



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

February 13, 2008

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 004-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 27, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Melissa Anderson, City of Florence

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PROP **2**

DLCD

Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

In person electronic mailed

DEPT OF

FEB 07 2008

LAND CONSERVATION AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: **City of Florence, Lane County**

Local file number: **07 38 ZC 02**

Date of Adoption: **2/4/2008**

Date Mailed: **2/8/2008**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 10/26/2007

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Amendments to the Florence City Code (FCC): 1) Title 10 Chapter 17, Old Town District to create three sub-areas within the zone, rather than just two sub-areas; 2) Rezone three properties from the Old Town zoning district to Restricted Residential zoning district for consistency with the Comp Plan; and 3) Rezone one property from Mainstreet District to Old Town to make the LandMark Inn under one zoning district.

Does the Adoption differ from proposal? Yes, Please explain below:

Notice of an update was sent to DLCD on 11/29/2007. The adopted text that amends FCC 10-17 differs from the update by: 1) shifting the boundary between Area A and Area B by 1/2 block, 2) amends FCC 10-24 and FCC 10-26 to make these related code chapters consistent with FCC 10-17, and 3) include additional amendments to FCC 10-17 to address comments. *SEE ATTACHED STRIKEOUT VERSION.*

Plan Map Changed from:

to:

Zone Map Changed from: **Old Town District A & B** to: **Old Town District A, B, C & RR**

Location: **Generally east of Hwy. 101 and south of Hwy. 126**

Acres Involved: **40**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

DLCD # 004-07(16500)

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Lane County, ODOT, DLCD, DSL, USACE, Confederated Tribes, Siuslaw Valley fire and Rescue and Central Lincoln PUD.

Local Contact: **Melissa Anderson**

Phone: (541) 997-8237 Extension:

Address: **250 Highway 101 North**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439-**

E-mail Address:

melissa.anderson@ci.florence.or.us

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO Complete Copies (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.

CITY OF FLORENCE
Ordinance No. 1, Series 2008

IN THE MATTER OF AMENDING THE FLORENCE CITY CODE (FCC) TITLE 10 CHAPTER 17 OLD TOWN DISTRICT TEXT AND MAP AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission began working on updating the City zoning code in 2006 to implement the Realization 2020 Comprehensive Plan and to address problems of the current code;

WHEREAS, the proposed text amendments to the Old Town District (FCC 10-17) address public concerns regarding recent developments in the area, to preserve the character of Old Town and views of the Siuslaw River, as well as support the economic viability of Old Town as the primary tourist destination of the City;

WHEREAS, the Planning Commission met every other week in work sessions to focus on revising the Old Town District code from August through October of 2007, and initiated the proposed amendments by passing Resolution 07 38 ZC 02 on October 9, 2007;

WHEREAS, the Planning Commission and City Council held a joint public hearing on December 11, 2007 at the Florence Events Center, and the City sent notice of the proposed code amendments to the Department of Land, Conservation and Development on October 26, 2007, not less than 45 days prior to this first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, the joint public hearing was noticed in the Siuslaw News on November 24, December 1 and December 5, 2007, and notice was also mailed to all property owners within 300 feet of the Old Town District boundaries, as well as those within the existing Old Town District boundaries as required by state law and the city code;

WHEREAS, the proposed zoning map amendments bring the zoning map into compliance with the Comprehensive Plan map and make all of the property for the LandMark Inn under the same zoning;

WHEREAS, the proposed text amendments to Title 10 Chapter 24 Waterfront/Marine District and Title 10 Chapter 26 Sign Regulations and Matrix make these related chapters consistent with the proposed code amendments of Title 10 Chapter 17 Old Town District;

WHEREAS, the City Council finds the proposed Old Town District text and zoning map amendments are consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code and Oregon Revised Statutes;

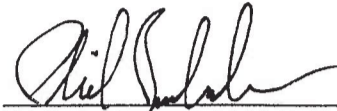
THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

