code Section 10-19-6, the following structures and uses and

no others are permitted as hereinafter 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 vegetation removal plans to ensure the habitat has been adequately considered.

1. Propagation and harvesting of forest products consistent with City Code Section 4-6.
2. Low-intensity grazing.
3. Harvesting of wild crops.
4. Low-intensity recreation.
5. Dredged material disposal when the /PW District is used in conjunction with the /DMR Combining District.
6. Shore-secured floating moorage's, mooring buoys, multi-purpose-multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes and Development Estuarine District (DE).

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 Section 10-19-7 upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6-B except for major projects requiring an impact assessment as set forth in subsection 10-19-6-B except for major projects requiring an impact assessment as set forth in subsection 10-19-6-C.

1. Uses:
Single family homes, mobile homes and such accessory buildings as allowed in the underlying zoning district.

Criteria:

All requirements set forth in 10-19-9-F, G, & H and below are met.

2. Uses:
Single family dwelling units and mobile homes as allowed in the District or Districts with which the /PM District is combined 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.

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. Uses: The following moorage facilities attached or connected to the shorelands and located in the estuary.

- a. Public or commercial piling type docks or piers.
- b. Private, multifamily or multi use piling type docks or piers.
- c. Mooring buoys which are permanently anchored to the estuary floor.
- d. Dolphins

Criteria:

- a. The moorage facility is located within a Conservation Estuary (CE) District.

- b. The use is not in violation of the purposes of the respective District or Districts with which the /PW is combined.
 - c. The use meets all criteria and conditions of the appropriate estuary District.
4. Uses: All buildings and uses allowed as permitted uses in the respective District or Districts with which the /PW is combined subject to the requirements of this section except as expressly prohibited by 10-19-9-E.

Criteria:

- a. Maintain the natural quality of surface and subsurface waters.
- b. Maintain bank stability.
- c. Avoid sedimentation of coastal waters.
- d. Maintain a shorefront zone of riparian vegetation 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 riparian 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 respective District within which the /PW District is combined.
- 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, upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6-B except for major projects requiring an impact assessment as set forth in subsection 10-19-6-C.

1. Uses:
- a. Artificial bank stabilization adjacent to estuaries and lakes.

Criteria:

- a. The stabilization is necessary to protect existing structures.
- b. Natural bank stabilization methods are unfeasible or less appropriate.

2. Uses:
- All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /PW District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by 10-19-9-E below.

Criteria:

- a. Maintain the natural quality of surface and subsurface waters.
- b. Maintain bank stability.
- c. Avoid sedimentation of coastal waters.
- d. Maintain a shorefront zone of riparian vegetation 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 riparian 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 respective district within which the /PW District is combined.
- g. All requirements set forth in 10-19-9-F, G, & H.

3. Uses:

Single family, single purpose piling type docks and piers.

Criteria:

- a. No reasonable alternatives exist to the construction of a single family, single use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling type floating piers.
- b. The dock or pier shall not be located within a Natural Estuary District.
- e. If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary district.

E. Prohibited Uses: If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by 10-19-6, the following uses are specifically prohibited:

1. Fill in coastal lakes.
2. Fill in freshwater marsh areas as identified in Lane County Comprehensive Plan.
3. New piling type piers of any descriptions when adjacent to a Natural Estuarine (NE) District.
4. Dredged material disposal.

F. Site and Development Requirements: If found subject to the requirements of the /PW District based on the results of the Preliminary Investigation specified by Code Section 10-19-6 the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /PW District is combined. These requirements shall not apply to timber harvesting activities. Timber harvesting activities, where permitted by the respective District with which the /PW is combined, shall conform to Oregon Forest Practices Act Rules.

1. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.
2. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
3. 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 10-19-9-F above. 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 waters. The vegetation shall be of indigenous species in order to maintain the natural character of the area.
4. The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /PW District is combined.
5. No topographic modification is permitted within the 50-foot setback area specified by 10-19-9-G.
6. The shoreward half of the setback area specified by 10-19-9-G must be left in indigenous vegetation, except where unsurfaced trails are provided.
7. Cornices, canopies and eaves may extend two feet into the setback area specified by 10-19-9-G.
8. Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by 10-19-9-G.

9. All trees must be retained within the setback area specified by 10-19-9-G except where removal is subject to requirements of Code Section 4-6.
 10. Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the area.
 11. 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 District or Districts with which the /PW District is combined except for the additional below specified setback requirements.
1. Structures shall be setback 50 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 50 feet shall be as specified in 10-19-9-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.
- H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /PW District based on the Preliminary Investigation in 10-19-6. These criteria are in addition to minimum area requirements of any District combined with the /PW District.
1. For lands within urbanizable areas:
 - a. Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.
 - b. The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Coastal Resources Management Plan.
 - c. Minimum area requirements for the division of land shall be based on the minimum parcel size in the District with which the /PW District is combined, or five acres, whichever is greater.
 2. For lands outside urban or urbanizable areas, the above criteria, plus the following:
 - a. There is a need which cannot adequately be accommodated on non-shoreland locations.
 - b. There is a lack of suitable shoreland areas within urban or urbanizable areas. (Ord 9, 1991)

10-19-10: SIGNIFICANT NATURAL SHORELANDS COMBINING DISTRICT (/SN)

- A. Purpose: The Significant Natural Area Combining District (/SN) 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 /SN 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.

Code Section 10-19-6 provides a procedure by which to define the exact geographical boundaries of the shorelands within the /SN District that require protection beyond that provided by the District

or Districts with which the /SN District is combined and imposes additional development requirements within these boundaries.

Intent. The requirements imposed by the /SN District shall be in addition to those imposed by the respective District or Districts with which the /SN District is combined. Where the requirements of the /SN District conflict with the requirements of the District or Districts with which it is combined, the more restrictive requirements shall apply.

B. Permitted Uses: In areas found subject to the requirements of the /SN District by the Preliminary Investigation specified by 10-19-6 the following structures and uses and no others are permitted 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.

1. Propagation and harvesting of forest products consistent with the Oregon Forest Practices Act as permitted by the District or Districts with which the SN is combined.
2. Low intensity grazing.
3. Harvesting of wild crops.
4. Low intensity recreation.
5. Shore secured floating moorage facilities in adjacent water areas.
6. Dredged material disposal when the /SN District is used in conjunction with the /DMR Combining District.
7. Mooring buoys, multipurpose multifamily piling docks and piers, dolphins and other moorage facilities in adjacent lakes or a Development Estuarine (DE) District.

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 Section 10-19-7 upon satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6-B except for major projects requiring an impact assessment as set forth in subsection 10-19-6-C.

1. Uses:
 - a. Single family homes, mobile homes and such accessory buildings as allowed in the underlying zoning District.

Criteria:

- a. All requirements set forth in 10-19-10 F, G, & H are met.

2. Uses:
 - a. Single family dwelling units and mobile homes as allowed in the District or Districts with which the /SN District is combined 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.

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.
- d. All applicable height restrictions are observed.
- e. The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
- f. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
- g. All otherwise applicable requirements of this section are met.

3. Uses: The following moorage facilities attached or connected to the shorelands and located in the estuary:

- a. Public or commercial piling type docks or piers.
- b. Private, multifamily or multi use piling type docks or piers.
- c. Mooring buoys which are permanently anchored to the estuary floor.
- d. Dolphins.

Criteria:

- a. The moorage facility is located within a Conservation Estuary (CE) District.
- b. The use is not in violation of the purposes of the respective District or Districts with which the /SN District is combined.
- c. The use meets all criteria and conditions of the appropriate estuary District.

4. Uses: All buildings and uses allowed as permitted uses in the respective District or Districts with which the /SN District is combined subject to the requirements of this section except as expressly prohibited by 10-19-10-E.

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.
- c. All requirements set forth in 10-19-10-F, G, & H are met.

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 satisfaction of the applicable criteria. A resource capability determination is required as set forth in subsection 10-19-6-B except for major projects requiring an impact assessment as set forth in subsection 10-19-6-C.

1. Uses:

- a. Artificial bank stabilization adjacent to estuaries and lakes.

Criteria:

- a. The stabilization is necessary to protect existing structures.
- b. Natural bank stabilization methods are unfeasible or less appropriate.

2. Uses:

- a. All buildings and uses permitted conditionally or by special use permit in the respective District or Districts with which the /SN District is combined, subject to the development, setback and area requirements of this section, or except as expressly prohibited by 10-19-10-E.

Criteria and Conditions:

- a. All applicable criteria provided within the respective District with which the /SN is combined 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. The Lane County Department of Planning and Community Development shall be the proper consulting agency in this regard.
- d. All requirements set forth in 10-19-10-F, G, & H are met.

3. Uses:

- a. Single family, single purpose piling type docks and piers.