- Section 1. Repeal the existing FCC, Title 10 Chapter 17 and replace it with the amended Title 10 Chapter 17 Old Town District, which creates three sub-areas within the zone (Exhibit A);
- Section 2. Amend FCC, Title 10 Chapter 24 Waterfront/Marine District for consistency with the code amendments of Title 10 Chapter 17 Old Town District (Exhibit B);
- Section 3. Amend FCC, Title 10 Chapter 26 Sign Regulations and Matrix for consistency with the code amendments of Title 10 Chapter 17 Old Town District (Exhibit C);
- Section 4. Adopt the Findings of Fact (Exhibit D); and
- Section 5. Amend the zoning map from Old Town District to Restricted Residential District for the properties at 214 – 222 Juniper Street (Map 18-12-34-12 Tax Lots 3100, 3101 and 3300), and amend the zoning map from Mainstreet Area B to Old Town District for property Map 18-12-27-44 Tax Lot 11502 (Exhibit E).
- Section 6. Inasmuch as it is necessary for the immediate preservation of the peace, health and safety of the citizens of the City of Florence that this Ordinance shall have immediate effect, an emergency is hereby declared to exist and this Ordinance shall be in full force following its adoption by the Council and approval by the Mayor.

Passed by the Florence City Council this 4th day of February, 2008.

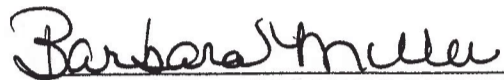
AYES: 4 – Councilors: Burns, Roberts, Xavier and Mayor Brubaker
NAYS: 1 – Councilor Holman
ABSTAIN: 0
ABSENT: 0

APPROVED BY THE MAYOR, this 4 day of February, 2008.



Phil Brubaker, MAYOR

ATTEST:



Barbara Miller, CITY RECORDER

**CITY CODE AMENDMENTS:
TITLE 10 CHAPTER 17, OLD TOWN DISTRICT**

SECTION

10-17-1	General Purpose for Old Town
10-17-2	Definitions
10-17A-1	Purpose for Area A
10-17A-2	Land Uses for Area A
10-17A-3	Lot and Yard Provisions for Area A
10-17A-4	Site and Development Provisions for Area A
10-17B-1	Purpose for Area B
10-17B-2	Land Uses for Area B
10-17B-3	Lot and Yard Provisions for Area B
10-17B-4	Site and Development Provisions for Area B
10-17C-1	Purpose for Area C
10-17C-2	Land Uses for Area C
10-17C-3	Lot and Yard Provisions for Area C
10-17C-4	Site and Development Provisions for Area C

10-17-1 GENERAL PURPOSE FOR OLD TOWN: The Old Town District is intended to provide an area for pedestrian oriented, mixed land uses. Areas A and B are located near or along the waterfront and comprise the historic old town with generally smaller scale structures than Area C. The Old Town District is also intended to encourage restoration, revitalization and preservation of the District.

The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with Figure 17.1. The purpose of these sub-areas is described in each subsection.

10-17-2 DEFINITIONS: As used in this Chapter, the following definitions apply, instead of the general definitions in Chapter 1:

ACCESSORY BUILDING

A building of secondary importance on a site, detached from the principal building. The accessory building must be (1) subordinate in size (area and height) to the principal building; (2) contribute to the comfort, convenience, or necessity of occupants of the principal building; and (3) located on the same lot as the principal building; (4) under the same ownership and control as the principal structure; (5) in compliance with all applicable zoning regulations including building setbacks; and (6) shall not be constructed or maintained prior to the construction of the principal use. (Building permits for an accessory structure may be obtained as part of or at the same time as a permit for the principal structure). Examples of accessory buildings include but are not limited to: garages, carports, decks, gazebos, storage sheds, play houses, patios, and terraces.

ACCESSORY USE

A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. It shall (1) be subordinate to and serve a primary use in function and time; (2) be subordinate in area, extent, or purpose to primary use; (3) contribute to the comfort, convenience, or necessity of those occupying, working at, or being served by the primary use; (4) be located on the same lot as the primary use; (5) be under the same ownership and control as the primary use; (6)

comply with the use limitations applicable in the zoning district in which it is located, and (7) no accessory use shall be established prior to the primary use.

BUILDING HEIGHT

The "building height" dimension is defined as the vertical distance from the average level of the undisturbed natural grade around the building's outer foundation line to the highest point of the roof or the roof parapet, if present. If fill has been or will be added or removed in accordance with a City-approved grading plan (as for drainage, access, or compatibility with surrounding topography), the approved grade shall be used in lieu of the undisturbed natural grade. Stories located entirely below the average grade level or occupying no more than three feet above the average grade level are not counted. The dimensional limit is normally adequate to allow a pitched or gable roof style over the maximum allowed number of above-grade stories.

VISUAL AID

Visualization aids may be of three general types:

Type I: "Story poles" with connecting ribbons that are physically erected on the site to accurately represent the full extent of the proposed structure. Accuracy of critical story pole dimensions shall be checked and certified by a licensed surveyor after erection. Type I aids shall be installed twenty (20) days before the public hearing and removed within twenty (20) days after the final land use decision.

Type II: Virtual computer images which depict the proposed structure and its relation to the surroundings. Such images shall be accurately scaled and shall portray detailed 3-D perspectives of the structure/surroundings in color from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type II aids shall be available to the City and the public twenty (20) days before the public hearing.

Type III: Colorized architectural renderings which depict the proposed structure and its relation to the surroundings. Such renderings shall be at least two feet (2') in the smaller dimension, shall be accurately scaled, and shall portray detailed 3-D perspectives of the structure/surroundings from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type III aids shall be available to the City and the public twenty (20) days before the public hearing. At least two (2) copies shall be provided; one set of copies shall be "weatherproofed" and displayed for public view at the site.

OLD TOWN DISTRICT AREA A

10-17A-1 PURPOSE FOR AREA A: Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence.

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

Residential: above ground floor commercial

Bed and breakfast inns

Restaurants and cafes, without drive-thru

Taverns and bars

Offices, professional and administrative

Recreational facilities (facility must be outdoor, water-related, and non-motorized)

Commercial and public marinas, piers, and docks

Educational services (accessory only, not school)

Parks and open space

Basic utilities (water, sewage, electrical, and communication facilities - not staffed)

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential units: provided that any building facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five feet (25') of the building(s) that face(s) a street. If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Lodging, motels and hotels

Entertainment and recreational facilities (indoor)

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Taxi stands

Commercial & public parking lots (ground level)

Public safety facilities (police and fire stations)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Residential: multi-family, townhouses, duplexes (unless part of mixed use development as listed in permitted or conditional uses)

Residential, single family (unless part of mixed uses as listed in permitted or conditional uses)

Group living

RV parks and campgrounds

Daycare, adult and child

Restaurants, with drive-thru

Religious Institutions

Commercial & public parking structures

Vehicle short-term rental

Vehicle sales or leasing

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

D. Existing Single-family Residences: Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17A-3 LOT AND YARD PROVISIONS FOR AREA A

A. Lot Area: The lot area shall be a minimum of 1,500 square feet.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The Design Review Board may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

1. For Area A, yards shall be as follows:

Front Yards: Building fronts may vary from zero to ten feet (0' to 10') setback from the front property line. Upper story windows and balconies may encroach into the sidewalk area as long as a minimum eight feet (8') wide and ten feet (10') high pedestrian way is maintained within the sidewalk area. Benches and tables may encroach into the sidewalk

area as long as the minimum eight feet (8') wide pedestrian way is maintained within the sidewalk area. Ten percent (10%) of the lot frontage, or a maximum of six feet (6'), may be utilized for pedestrian walkways connecting to interior parking lots or for river viewing areas.