Criteria:

- a. No reasonable alternatives exist to the construction of a single family single use pier. Alternatives shall include mooring buoys, public piers within a reasonable distance from the proposed use, cooperative use of existing private piers located within a reasonable distance or non-piling type floating piers.
- b. The dock or pier shall not be located within a Natural Estuary District.
- c. If located within the estuary, the use must meet all criteria and conditions of the appropriate estuary district.

E. Prohibited Uses: If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by 10-19-6, the following uses are specifically prohibited:

1. Fill in coastal lakes.
2. Fill in freshwater marsh areas as identified in the Lane County Comprehensive Plan.

F. Site and Development Requirements. If found subject to the requirements of the /SN District based on the results of the Preliminary Investigation specified by 10-19-6, the below specified development requirements shall be in addition to those provided by the respective District or Districts with which the /SN District is combined.

1. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, septic requirements and fire safety requirements.
2. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
3. 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 indigenous species in order to maintain the natural character of the area.
4. The requirements for parking and vision clearance shall be as provided by the respective District or Districts with which the /SN District is combined.
5. No topographic modification is permitted within the 100 foot setback area specified by 10-19-10-G.
6. The shoreward half of the setback area specified by 10-19-10-G below must be left in indigenous vegetation, except where unsurfaced trails are provide.
7. Cornices, canopies and eaves may extend two feet into the setback area specified by 10-19-10-G.
8. Decks, uncovered porches, stairways and fire escapes may extend a distance of 10 feet into the setback area specified by 10-19-10-G.
9. 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.
10. Structures shall be sited and/or screened with natural vegetation so as not to impair the aesthetic quality of the site.
11. 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 District or Districts with which the /SN District is combined, except for the additional below specified setback requirements.

1. Structures shall be set back 100 feet from coastal lakes and the estuary measured at right angles to the high water line. Use of this 100 feet shall be as specified in 10-19-10-F, G, H.

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.
- H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /SN District based on the Preliminary Investigation in 10-19-6. These criteria are in addition to minimum area requirements of any District combined with the /SN District.
1. For lands within urbanizable areas:
 - a. Land divisions must be consistent with shoreland values as identified in the Coastal Resources Management Plan, not adversely impact water quality, and not increase hazard to life or property.
 - b. There is a lack of suitable shoreland areas within urban or urbanizable areas.
- I. Additional Area Requirements: Land divisions meeting the above specified criteria are permitted subject to the minimum area requirements of the respective District or Districts with which the /SN District is combined or 10 acres, whichever is greater. (Ord 9, 1991)

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

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: if any permitted building or use would 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.

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Section.

Ambulance sales.

Auction sales.

Automobile painting shops.

Automobile repair garages.

Bakeries, wholesale.

Blueprinting.

Boat building.

Building maintenance services.

Building material sales.

Car washes, coin-operated or mechanical.

Equipment rental yards.

Equipment sales.

Feed and seed stores.

Greenhouses and nurseries, wholesale.

Laboratories.

Manufacturing and assembling of precision optics.

Manufacturing and assembling of precision testing equipment.

Manufacturing, assembling, testing and repairing of components, devices, equipment and systems of an electronic or electromechanical nature, such as, but not limited to:

Audio systems and phonographs.

Coils, tubes, semi-conductors and similar components.

Communication, navigation, transmission and reception equipment, control equipment and systems.

Data processing equipment and systems.

Metering instruments.

Radar, infrared and ultraviolet equipment.

Radio and television equipment.

Scientific and chemical instruments.

Manufacturing of ceramic products fired in kilns using low pressure gas or electricity (brick and tiles not permitted).

Manufacturing, fabrication, processing or assembly of products from ferrous or nonferrous metals.

Manufacturing, compounding, bottling, processing, packaging or treatment of food and beverage products.

Offices for engineers, architects, landscape architects, surveyors and those engaged in the practice of designing, drafting or graphics.

Planned unit development, industrial.

Plumbing supplies and services.

Printing and publishing.

Public and private parking areas and garages.

Public and semi-public buildings.

Radiator service and repairs.

Radio towers and transmitters.

Restaurants.

Service stations.

Small animal hospitals.

Trucking yards and terminals.

Truck sales and services.

Wholesaling, warehousing and storing of the following, provided that all outdoor storage shall be enclosed within the site obscuring fences and walls:

Automobiles, trucks and buses.

Consumer goods.

Contractors' equipment.

Building materials, except no on-site wrecking or burning.

Food products.

Household goods.

Ice.

Lumber, except no log storage or ponding.

Other items similar to the preceding. (Ord. 625, 6-30-80)

Woodworking and cabinet shops. (Ord. 659, 11-24-81)

Utility distribution plants and service yards.

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:

Radio towers, transmitters and receiving stations.

Public buildings and facilities.

Liquid fuel storage.

Residential unit, limited to one, 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.

Airplane hangars, providing the lot abuts the Airport Development District.

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. Lot Coverage: One hundred percent (100%) lot coverage may be permitted.
- D. Yard Regulations:
 - 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 commercial or industrial use abuts a residential district; in such instances a fifteen foot (15') buffer may be required.

3. 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; in such instances a fifteen foot (15') buffer may be 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') and shall be in compliance with the Airport Obstruction Overlay District (Section 10-21-4 of this Title).
 2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height and shall not be used for any commercial, residential or advertising purpose.
 3. All buildings and structures taller than thirty five feet (35') shall be set back at least one hundred fifty feet (150') from any property line that abuts a residential district.
- B. Fences, Hedges, Walls or Landscaping: The City may require that a fence, hedge, wall or landscaping be maintained within the Limited Industrial District or with abutting districts. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The buffer shall not be less than five feet (5') nor more than eight feet (8') in height, except where vision clearance would be interrupted. The Design Review Board shall consider aesthetic and maintained factors. (Ord. 625, 6-30-80)
- 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 10-2-16 of this Chapter for definition and requirements.
- E. Signs: Signs shall be in accordance with Title 4, Chapter 3 of this Code, and amendments thereto. (Ord. 625,6-30-80).

Amended by Ordinance No. 15, Series 1988

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 1997 Airport Plan. All structures require approval by the Planning Commission/Design Review Board.

- 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.

- 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 if 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 Department of Aviation and the City of Florence Design Review Board. Such uses shall be compatible with the 2000/2020 Comprehensive Plan, the 1997 Airport Plan, FCC Title 10, Chapter 6 – Design Review, and shall not create a safety hazard or otherwise limit approved airport uses.

- 1. Light industrial uses, especially those requiring through-the-fence access as an integral part of their operation.

10-21-2: PUBLIC USE AIRPORT SAFETY AND COMPATIBILITY 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: DEFINITIONS:

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 usable 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 Drawing 2 – Airspace of the Florence Municipal Airport Layout Plan Report, dated October 1997, which map shall remain on file in the Florence Community Development Department.

AIRPORT NOISE IMPACT BOUNDARY. Areas located within 1,500 feet of the airport runway or within established noise 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 5000 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 or 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 1997 Florence Municipal Airport Layout Plan Report 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.

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 land use or building permits for properties within the boundaries of this overlay zone shall comply with the requirements of this chapter as provided herein.

A. Noise. The Noise Contour Map for the Florence Municipal Airport is included in the 1997 Florence Municipal Airport Layout Plan Report – Land Use Drawing 3, 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 new or expanded 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 incorporate shielding in their designs to reflect light away from airport approach surfaces. No use shall 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.

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

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.

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).

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.

COMMON OPEN SPACE: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

NET DEVELOPMENT AREA: Area of property exclusive of public or private roads.

PUBLIC IMPROVEMENTS: Include utilities 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
 - a. Single-family dwellings.
 - b. Duplexes.
 - c. Multiple-family dwellings.
 - d. Common public or private open space.
 - e. Public and private nonprofit parks, playgrounds, community centers, recreational facilities, lakes and waterways.

B. For all other districts:

- a. All uses normal to the designated zoning district.
- b. Recreational uses, such as a golf course, private park, recreational building, club house or social hall.
- 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 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: 20% of the net development area shall be open space, shown as either public easement area or common open space.
 - 1. Common open space will be suitably improved for its intended use, except that common open space 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 common open space.
 - 2. The development schedule which is part of the development plan shall coordinate the improvement of the common open space and the construction of buildings and other structures in the common 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 common 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.

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 six (6) months 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. In its discretion and for a good cause, the Planning Commission may extend for six (6) months the period for the filing of the final development plan.
2. Final development plans shall include plans for proposed:
 - a. Storm drainage.
 - b. Sewer and water utilities.
 - c. Streets and pedestrian ways.
 - d. Preliminary subdivision plan, if property is proposed to be divided.
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. 21, Series 1988, effective 12-16-88
Amended by Ord. 12, Series 1998, effective 1-21-99

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 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: The uses permitted in the WF/M District shall be those listed as permitted uses in the Waterfront (10-17-2) and in the Marine Districts (10-18-2).

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 as a Conditional Use in the Waterfront District (10-17-3) and in the Marine Districts (10-18-3).