Side and Rear Yards: Buildings may be zero lot line, provided that all Building Code requirements are met.

2. In each block, there will be at least one opening for Americans with Disabilities Act (ADA) accessible public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River.

10-17A-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA A

A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area A shall be two (2) stories above grade with a maximum of thirty feet (30').

For any building two (2) stories above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.
2. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.
3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.
4. A public plaza may be provided between the building and the street right-of-way. The plaza shall be a minimum of four feet (4') in depth (in addition to the 8 feet wide sidewalk), with a minimum of 100 square feet in size for seating, landscaping, and weather protection such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the Building Codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide.

E. Parking and Loading Spaces: Non-residential parking spaces may be located on-street in front of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. Individual parking areas or lots will not be approved unless no other alternative exists. Parking may not be located between the building and the street.

Residential parking spaces may be specifically designated within any parking area. Individual parking areas or lots will not be approved unless no other alternative exists; such off-site parking assigned to specific residential buildings in Area A shall be located on the same block (to avoid crossing a street) and shall not be more than 500 feet from the residential building entrance.

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

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

G. 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 prohibited.

H. Fences, Hedges, Walls and Landscaping:

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the ten percent (10%) calculation must be installed and maintained by the applicant or his/her successors.
2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area A.

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

1. Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See Figure 17.2)
2. In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)
3. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.
4. Lighting shall be pedestrian scaled.
5. Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement. Lighting plans shall show the illumination fields for each fixture.
6. Wiring for historic light fixtures shall be placed underground.
7. Other overhead wiring shall be placed underground, where possible.

J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. Design Review: All uses in Area A of Old Town District whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district.

1. **Additional Requirements:**

a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

- i. Property lines
- ii. Easements
- iii. 2' Contours
- iv. Existing structures (including height of sea-wall, if appropriate)
- v. Floodplain
- vi. Highest observed tide

b. **New Construction or Story Additions:** As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). The following visual aides are required for all buildings or story additions in Area A:

- i. Projects located on the riverside of Bay Street shall provide visual aid type I and visual aid type II or III.
- ii. Projects located in Area A other than the riverside of Bay Street shall provide visual aid type I, II or III.

OLD TOWN DISTRICT AREA B

10-17B-1 PURPOSE FOR AREA B: Old Town Area B is an area of mixed use residential intended to provide a transition between the waterfront visitor attractions and the Events Center campus, with Quince/2nd Street as the pedestrian-friendly link between these key areas.

10-17B-2 LAND USES FOR AREA B: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area B:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted listed uses below:

- Residential, single family
- Residential: above ground floor commercial
- Residential: multi-family, townhouses, duplexes
- Bed and breakfast inns
- Restaurants and cafes, without drive-thru
- Offices, professional and administrative
- Educational services (accessory only, not school)
- Parks and open space
- Basic utilities (water, sewage, electrical, and communication facilities – not staffed)
- Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking
- Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than the Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- Group living
- Lodging, motels and hotels
- Daycare, adult and child
- Taverns and bars
- Office, vehicle short-term rental (no outdoor storage of cars, bicycles, or watercraft)
- Entertainment and recreational facilities (indoor)
- Recreational facilities (facility must be outdoor, water-related, and non-motorized)
- Religious Institutions
- Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)
- Taxi stands

Commercial & public parking lots (ground level)

Commercial & public parking structures

Public safety facilities (police and fire stations)

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below is prohibited in this area. The following uses are specifically prohibited:

Restaurants, with drive-thru

RV parks and campgrounds

Vehicle sales or leasing

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

10-17B-3 LOT AND YARD PROVISIONS FOR AREA B

A. Lot Area: The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The maximum lot coverage allowed shall be seventy percent (70%) for buildings and structures and a total of eighty percent (80%) for all buildings and other impervious surfaces.

D. Yard Regulations:

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20').
2. **Front Yard:** Front yard setback shall be a minimum of ten feet (10') and up to five feet (5') with approval by the Planning Commission.
3. **Side Yard:** Zero lot line spacing is allowed for row-house (townhouse) development between the interior and exterior units. All other development is required to have a minimum of a five foot (5') sideyard, unless zero lot line spacing is approved by the Planning Commission.
4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5'). For single family dwellings, the rear yard shall have a minimum setback of ten feet (10').

5. The Planning Commission/Design Review Board may allow reduction of any Area B setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.
6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. Common Open Space: Common open space is required for any multi-family housing development as follows:

1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved by deed restriction as common open space.
2. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.
3. To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than twenty feet (20').
4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17B-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA B

A. Building or Structural Height Limitations.

1. **South of Quince/2nd Street:** The maximum height for buildings or other structures in the Old Town District Area B south of Quince/2nd Street shall be two (2) stories above grade with a maximum of thirty feet (30').
2. **North of Quince/2nd Street:** The maximum height for buildings or other structures in the Old Town District Area B north of Quince/2nd Street may be three (3) stories above grade with a maximum of forty feet (40') when approved by a conditional use permit.
 - a. If the property includes a Scenic Resource identified as Site 7 on Map 5H-1 in the Comprehensive Plan and is therefore undevelopable, the remainder of the property may be developed with three stories.
 - b. If the property includes natural features such as mature trees, sand banks, and/or bank vegetation (outside of Site 7), three stories may be allowed if those features are preserved with an easement as approved by the Planning Commission; or
 - c. Three stories may also be allowed if design elements are incorporated into the roof-line such as stepping back the third story a minimum of 10 feet (10') from the wall plane of the floor below if it faces a street, using a mansard roof design, or by incorporating living space within the attic of a pitched roof via a dormer(s) and/or partition-wall.

3. For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:
 - a. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.
 - b. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.
 - c. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.
 - d. A public plaza may be provided between the building and the street right-way. The plaza shall be a minimum of four feet (4') in depth (in addition to any required sidewalk), with a minimum of 100 square feet wide for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by Building Codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. Parking and Loading Spaces: All required residential parking spaces must be located on-site, but may not be located within the front yard.

Every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

Non-residential parking spaces may be located on-street in front of the front yard of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. The number of parking spaces as provided in Chapter 3, Title 10 shall be used as guideline when determining parking needs. For non-residential uses, off-street parking shall not be located between the building and street

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

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

G. 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.

H. Fences, Hedges, Walls and Landscaping:

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area B.

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

1. Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See Figure 17.2)
2. In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)
3. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.
4. Lighting shall be pedestrian scaled.
5. Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement. Lighting plans shall show the illumination fields for each fixture.
6. Wiring for historic light fixtures shall be placed underground.
7. Other overhead wiring shall be placed underground, where possible.

J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. Design Review: All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district.

1. **Additional Requirements:**

a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

- i. Property lines
- ii. Easements
- iii. 2' Contours
- iv. Existing structures
- v. Floodplain

b. **New Construction or Story Additions:** As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of

three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area B.

- L. **Development Prohibition:** Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

OLD TOWN DISTRICT AREA C

10-17C-1 **PURPOSE FOR AREA C:** Old Town Area C is intended for mixed uses which provide a range of housing and hospitality options around the Events Center that take advantage of the surrounding natural features and views of the river.

10-17C-2 **LAND USES FOR AREA C:** The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

- Residential: above ground floor commercial
- Residential: multi-family, townhouses, duplexes
- Bed and breakfast inns
- Lodging, motels and hotels
- Restaurants and cafes, without drive-thru
- Offices, professional and administrative
- Entertainment and recreational facilities (indoor)
- Educational services (accessory only, not school)
- Taxi stands
- Parks and open space
- Basic utilities (water, sewage, electrical, and communication facilities - not staffed)
- Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking
- Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- Group living
- Daycare, adult and child
- Taverns and bars
- Office, vehicle short-term rental (no outdoor storage)
- Recreational facilities (must be outdoor, water-related, and non-motorized such as canoeing or kayaking)
- Religious Institutions
- Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)
- Commercial and public marinas, piers, and docks