10-24-4: SITE AND DEVELOPMENT PROVISIONS: Site and development standards shall be as set out in Section 10-18-5.

Ordinance No. 6, Series 1996, Effective 7-3-96

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 in 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.

10-25-3: 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 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

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 unit 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:
 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 ten (10%) percent of the developed site shall be landscaped.
 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 Chapter 26 of this Title.
- 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 with the theme of the building.

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. Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical

building wall plane. Mansard roofs are *prohibited*. 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 or 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. Such screening devices shall be compatible with building materials and/or adjacent area landscape treatments.

Ordinance No. 15, Series 1999, Effective 9-16-99

**TITLE 10
CHAPTER 26**

SIGN REGULATIONS

SECTION:

10-26-1:	Code Adopted, Purposes, Scope
10-26-2:	Definitions
10-26-3:	Administration and Enforcement
10-26-3-1:	Zoning Administrator
10-26-3-2:	Appeals
10-26-4:	Mural Regulations
10-26-4-1:	Purpose, Scope
10-26-4-2:	Mural Review
10-26-5:	Permits, and Fees
10-26-5-1:	Permits
10-26-6:	Right of Way Sign Permission
10-26-7:	Requirements, Provisions
10-26-7-1:	Sign Identification
10-26-7-2:	Miscellaneous Requirements and Provisions
10-26-7-3:	Exempt Signs
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10-26-7-5:	Sign Landscaping
10-26-8:	Sign Standards By District
10-26-8-1:	Highway Commercial + Matrix
10-26-8-2:	Commercial-Industrial + Matrix
10-26-8-3:	Pedestrian-Auto + Matrix
10-26-8-4:	Residential + Matrix
10-26-9:	Building Requirements
10-26-9-1:	Nonconforming Signs
10-26-9-2:	Unsafe Signs
10-26-9-3:	Maintenance Permitted
10-26-9-4:	Conflicting Provisions

10-26-1 CODE ADOPTED, PURPOSES, SCOPE:

- A. Code Adopted: 1994 version of the Uniform Sign Code, published and copyrighted by the International Conference of Building Officials, is hereby adopted.

- B. Purpose: The City Council hereby finds and declares that it is necessary to regulate the construction, erection, number and location of signs, and empowers the Sign Review Board to evaluate all applications for sign permits and insure conformance with the intent of this Chapter. It is the intent of this Chapter to:
 - 1. Protect the health, safety, property and welfare of the public.
 - 2. Maintain the neat, clean, orderly and attractive appearance of the City.
 - 3. Improve the effectiveness of signs in identifying businesses.
 - 4. Provide for the safe erection and maintenance of signs.
 - 5. Eliminate signs that demand, rather than invite, public attention.
 - 6. Preserve and enhance the unique scenic beauty and the business, recreational, educational, tourist and retirement potential of the City. (Ord. 567, 8-2-76)

- C. Scope: No person shall erect, maintain, alter, repair, remove or use any sign, or cause or permit the same to be done in violation of the provisions of this Chapter. All applications for sign permits for developments that are required to undergo Design Review as per Code Section 10-6-3 shall be subject to Design Review in accordance with the provisions of that section and City Design Review Standards and Guidelines.

Nothing in this Chapter shall permit the erection or maintenance of any sign at any place or in any manner unlawful under any other City ordinance or State or Federal law.

10-26-2: DEFINITIONS: The following words and phrases where used in this Chapter shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this section:

ADVERTISEMENT BOARD A temporary, portable sign mounted on legs, a pedestal or base, placed at a business, but not permanently attached to the building, nor permanently installed in or on the ground. Advertisement board includes:

Sandwich Board: A double faced portable sign constructed with an A-shaped frame, composed of two sign boards attached at the top and separate at the bottom, and not supported by a structure installed in or on the ground.

Single or Double Face, Pedestal Mounted: A single or double faced portable sign attached to a pedestal or standard, placed at a business but not permanently installed at the site.

AREA Area shall be measured within lines drawn between the outermost points of a sign 18 inches or less apart, but excluding essential sign structure, foundations or supports lying outside and below the limits of a sign and not forming an integral part of the display. (See Figure A)

A. **Wall Signs:** For purposes of determining allowable wall sign area, the area of the wall on which the sign will be located along with windows will be computed .

B. **Framed Signs:** Those signs with frames, borders or defined edges or those with a background of different color than the wall upon which it is placed. The area shall be computed from said frame, borders or edges.

C. **Integral Signs:** A sign composed of letters and characters with discontinuous surfaces or open spaces. The discontinuous surface or open space shall be considered as part of the sign's total area.

D. **Three Dimensional or Round Signs:** When a sign is three (3) dimensional or round, the largest cross-section shall be used in a flat projection for the purpose of determining sign area.

E. **Two Display Surfaces:** The area of a sign having two (2) display surfaces facing in opposite directions shall be computed by measuring the largest face.

ATTRACTION DEVICE SIGN: Any device intended to draw attention to a business activity, enterprise, or event, or any other advertising media which constitutes a portable sign, e.g.: inflatable signs, tethered balloons, pennants, bicycles, boats, kayaks, etc. This definition does not include any outdoor display which has been approved by the City through Design Review.

AWNING Shall include any structure made of cloth, metal or similar material with a metal frame attached to a building and projecting over a public way, entrance, exit, or window.

BANNER	Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentation's applied to paper, plastic, or fabric of any kind. Banner does not include flag.
BILLBOARD	A freestanding sign which has a maximum surface area greater than 140 square feet per face.
BULLETIN BOARD	See READERBOARD
BUSINESS	Any profession, trade, occupation, shop and every type of calling wherein a charge is made for goods, materials or services.
CLEARANCE	Clearance is measured from the highest point of the grade below the sign (under which it is possible for pedestrians or vehicles to pass) to the lowermost point of the sign.
DECORATIVE BANNER	A piece of cloth or fabric attached to a building containing colors and patterns used for decorative purposes only. No advertising of any kind is permitted on such banner. This definition includes decorative flags and wind socks.
ELECTRONIC MESSAGE CENTER	A sign on which the only movement is a periodic automatic change of message on a lampbank, use of fiber optics or through mechanical means.
ERECT	To build, construct, attach, place, suspend or affix and shall also include the painting of wall signs or murals.
EXTERNALLY ILLUMINATED	A sign illuminated by an exterior light source which is primarily designed to illuminate only the sign.
FLAG	<ol style="list-style-type: none"> 1. Any fabric, banner, or bunting containing distinctive colors, patterns or symbols used as a symbol of government, political subdivision or other entity. No flags with logos that advertise a business are allowed. 2. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors and patterns used for decorative purposes only. No advertising of any kind is permitted on decorative flags. Windssocks or other hanging or flying fabric devices are included. 3. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors, patterns and words that are compatible with the flag itself, such as a snowman with words like "let it snow". No advertising of any kind is permitted. 4. A piece of cloth or fabric attached to and extending from a building by a pole, either metal, plastic or wood, containing colors, patterns and words such as "Open" or "Welcome". These may be displayed only when the business is open, and must be taken down when the business is closed. No advertising of any kind is permitted.
FLASHING SIGN	A sign incorporating intermittent electrical impulses to a source of illumination or revolving in a manner which creates the illusion of flashing or which changes color or intensity of illumination.
FREESTANDING SIGN	A sign wholly supported by a sign structure in the ground, (e.g., monument signs, pole signs).

HEIGHT	Height is measured from the lowest point of the grade below the sign (excluding artificial berm) to the topmost point of the sign. (See Figure B)
HOME OCCUPATION	A sign on a residential lot or a residential unit identifying an approved home occupation.
SIGN ILLEGAL SIGN	A sign, flag or banner unlawfully installed or which continues to be displayed without a valid sign permit.
INCIDENTAL SIGN	A sign intended primarily for the convenience and direction of the public on the premises, which does not advertise, but is for information only. Includes signs, which denote hours of operation, credit cards, and any signs required by law.
MARQUEE	A permanent roofed structure attached to and supported by the building, and projecting out from a building wall, or over public access.
MONUMENT SIGN	A low profile freestanding sign. A monument sign shall include a support structure of wood, masonry or concrete that is incorporated into the overall design of the sign.
MURAL	An outdoor wall or fence decoration consisting of related elements intended as a decorative or ornamental feature or to highlight a building's architectural or structural features. It may be a painting, a sculpture or a carved wood panel that will enhance the appearance of a building. The mural may not be used predominately for advertising purposes.
MURAL ADVISORY COMMITTEE	A five (5) member committee appointed by the Planning Commission Chair to advise the Design Review Board on individual application requests and policy issues related to murals in the City.
OFF-PREMISE ADVERTISING SIGN	A sign placed on property other than where the business is located and which indicates the nature of the business for which it is advertising.
OFF-PREMISE DIRECTIONAL SIGN	Any off-premise sign giving location directions to an event, activity, business, service, or condition occurring on property other than where the sign is located.
OWNERSHIP	As applied to a business, any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or a part of such business or business premises.
PERSON	Individuals, corporations, firms, partnerships, associations, joint stock companies, limited liability partnerships, and limited liability companies.
PREMISE	A lot, parcel or tract of land occupied, or to be occupied, by a building or unit or group of buildings and its accessory buildings.
PRIMARY HIGH-WAY FRONTAGE	The lineal portion of a lot or parcel that abuts either Highway 101 or Highway 126.
PROJECTING SIGN	A sign, other than a wall sign, which projects from and is supported by a wall of a building or structure.
PUBLIC SIGN	Signs of a public or noncommercial nature, which shall include public transit service signs, public utility information signs, safety signs, danger signs, signs indicating scenic or historical points of interest, and all signs erected by a public officer in the performance of a public duty.