Commercial & public parking lots (ground level)
Commercial & public parking structures
Public safety facilities (police and fire stations)

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than Prohibited uses listed below are prohibited. The following uses are specifically prohibited:

Residential, single family
RV parks and campgrounds
Restaurants, with drive-thru
Vehicle sales or leasing (except short-term car, bicycle, or watercraft rental)
Vehicle repair or storage of non-operational vehicles
Firing ranges (indoor or outdoor)
Kennels
Waste/recycling facilities (except as incidental to an approved use)
Industrial services
Wholesale sales
Warehousing
Self-service storage
Schools and colleges
Medical centers
Mobile home parks

D. Existing Single-family Residences: Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17C-3 LOT AND YARD PROVISIONS FOR AREA C

A. Lot Area: The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The Design Review Board may allow up to eighty percent (80%) lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20'), with all parking to have access from side or rear of property.
2. **Front Yards:** Front yard setback shall be a minimum of fifteen feet (15').
3. **Side Yard:** No side yard shall be less than five feet (5') unless zero lot line spacing is approved.
4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5').

5. The Planning Commission/Design Review Board may allow reduction of any Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.
6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. Common Open Space: Common open space is required for any multi-family housing development, as follows:

1. An area on the site measuring a minimum of 100 sq ft per dwelling unit shall be designated and permanently reserved by deed restriction as common open space.
2. In meeting the common open space standard, the multiple family development shall contain one or more of the following: outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.
3. To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than 20 feet.
4. Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C

A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area C shall be four (4) stories above grade with a maximum height of fifty-five feet (55').

For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.
2. Building exterior shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set. Any third or fourth story shall be set back a minimum of 10 feet from the wall plane of the floor below if it faces a street.
3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.
4. A public plaza may be provided between the buildings and the street right-of-way. The plaza shall be a 1,000 square feet in size for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for non-residential use shall have a building footprint that exceeds 15,000 square feet. Mixed use buildings may have greater building footprints, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the building codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. Parking and Loading Spaces: Off-street parking shall not be located between the building and the street, unless mitigation measures are approved by the Planning Commission that include each of the following: pedestrian pathways from the street to the building, landscaped berms and professionally designed landscaping. All required parking shall be on site unless otherwise provided in Chapter 3.

Every building of three (3) stories or more above grade and every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

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

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

G. 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 prohibited.

H. Fences, Hedges, Walls and Landscaping:

1. **Landscaping:** A minimum of fifteen percent (15%) 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 fifteen percent (15%) calculation must be installed and maintained by the applicant or his/her successors.
2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area C.

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

1. The light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2)
2. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.
3. Lighting shall be pedestrian scaled.

4. Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement. Lighting plans shall show the illumination fields for each fixture.
5. Wiring for historic light fixtures shall be placed underground.
6. Other overhead wiring shall be placed underground, where possible.

J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than five feet (5') in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. Design Review: All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district.

1. **Additional Requirements:**

a. **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. The survey must show:

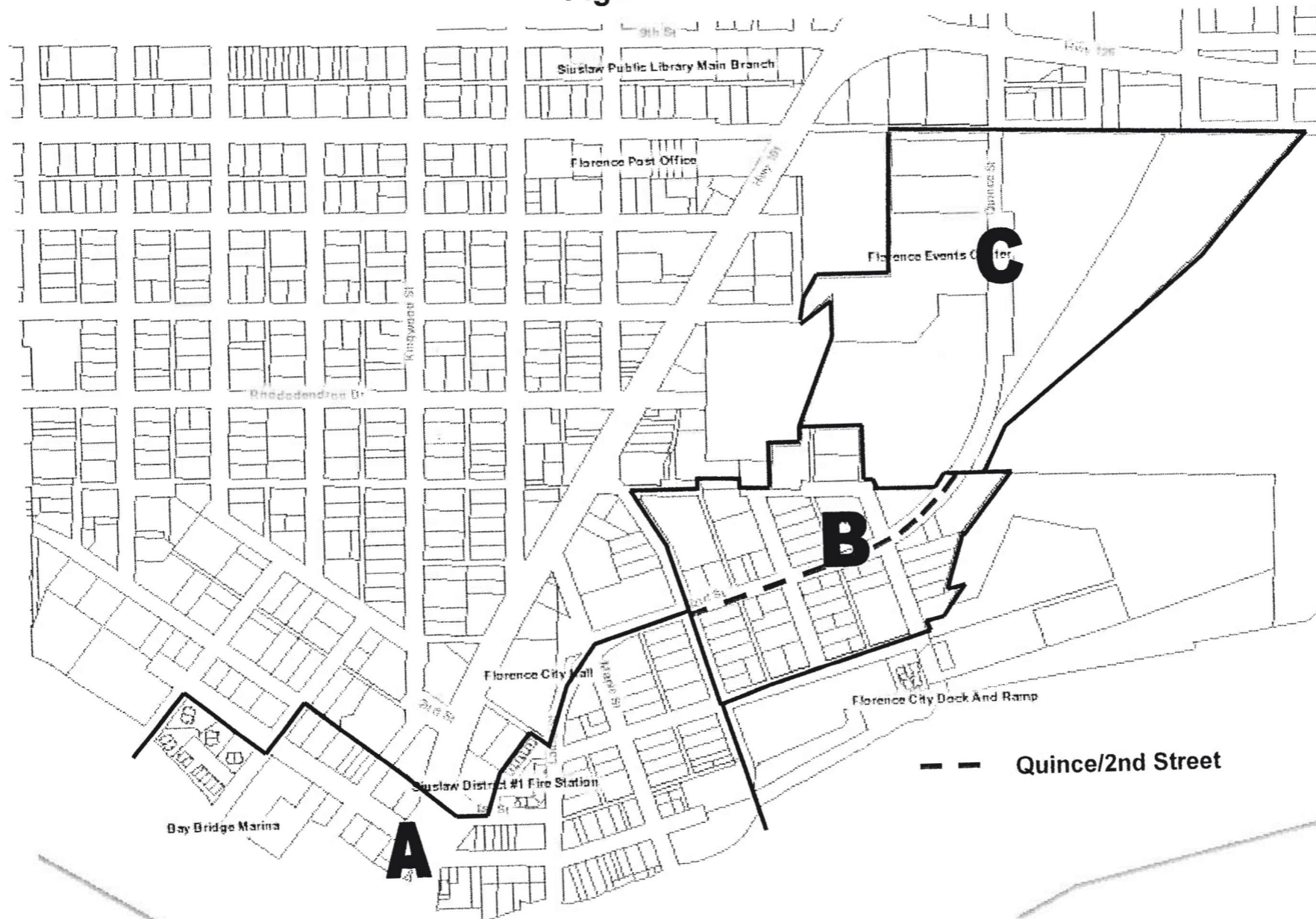
- i. Property lines
- ii. Easements
- iii. 2' Contours
- iv. Existing structures (including height of sea-wall, if appropriate)
- v. Floodplain
- vi. Highest observed tide

b. **New Construction or Story Addition:** As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