PUBLIC WORKS DIRECTOR	The Director of the City of Florence Public Works Department of his/her designee.
READERBOARD	A sign so designed that the message may be changed by the removal or addition of specially designed letters that attach to the face of the sign.
REPLACEMENT VALUE	Shall be the construction cost of the sign, including the structure, in current dollars, as determined by the Zoning Administrator.
ROOF LINE	Shall mean the ridgeline of the roof. This shall mean the coping of a flat roof, the highest point of a mansard roof, or the peak of a pitched roof.
ROOF SIGN	A sign erected upon a roof of a building or structure.
SETBACK	Setback is measured from the leading edge of the sign to the right-of-way.
SHOPPING CENTER	A tract of land under common ownership or control either undivided or consisting of two or more contiguous lots of record which is used commercially. Such tract shall be at least 2.5 acres in area and shall be occupied or designed to be occupied by at least five separate businesses using a common name for the location and providing common off-street parking for the customers of the businesses with a limited number of points of access from the abutting streets. (Ord 14, Series 1991 - 7-15-91).
SIGN	Any materials, including sign support, placed or constructed outside of an entirely enclosed building primarily to convey information or other display and which can be viewed from a right-of-way, private road or another property. Murals are not included within the definition of sign.
SIGN REVIEW BOARD	The Sign Review Board is composed of the City Planning Commission members.
SIGN TOWER	That portion of a building designed specifically for the placing of a sign against one or more faces thereof.
SITE	A lot or parcel or group of adjacent lots or parcels on which a single development is located. A single development has a common parking area or structure(s), or both. One parcel or several adjacent parcels together may define a single site.
TEMPORARY SIGN	Any sign, used only temporarily and not permanently mounted and/or is intended to be displayed for a limited period of time only.
WALL SIGN	A sign attached to, erected against or painted on the wall of a building, or on the face of a marquee with the face in a parallel plane of the structure to which it is attached.
WINDOW SIGN	Any sign, picture, symbol, banner, message or combination thereof designed to communicate information about the business, event, sale, or service, which is placed inside (such as placement on a windowsill) or attached to the inside of the window with the primary purpose of being viewed from the exterior.
ZONING ADMINISTRATOR	The Community Development Director, or his/her designee, charged with the interpretation and enforcement of this chapter.

10-26-3: ADMINISTRATION AND ENFORCEMENT:

10-26-3-1: ZONING ADMINISTRATOR

A. Enforcement, Right of Entry: The Zoning Administrator or his designee is hereby authorized and directed to enforce all of the provisions of this Chapter. Upon presentation of proper credentials, the Zoning Administrator, or a duly authorized representative, may enter, at reasonable times, in accordance with the law, any building, structure or premises in the City to perform any duty imposed upon her/him by this Chapter.

B. Violation, Notice: The Zoning Administrator shall notify an applicant, agent, lessee, lessor, or property owner by certified letter of any violation of this Chapter. That letter shall designate whether the violation involves:

1. An illegal sign, as defined in Section 10-26-2 of this chapter, or
2. A prohibited sign, as described in Section 10-26-7-4 of this Chapter.

C. Administrative Remedies:

1. Illegal signs

Upon receipt of a certified letter as described in (B) (1) above, the applicant, agent, lessee or property owner shall then:

- a. Correct the violation by removing the sign within ten (10) business days of receipt of such notice, or
- b. Obtain a valid sign permit from the City, and modify the sign to bring it into compliance with Title 10 Chapter 26. Application for a sign permit shall be made within five (5) business days of receipt of such notice or
- c. File an appeal pursuant to the provisions of Section 10-26-3-2.
- d. Failure by the recipient of the certified notice to pursue the above-listed remedies shall cause the Zoning Administrator to immediately pursue his/her responsibilities provided for in subsection D below

2. Prohibited signs

Upon receipt of a certified letter as described in (B)(2) above, the property or business owner or lessee shall remove the sign within five(5) days of such receipt. If that person does not remove the sign with five (5) days, the City may pursue any or all of the enforcement measures provided in Section (E) below.

D. Serial violations

1. Serial violation occurs whenever a business or property or lessee installs, creates, erects, or maintains a sign in violation of this Chapter on the same premises described in any two prior notices of violation sent to that person pursuant to Section 10-26-3-1-B within the previous five (5) years. A notice of violation shall not be counted for the purposes of this Section if the violation described in the notice:
 - a. Was subsequently dismissed:
 - b. Is currently under appeal pursuant to Section 10-26-3-2; or
 - c. Is the subject of pending enforcement in Municipal Court.
2. A serial violation is unlawful and immediately subject to enforcement under Section 10-26--31E.

E. Each sign installed, created, erected or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this Chapter. A violation of this Chapter shall be considered a violation of the Zoning Ordinance of the City and shall be restrained, corrected, or abated by:

1. Issuance of a citation to seek, in Municipal Court, the imposition of any penalties that can be imposed under a court of law; or
2. In the case of a sign that poses an immediate danger to public health, or safety, take measures as are available to the City under the applicable provisions of the zoning Ordinance, Building Code or Florence City Code.

10-26-3-2: APPEALS:

- A. Except for prohibited signs, the Zoning Administrator's decision or interpretation may be appealed to the Sign Review Board. A written notice of appeal shall be filed with the Zoning Administrator within fourteen (14) days of receipt of such certified notice pursuant to Section 10-26-3-1-B. The written notice shall include the specific errors, if any, made in the decision of the Zoning Administrator, and the action requested of the Sign Review Board and the grounds therefore. The appeal shall be heard by the Sign Review Board within thirty (30) days of receipt of the appeal.
- B. A decision or interpretation of the Sign Review Board may be appealed to the City Council. A written notice of such appeal shall be filed with the Zoning Administrator within fourteen (14) days from the decision of the Board. The written notice shall include the specific errors, if any, made in the decision of the Board, and the action requested of the City Council, and the grounds therefore. The appeal shall be heard by the City Council within thirty (30) days of receipt of the appeal.

10-26-4: MURAL REGULATIONS

10-26-4-1: PURPOSE, GENERAL PROVISIONS:

- A. Purpose: The City Council hereby finds and declares that it is necessary to regulate the installation, location, size, and theme of murals and empowers the Mural Advisory Committee and Design Review Board to evaluate all applications for mural permits, and to ensure conformance with the intent of this code section.
- B. General Provisions: No person shall install, construct, paint, or modify any mural in violation of this code section. All applications for mural permits are required to undergo preliminary review by the Mural Advisory Committee and final review and approval by the Design Review Board.

Nothing in this Chapter shall permit the installation or modification of murals at any place, or in any manner unlawful under any other City ordinance or State or Federal law.

10-26-4-2: MURAL REVIEW:

- A. Application: Applications forms for mural permits are available from the Community Development Department. The application shall be submitted by the person proposing the mural, or authorized agent or representative of the building owner, on a form prescribed by the City along with the applicable fees to the Community Development Department.
 1. Upon receipt of an application for (or earnest inquiry about) a mural permit, staff shall notify the Chair of the Mural Advisory Committee and ask that a meeting of the committee be convened in a timely manner to review the proposed mural project.
 2. The applicant shall appear before the Mural Advisory Committee to present his/her proposed mural project, at which time the Mural Advisory Committee shall review the proposal, advise the applicant as to its viability, offer suggestions, and assist the applicant as necessary in the processing of the request. The Mural Advisory Committee shall examine the application for completeness, for conformance with the City's rules and regulations and established criteria, and make a recommendation to the Design Review Board as to disposition of the request.
 3. The Mural Advisory Committee shall prepare a "Findings of Fact" to accompany their

recommendation to the Design Review Board.

4. Mural applications will be reviewed by the Design Review Board in public hearing, following notification of the applicant and adjacent property owners within 100' of the proposed project. The Design Review Board will take into consideration the recommendation of the Mural Advisory Committee in making their decision to approve or deny the request.
- B. Payment of Fees:
1. Fees for mural permits shall be based on the square footage of the mural and shall be computed the same as fees charged for sign permits.
- C. Information Required: An application for a mural must contain the following minimum information and any additional information deemed necessary by staff of the Mural Advisory Committee to complete the review of the application:
1. One (1) color sketch of the proposed mural drawn to scale will be required for review by the Mural Advisory Committee. (Additional color copies may be requested for review by the Design Review Board).
 2. One (1) sketch drawn to scale showing the proposed building or fence area to be covered by or utilized for the mural. Information as to existing texture and material of the building or fence surface will also be required. (Additional copies of drawings and information may be required for review by the Design Review Board).
 3. A written description of the proposed mural, including subject matter; type of paint/sealer to be used; and expected life span and maintenance plan for mural.
- D. General Criteria: The Mural Advisory Committee and Design Review Board shall consider the following criteria and approval shall be granted, provided affirmative findings can be made for each of the four criteria:
1. The mural will enhance the building appearance and overall visual attractiveness of the City
 2. The mural demonstrates artistic creativity that reflects the unique character of Florence
 3. The mural content will not adversely affect the public welfare or morals.
 4. The mural may not be used predominately for advertising purposes.
- E. Appeals: A decision of the Design Review Board may be appealed to the City Council. Any affected party may file such an appeal in writing to the City Council within fourteen (14) days of the Design Review Board's action. Such appeal shall reflect how the Design Review Board's action failed to adequately address the one or more of the criteria contained in Section (D) above. The City Council shall consider the appeal at their next available general meeting.

10-26-5: PERMITS, AND FEES:

10-26-5-1: PERMITS:

- A. Required:
1. Sign permits are required for installation of all signs except those signs specifically allowed without a permit in subsections 10-26-7-3A through L, inclusive of this Chapter.
 2. Temporary Sign/Banner Permit: A temporary sign or banner permit shall allow the use of temporary signs or banners for specified periods not to exceed a cumulative total of 30 days per calendar year, per site; with the exception that a sign or banner associated with fundraising for public/non-profit agencies may be displayed for up to 6 months at a single site during a calendar year with the permission of the business owner. Such signage is

subject to the size limitations of the Sign Standards for the zoning district within which it is located. Signs/banners will be well maintained at all times, and shall be removed promptly at the end of the fund-raising campaign or the six month period, whichever is sooner. A business owner may display a banner for a cumulative total of 30 days in any calendar year. If a business owner wishes to allow another organization to display their banner at his/her business, he/she may do so, but this time is included in the cumulative 30 day total. An organization applying for a banner permit must have the written permission of the business owner where the banner will be displayed, and must agree to remove the banner promptly at the end of 30 days, or the end of the permit period, whichever occurs first.

Banners inside buildings do not require a permit, but are restricted to 50% or less of the window area through which they are viewed.

3. Off Premise Sign Permit: Off premise directional or advertising signs for advertising businesses not fronting on Highway 101 or 126 shall be permitted subject to the following conditions:
 - a) Business site advertised on such sign must be located within 300 feet of the sign;
 - b) Signs must be architecturally integrated into the freestanding sign on the off-premise site and shall be included in the overall sign size permitted for the freestanding sign;
 - c) Only one sign shall be permitted per business.

B. Application for a sign permit, temporary sign permit, banner permit or off premise sign permit shall be made on forms provided by the Community Development Department and shall contain or have attached thereto the following information:

1. Name, address and telephone number of the applicant.
2. Location of building, structure or lot to which, or upon which, the sign is to be attached or erected.
3. A sketch drawn to scale, showing the method of attachment, construction, design, stress and such other information as may be necessary so that the Zoning Administrator may determine the compliance of the sign with this Chapter.
4. Height above grade of sign, dimensions and square feet of sign area.
5. Underwriter Laboratories Label, if an electrical sign.
6. Name of person erecting structure.
7. Period of use, in the case of a temporary sign or banner.

It shall be the duty of the Zoning Administrator, upon the filing of an application for a sign permit, to examine such plans and specifications and other data in consultation with the Building Official, and if it shall appear that the proposed structure is in compliance with all requirements of this Chapter and all other laws and ordinances of the City, then the Zoning Administrator shall issue the sign permit. However, all requests for readerboards shall first be approved by the Sign Review Board prior to the issuance of a permit.

C. Fees:

An administrative processing fee shall be charged for all signs, except banners and temporary signs, based on the following square footage of the sign. In cases where a building permit is required to install a sign, plan check and inspection fees will also be charged.

- to 10 square feet
- 11 to 25 square feet
- 26 to 50 square feet
- over 50 square feet

Any sign requiring an electrical permit shall have an additional fee added pursuant to Section 4-1-1 of Florence City Code.

Any sign erected without first obtaining a sign permit shall be subject to double permit fees in addition to the fees applied by this Section.

- D. Tags: A sign permit tag may be issued by the Zoning Administrator, and if so, shall be attached to those signs which require a sign permit. The tag shall be placed by the permittee upon the sign in accordance with rules established by the Zoning Administrator. These rules shall provide reasonable requirements for economical, uniform and durable methods of tagging signs.
- E. Null and Void: If the work authorized under a sign permit has not been completed within ninety (90) days after date of issuance, the said permit shall expire and renewal of permit shall follow the procedure as established in the Uniform Building Code for building permits. (Ord. 526, 5-15-72)

10-26-6: RIGHT OF WAY SIGN PERMISSION: Except as specifically provided in this Chapter, all signs in or over public right-of-way shall require a permit.

Temporary signage such as seasonal decorations, banners and other signage related to community events and similar signage may be approved by the Public Works Director after consultation with the Zoning Administrator. The applicant shall show proof of insurance as necessary and shall agree to remove all signage by a specified date. The Public Works Director or his designee following consultation with the Zoning Administrator may remove signage not removed by the specified date from the right-of-way.

Long-term/permanent signs: With the exception of exempt signs under Florence City Code Section 10-26-7-2, all long term signage proposed for location in the public right-of-way must be approved by the City Council pursuant to Florence City Code Section 8-2-4-1-C. Signs requiring approval by the Design Review Board pursuant to Florence City Code Section 10-26-1-C must receive approval from the Design Review Board prior to the application of the City Council.

Approvals shall be for a specified period: Applicants shall show proof of insurance for the sign prior to commencing installation and continuously as long as the sign remains in the right-of-way, with annual proof of renewal of the insurance to be submitted to the City. Installation shall be in accordance with the standards of the Uniform Building Code. The installation shall meet the approval of the building Official, the Public Works Director and the zoning Administrator.

10-26-7: REQUIREMENTS, PROVISIONS:

10-26-7-1: SIGN IDENTIFICATION: Each sign for which a sign permit is required shall specify the name of the sign erector, date of erection, electrical power consumption in amperes and Underwriters Laboratory label, if an electrical sign. Such information shall be of sufficient size and contrast to be readable upon inspection.

10-26-7-2: MISCELLANEOUS REQUIREMENTS AND PROVISIONS:

- A. Home Occupation Signs: A home occupation sign may not exceed 4 square feet in size.

10-26-7-3: EXEMPT SIGNS: The following signs are exempt from the provisions of this Chapter.

- A. Credit card signs, ATM signs, parking lot signs, yard/garage sale sign on private property, and other incidental informational or directional signs not exceeding two (2) square feet in area, that do not promote clutter. If the Zoning Administrator determines that the signs are in such abundance as to create clutter or safety hazards, or that a sign or signs under this category is not informational or directional within the intent of this section, s/he may require one or more of the signs to be removed.

Yard/garage sale signs shall indicate dates of sale and shall be removed within 24 hours of termination of such sale.

- B. One temporary real estate sign per site, not exceeding six (6) square feet in residential areas or eight (8) square feet in commercial areas, may be placed on property offered for sale or for rent. Real estate signs must be removed within fourteen (14) days of sale, lease or rental of property.
- C. One temporary real estate "open house" sign per site, not exceeding four (4) square feet, may be placed on property offered for sale.
- D. One temporary, nonilluminated sign on work under construction, not exceeding thirty two (32) square feet in area; sign shall be limited to the construction site and shall be removed within fourteen (14) days after the building is ready for occupancy. One temporary nonilluminated sign on the site where landscaping is being installed, not to exceed four (4) square feet. Such sign shall be removed upon the completion of the work.
- E. Memorial signs or tablets, when cut into any masonry surface or when constructed of bronze or other noncombustible materials.
- F. Public signs such as traffic signs and signals, hazard warning signs, directional signs and other similar essential signage. Signage on structures, or within yards of public buildings not meeting the essential signage test shall meet the same requirements as private signs.
- G. Temporary "election-oriented" signs, not exceeding eight (8) square feet may be erected on private property during a political campaign for a period of sixty (60) days prior to an election in which candidates or issues are to be voted upon. Such signs shall be removed not later than the fourth day following such election.
- H. Flags: No more than 3 flags as defined in 10-26-2 may be permitted at any time for any business. All flags must be maintained in excellent condition. The Zoning Administrator may require that tattered or faded flags be removed. Size is limited to 12 square feet except for official flags of the U.S. or a state. Official flags of a state or of the United States, limited to two (2) per site. Such flag shall not exceed forty (40) square feet in size. Flag mounts or poles shall not exceed forty (40) feet in length or height.
- I. U.S., State or other official flags, limited to two (2) of the same representation per site, and each flag not to exceed forty (40) sq. ft. nor a ground mounted pole height of forty feet (40'). No more than three (3) such flags on any one business site is allowed.
- J. On premise holiday decorations and associated signage. Holidays shall include Rhody Days on the third weekend in May (12 noon on Thursday preceding the weekend through 12 noon on Monday following the weekend) and Chowder, Blues and Brews on the third weekend in September (8am on Friday of the weekend through 12 noon on the Monday following the weekend).
- K. Vehicle Signs: Any sign attached to or imprinted upon a validly licensed motor vehicle operating legally upon the streets and highways of the State of Oregon shall be exempt from the provisions and regulations of this ordinance while such vehicle is traveling upon any road, street or highway, or while such vehicle is parked to carry out any activity incidental to interstate commerce. Any such sign or message attached to or imprinted upon any vehicle shall conform to the following requirements:
 - a. The sign or message is painted or otherwise imprinted upon, or solidly affixed to, the surface of the vehicle with no projection at any point in excess of six inches from the surface of the vehicle.
 - b. The vehicle, with the sign attached, complies with all applicable requirements of the Motor Vehicle Code required for the lawful operation thereof.
- L. Fraternal/social or other non-profit organizational signs. One free-standing sign at the north, south and east entrances to the City will be allowed for shared use by local fraternal, social or other non-

profit organizations. Such signs shall be erected on single or double posts no more than 10' in height, and no more than 6' in width. Individual organization signs affixed to the sign base shall not exceed 10" in height. (Amended by Ord. No. 5, Series 2000)

10-26-7-4: PROHIBITED SIGNS: It shall be unlawful for any person to erect, display or maintain, and no permit shall be issued for the erection, display or maintenance of any sign or advertising structure falling within any of the following descriptions:

- A. Signs which are erected at the intersection of any street in such a manner as to substantially obstruct free and clear vision of the traveling public; or at any location where, by reason of the position, shape, color or animation, it may interfere with, obstruct or be confused with any authorized traffic sign or highway identification sign.
- B. Billboards.
- C. Roof signs, except as provided for in Sections 10-26-8-1 and 10-26-8-2.
- D. Signs which are flashing, moving or which have any visible moving part, visible revolving parts or visible mechanical movement of any description or other apparent visible movement achieved by electrical, electronic or kinetic means, including intermittent electrical pulsations or any movement or action by wind currents.
- E. Strings of lights, banners, flags and pennants. Banners, other than decorative banners, and flags other than U.S., State and other official flags allowed only as temporary signs on private property subject to special permitting process. Banners shall be attached top and bottom (or two sides) to permanent structural members on a post or building erected for another purpose.
- F. Signs on benches greater than one (1) square foot in size.
- G. Off premise directional or advertising signs, except as provided for in Section 10-26-5-1-A.
- H. A sign which, by its light, brilliance, type, design or character, creates a public or private nuisance or hazard.
- I. Permanent vehicle signs, except as provided in Section 10-26-7-2-K.
- J. Sandwich boards.
- K. Attraction device signs.
- L. Window signs that singularly or cumulatively exceed fifty (50%) percent of the total window area of a single building measured along each street frontage.

10-26-7-5: SIGN LANDSCAPING: Each freestanding sign for which a sign permit is required shall provide a landscape planter, or landscaping, at the sign base, unless the Sign Review Board finds that such a planter would interfere with the circulation and/or parking of vehicles and no other practical sign location exists.

10-26-8: SIGN STANDARDS BY DISTRICT: Except as otherwise provided in other sections of this Chapter, all signs shall conform to the standards in the tables, located at the end of this Chapter, which apply to signs within the specified Sign Districts.

10-26-8-1: Highway Commercial: Highway Commercial sign standards shall apply to all property zoned Highway District north of 21st Street.

10-26-8-2: Commercial-Industrial: Commercial-Industrial sign standards shall apply to property zoned Industrial, Airport Development, Commercial District, and property zoned Highway District south of 21st Street and along Highway 126.

10-26-8-3: Pedestrian-Auto: Pedestrian-Auto sign standards shall apply to property zoned Marine, Waterfront, or Waterfront/Marine District.

10-26-8-4: Residential: Residential sign standards shall apply to all property zoned Residential.

10-26-9: BUILDING REQUIREMENTS:

10-26-9-1: NONCONFORMING SIGNS: Nonconforming signs are those signs lawfully installed prior to the effective date of the 1997 Revised Sign Code or signs on property annexed to the City, which do not conform to the requirements of this Revised Code.

A. Amortization:

1. Except as provided in subsection three (3), legally nonconforming signs inside the City limits on the date the revised regulations are adopted may remain.
2. Any nonconforming sign shall be made to comply with the provisions of Sign Regulations in effect at the time that any of the following occurs:
 - a. Structural alteration of the sign
 - b. Change of business use
 - c. Relocation or replacement of a sign
 - d. Change of business ownership.

However, changes in copy in readerboards shall be permitted without loss of nonconforming status. On-site or off-site repairs or restoration of any part of a sign or sign structure to a safe condition, shall be permitted without loss of nonconforming status provided that the total cost of such repairs do not exceed \$500.00, or 25% of the sign's total replacement value, whichever is greater, in a calendar year. If these limits are exceeded, the sign shall conform to the currently adopted Sign Regulations.

3. Signs in areas of future annexations shall comply with the provisions of 10-26-9-1-A.
4. Vacant Businesses: Signage on vacant, non-residential structures shall conform to the current Sign Regulations at such time as the business use or ownership changes. All business identification signage shall be removed after a consecutive vacancy of 30 days.

10-26-9-2: UNSAFE SIGNS: No person shall construct or maintain any sign or supporting structure except in a safe and structurally sound condition. If the Building Official or Zoning Administrator shall find any sign regulated herein is so unsafe or insecure as to constitute a real and present danger to the public, she/he shall mail written notice to the last known address of the sign owner and the property owner. If such is not removed or altered so as to comply with the standards herein set forth within thirty (30) days after such notice, the Building Official or Zoning Administrator may cause such sign to be removed, or altered to comply at the expense of the sign owner or the property owner of the property upon which it is located. The Building Official or Zoning Administrator may cause any sign which is an immediate peril to persons or property to be removed summarily and without notice.

10-26-9-3: MAINTENANCE PERMITTED: Painting, repainting, cleaning and normal maintenance and repair of a sign or sign structure is permitted unless a structural change is made.

10-26-9-4: CONFLICTING PROVISIONS: In any case where a provision of this Chapter is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of the City existing on the effective date hereof, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail. In any case where a provision of this Chapter is found to be in conflict with a provision of any other ordinance or code of the City, existing on the effective date hereof, which establishes a lower standard for the promotion and protection of the health and safety of the people, the provisions of this Chapter shall be deemed to prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found in conflict with this Chapter. (Ord. 526, 5-15-72).

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 11, Series 2002 effective 2-28-02

SECTION 10-26-8-1: HIGHWAY COMMERCIAL SIGN STANDARDS

These standards apply to all property zoned Highway District north of 21st Street

TYPE	MAX NO.	MAX AREA	MAX HT	MAX. PROJ- ECTION	MIN CLEARANCE	SETBACK	SPECIAL PROVISIONS
Wall	2 PB*	6% of wall area					May substitute other attached signs. Add'l awning signs allowed for add'l entrances. Third wall sign allowed if no freestanding sign installed. Where a readerboard sign is established, only one wall sign shall be permitted.
Other signs attached to bldgs	See wall signs	24SF		2'6"	8/15		Projecting, awning and under or over marquee signs allowed in place of wall sign. No projecting sign above marquee.
Freestanding	1PS	100SF* Monument 60SF	20'		8/15	5'	Freestanding signs must be at least 100 lin.ft. apart. If more than 1 business share sign, maximum area = 120sf., if shopping center, 140sf. Monument sign height 5' setback 1' from ROW, 1 additional foot of setback for each add'l foot of height up to 8' in height.
Roof	See free-standing	60SF					Allowed in place of freestanding sign. May not extend above roof line. No visible "A" frames or trusses as part of sign or sign structure. Guy wires are permitted for support only in instances where no other means of support exists. Trusses and frames which support signs will be enclosed with the supporting structures constructed as a part of or a continuation of the sign.
Readerboard	1PS*	30% of host sign or max. of 20sq ft whichever is less					Must be permanently affixed, be architecturally integrated into the host sign, not to exceed thirty percent (30%) of the host sign's surface area measured on any single face, or a maximum of 20 ft, whichever is less, and be counted as allowable sign size. Hanging a readerboard box on the same sign structure does not qualify. Where a readerboard sign is established, only one wall sign shall be permitted. There shall be 250 lineal feet minimum separation between readerboard signs on the same side of the street or highway.

PB: Per business; PS: Per site; Clearance: 8/15=grade/parking lots or driveways; * Exceptions

SECTION 10-26-8-2: COMMERCIAL-INDUSTRIAL SIGN STANDARDS

These standards apply to all property zoned Industrial, Airport Development, Commercial District, and to property zoned Highway District south of 21st Street and along Highway 126

TYPE	MAX NO.	MAX AREA	MAX. HT.	MAX. PROJ- ECTION	MIN CLEAR- ANCE	SET BACK	SPECIAL PROVISIONS
Wall	2 PB*	6% of wall area					May substitute other attached signs. Add'l awning signs allowed for add'l entrances. Third wall sign allowed if no freestanding sign installed. Where a readerboard sign is established, only one wall sign shall be permitted.
Other Signs attached to bldgs	See wall signs	24SF		4'2"	8/15		Projecting, awning and under or over marquee signs allowed in place of wall sign. No projecting sign above marquee, except for businesses located on Hwy 101 in the Commercial District south of the intersection of Hwys 101/126 and in the Hwy District on Hwy 126 between Hwy 101/126 intersection and Spruce Street. Businesses with a projecting above marquee sign may not also have a freestanding sign, nor a roof sign.
Free Standing	1PS	80SF* Monument 60SF	20'		8/15	5'	Freestanding signs must be a least 100 lin. ft. apart. If more than 1 business share sign, maximum area = 100sf. If sign is for shopping center, maximum area = 140sf. Monument sign height 5' setback 1' from ROW, 1 additional foot of setback for each add'l foot of height up to 8' in height.
Roof	See Free Standing	40SF					Allowed in place of freestanding sign. May not extend above roof line. No visible "A" frames or trusses as part of sign or sign structure. Guy wires are permitted for support only in instances where no other means of support exists. Trusses and frames which support signs will be enclosed with the supporting structures constructed as a part of or a continuation of the sign.
Reader Board	1PS*	30% of host sign or max. of 20sq.ft. whichever is less					Must be permanently affixed, be architecturally integrated into the host sign, not to exceed thirty percent (30%) of the host sign's surface area measured on any single face, or a maximum of 20 sf., whichever is less, and be counted as allowable sign size. Hanging a readerboard box on the same sign structure does not qualify. Where a readerboard sign is established, only one wall sign shall be permitted. There shall be 250 lineal feet minimum separation between readerboard signs on the same side of the street or highway.

PB: Per business; PS: Per site; Clearance: 8/15 = 8' from grade/15' from parking lots or driveways; * Exceptions

SECTION 10-26-8-3 PEDESTRIAN-AUTO SIGN STANDARDS

These standards apply to all property with Marine or Waterfront District zoning, and Waterfront/Marine (WF/M).

TYPE	MAX NO.	MAX AREA	MAX. HT.	MAX. PROJ- ECTION	MIN CLEAR- ANCE	SET BACK	SPECIAL PROVISIONS
Wall	2 PB*	6% of wall area					May substitute other attached signs. Additional awning signs allowed for additional entrances.
Other attached bldgs Signs to	See wall signs	15SF		4'2"	8/15		Projecting, awning and under marquee signs allowed in place of wall sign. No projecting sign above marquee.
Free Standing	1PS	60SF*	8'			1'	Signs must be at least 100 lineal feet apart. Monument signs only. If more than 1 business share sign, maximum area - 80sf. Monument sign height 5' setback 1' from ROW, 1 additional foot of setback for each add'l foot of height up to 8' in height.
All signs							No interior illumination or use of plastic as part of the exterior visual effects, except neon tube.

PB: Per business; PS: Per site; Clearance: 8/15 = 8' from grade/ 15' from parking lots or driveways; * Exceptions - Amended April 1993

SECTION 10-26-8-4: RESIDENTIAL SIGN STANDARDS

These standards apply to all property zoned Residential

TYPE	MAX NO.	MAX AREA	MAX HEIGHT	SETBACK	SPECIAL PROVISIONS
Wall	1 PS *	18sf			No internal illumination except Multi-family and lodging houses.
Free Standing	See wall signs	18sf	5'	5'	Allowed in place of wall sign. Signs must be at least 100' apart. Conditional Uses in the RM District may have, if requested at the time of CUP approval, both a monument and wall sign if freestanding sign spacing permits.
Subdivision	1 PS *	32sf	10'	1'	1 allowed, 1 additional if 5 acres or more and has more than one entrance.
Readerboard		10sf		5'	Monument or wall sign only. Schools, charitable, religious organizations only. Sign Review Board approval required with strict design standards and landscaping.

PS: Per site

**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.

10-27-3 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. 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
- k. Single family dwellings
- l. Woodworking and cabinet shops, provided that the business includes retail sales of products produced on the premises

10-27-4 Lot and Yard Dimensions

- 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. Front yards: 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. Side yards: Buildings may be zero lot line, provided that all UBC 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.
3. Rear yards: Rear yards may vary from 1' to 10', depending on site specific conditions such as surrounding uses, rear yards on surrounding lots, rear yards amenities proposed, connections to interior parking lots and landscaping requirements. Where a commercial uses 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 28' 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 28' in height. This measurement may include a building façade as opposed to a total building height of 28'. 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, except that the 28' height requirement does not apply.

B. Fences, Hedges, Walls and Landscaping:

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, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting residential property. Such a buffer shall serve to screen at least 70% of the view between districts. The buffer shall not be less than 15' in height, except where vision clearance would be affected. The Design Review Board shall consider aesthetic and maintenance factors.

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 28' height requirement does not apply.

C. Access

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. 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.
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 28' height requirements do not apply.

E. Vision Clearance.

Refer to Section 10-1-4 and 10-2-16 of this Title for definitions and requirements.

F. Signs.

Where a building abuts a sidewalk, only awing, projecting, window and wall signs are permitted. Size and placement shall conform to the City's Sign Code (Title 10, Chapter 26). Signs that will be internally illuminated are subject to approval as part of Design Review.

G. Lighting.

Street lighting and lighting of interior 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. Light fixtures shall be placed to allow adequate illumination for safe pedestrian and vehicular movement. Lighting plans shall show illumination fields for each fixture.
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.

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.

- A. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.
- B. 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.
- C. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

Amended by Ordinance No. 5, Series 2003, effective April 17, 2003

**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 manufacturing, research and development facilities and supporting uses, accessory buildings and structures..

10-28-2: Permitted Buildings and Uses:

1. Any building or use which meets the intent of the Purpose Statement of this District, with the exception of those uses allowed as Conditional Uses in this District, and which also meet all the requirements of this District.
2. Public buildings and facilities which meet the intent of the Purpose Statement of this District.

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:

1. A single residential unit 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.
2. Restaurants, coffee shops and delicatessens
3. Copy shops
4. Business supply shops
5. Dry cleaners
6. Caterers
7. Florists
8. Other similar supporting businesses determined to be similar to those listed in this section, and which do not have a different or more detrimental effect upon the overall purpose and functioning of the Business Park District than those buildings and uses specifically permitted as conditional uses.

10-28-4: Lot and Yard Provisions

A. Minimum Lot Area: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.

B. Minimum Lot Dimensions: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.

C. Maximum Lot Coverage: Up to eighty percent (80%) coverage by buildings and impervious surface is permitted.

D. Minimum Setbacks: Front yards shall be a minimum of twenty feet (20'). Side and rear yards shall be a minimum of fifteen feet (15').

10-28-5: Site and Development Provisions

- A. Type of Structure: Buildings and structures may not be metal clad. Wood siding, brick, textured block, concrete and concrete aggregate, and other similar building exteriors are preferred.

- B. Location of Business Activities: All manufacturing, processing, storage, 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.
 - 2. All buildings and structures taller than 28' shall be setback at least 40' in addition to the required setback in this District from any property line that abuts a residential district.

D. Fire Protection

All structures must meet the requirements of Chapter 9 of the 1997 Uniform Building Code – Fire Protection Systems.

E. Fences, Hedges, Walls or Buffers

The City may require that a fence, hedge, wall or landscaping be installed and maintained in the Pacific View Business Park District. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be installed and maintained adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The Design Review Board shall consider aesthetic and maintenance factors. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

F. Landscaping

- 1. All open areas not covered by structures or parking shall be landscaped.
- 2. All setback areas must be landscaped or left in native vegetation.
- 3. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.
- 4. An irrigation system is required for all non-native landscaped areas, and may be required for areas of native vegetation if necessary to maintain healthy plant growth.
- 5. Plants must be sized at installation to meet the requirements of the City's Site Design Policies and Standards.
- 6. Landscaping must be maintained in a healthy and weed-free condition.

G. 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. Curb cuts are limited to 15' for one-way, and 25' for two way, with a maximum total cut of 40'. Curb cuts should be no closer than 100' from an intersection.

H. Vision clearance

The requirements of Sections 10-1-4 and 10-2-16 of this Title must be met by all uses and development.

I. Lighting

Lighting shall be provided as necessary to provide for safety and security of the site. However, such lighting shall not negatively impact adjacent lots, particularly adjacent residential uses. Lighting shall be down-shielded and confined to site boundaries unless otherwise required by another agency such as the Federal Aeronautics Administration.

- J. 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.

K. Signs

All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to monument signs only.

L. Noise, Odors, Vibration

Any noise, odors or vibrations shall be contained totally within the site upon which a business or use is located.

The Official Zoning Map is amended as shown on Attachment "A".

Adopted by Ordinance No. 6, 2003, effective April 17, 2003

**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:

Appliance sales and service	Hotels and motels
Art sales	Interior decorator studios
Artist studios	Jewelry stores
Automobile parts and supply stores	Laboratories, medical and dental
Bakeries, retail	Laundromat, self service only
Banks	Leather goods store
Barber and beauty shops	Locksmith shop
Bicycle shops	Meat and fish market
Book store, new books only	Movie theaters
Camera store	Museums
Cafes and coffee shops	Music stores
Catering services	Novelty shops
Clothing, apparel shops	Office supplies and equipment stores
Confectionery stores	Optometry and optical sales and service
Data processing center	Paint and wallpaper stores
Day nurseries	Parking areas, public and private
Delicatessen stores	Parking garages, public and private
Department stores	Personal services
Drapery stores	Pet shops
Dress and millenary shops	Pharmacies
Drugstores	Photography studios and photo processing
Dry cleaners	Planned unit development – commercial
Electrical and electronic supplies and service	Planned unit development – mixed use.
Fabric store	Printing and copy shops
Floor covering and carpet stores	Professional offices
Florist shops	Radio and television broadcasting studios
Furniture stores	Reducing salons
General merchandise store	Restaurants, sit down and fast food with no drive-thru window
Gift shop	Sewing machine sales and service
Grocery and produce stores and supermarkets	Shoe sales and repair
Hardware and garden supply stores	Sporting goods stores
Health clubs and studios	Stationary stores
Hobby shops	Tobacco shops
Home furnishings	Tailor shops
Home electronics such as televisions, stereos and computers	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
Automobile 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
Public and quasi-public buildings and facilities
Restaurants with drive-thru window

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
 - 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.
 - 3. Parking lots shall have at least one tree for every six parking spaces. Trees shall be located within landscaped beds or planters distributed evenly throughout the interior of the parking area. Trees may be located individually in small beds or clustered in larger planting areas.
 - 4. Trees shall be planted along street frontages at a minimum ratio of one tree for every 25' of street frontage. Trees may be evenly spaced or clustered in groups along the street frontage.
 - 5. 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 Chapter 26 of this Title.
- 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 10-1-4 and 10-2-16 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:
 - 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.
 - 2. Minimum driveway width at street entrances shall be 25' for two-way driveways and 15' for one-way driveways.

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.
- 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

**TITLE 10
CHAPTER 31**

SERVICE INDUSTRIAL DISTRICT

SECTION:

- 10-31-1: Purpose
- 10-31-2: 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. Truck and equipment repair
4. Mini-storage units
5. Plant nurseries – wholesale and retail
6. Building supply facilities limited to enclosed retail space not to exceed 8,000 square feet in area.
7. Caretaker's unit
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

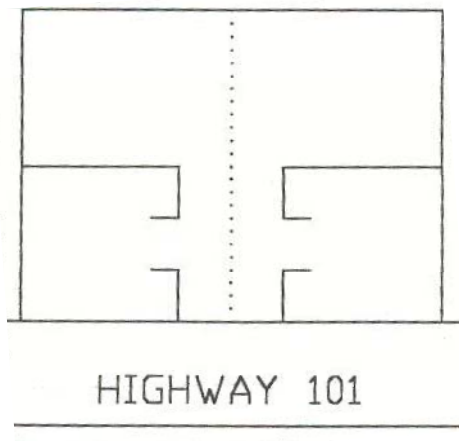
Lot and Yard Provisions

- 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 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. Lots fronting on Highway 101 or abutting a residential zoning district shall have a minimum of 15% landscaping, including landscaping of at least 15’ of front yards.
 - b. Any interior lot will have a minimum of 10% landscaping. An interior lot is any lot not abutting Highway 101, Oak or Spruce Streets.
 - c. All initial plantings shall meet the standards of the City’s Site Design Policies and Standards.
 - d. 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.

- e. Where an industrial use abuts a residential use, additional screening may be required by the Planning Commission/Design Review Board.
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 carefully designed to be down shielded and to contain glare within lot lines. Lighting shall not impact safe traffic movement on Highway 101, Oak or Spruce Streets.
 - b. Lighting on the Highway 101, Oak or Spruce frontage shall be carefully integrated into the overall site design.
 - c. Parking lots shall be adequately lighted for safety.
 - d. Security lighting is allowed as long as the criteria in a and b above are met.

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 monument signs or wall signs only. One monument sign shall be permitted at each shared access driveway. The sign shall contain all the names of the business served by that driveway.

Ordinance No. 12, Series 2003, effective August 7, 2003

**TITLE 10
CHAPTER 32**

Industrial Park District

SECTION

- 10-32-1: Purpose
- 10-32-2: Permitted Buildings and Uses
- 10-32-3: Buildings and Uses Permitted Conditionally
- 10-32-4: Lot and Yard Provisions
- 10-32-5: Site and Development Provisions

10-32-1: Purpose: The Industrial Park 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.

- 10-32-2: Permitted Buildings and Uses:
1. Any building or use which meets the intent of the Purpose Statement of this District, with the exception of those uses allowed as Conditional Uses in this District, and which also meet all the requirements of this District.
 2. Public buildings and facilities which meet the intent of the Purpose Statement of this District.
 3. Crematories, and associated mortuaries and funeral homes.

- 10-32-3: 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:
1. Trucking yards and terminals
 2. Utility distribution plants and service yards
 3. Automobile painting shops
 4. Radio towers, transmitters and receiving stations
 5. Airplane hangars, provided that the lot abuts the Florence Municipal Airport
 6. Building materials sales, provided that materials are stored and displayed inside enclosed structures
 7. Public buildings and facilities not included in 10-32-2.
 8. A single residential unit 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.
 9. Any other business or activity which have a potential for off-site impacts, but which meet the purpose of the Industrial Park District.

- 10-32-4: Lot and Yard Provisions
- A. Minimum Lot Area: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.
 - B. Minimum Lot Dimensions: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.
 - C. Maximum Lot Coverage: Up to eighty-five percent (85%) coverage by buildings and impervious surface is permitted.
 - D. Minimum Setbacks: Front, side and rear yards shall be a minimum of 5'; except that yards abutting residential uses/districts shall be a minimum of 15'.

- 10-32-5: Site and Development Provisions
- A. 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.
 2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials, and similar structures and mechanical appurtenances shall not exceed 60' in height, and shall not be used for any commercial, residential or advertising purpose. Such devices must comply with the Airport Obstruction Overlay District.
- B. Fire Protection
All structures must meet the requirements of Chapter 9 of the 1997 Uniform Building Code – Fire Protection Systems.
- C. Fences, Hedges, Walls or Buffers
The City may require that a fence, hedge, wall or landscaping be installed and maintained in the Industrial Park District. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be installed and maintained adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The Design Review Board shall consider aesthetic and maintenance factors. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.
- D. Landscaping
1. All open areas not covered by structures or parking shall be landscaped.
 2. All setback areas must be landscaped or left in native vegetation.
 3. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.
 4. An irrigation system is required for all non-native landscaped areas, and may be required for areas of native vegetation if necessary to maintain healthy plant growth.
 5. Plants must be sized at installation to meet the requirements of the City's Site Design Policies and Standards.
 6. Landscaping must be maintained in a healthy and weed-free condition.
- E. 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. Curb cuts are limited to 15' for one-way, and 25' for two way, with a maximum total cut of 40'. Curb cuts should be no closer than 100' from an intersection.
- F. Vision clearance
The requirements of Sections 10-1-4 and 10-2-16 of this Title must be met by all uses and development.
- G. Lighting
Lighting shall be provided as necessary to provide for safety and security of the site. However, such lighting shall not negatively impact adjacent lots, particularly adjacent residential uses. Lighting shall be down-shielded and confined to site boundaries unless otherwise required by another agency such as the Federal Aeronautics Administration.
- H. 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.
- I. Signs

All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to monument signs only.

Ord. No. 4, Series 2004

**TITLE 10
CHAPTER 33**

TELECOMMUNICATIONS FACILITIES OVERLAY DISTRICT

SECTION:

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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. Lighting shall be down-shielded and of the minimum wattage necessary for the proposed use.

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