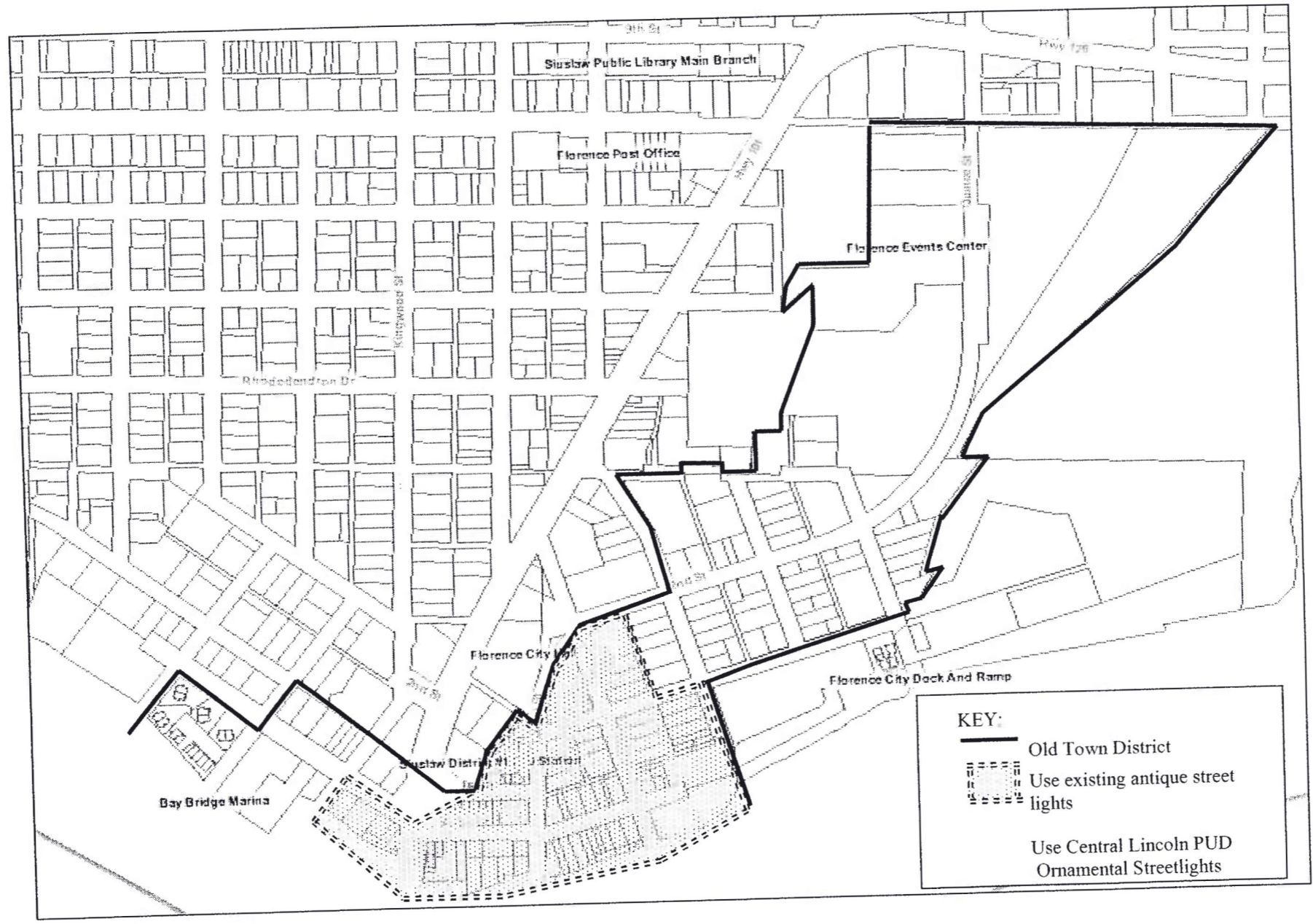
Visual aids are required unless waived by the Community Development Director. In the course of the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area C.

L. **Development Prohibition:** Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

City of Florence Proposed Zoning District for Old Town Area A, Area B and Area C Figure 17.1



**City of Florence Proposed Old Town District Lighting Map
Figure 17.2**



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-Old Town District Area A (10-17A-2(A))~~ 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-Old Town District Area A (10-17A-2(B)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.

EXHIBIT B

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

These standards apply to all property with Old Town (OT), or 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 signs	wall 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

EXHIBIT "D"
CITY OF FLORENCE
FINDINGS OF FACT

I. PROPOSAL DESCRIPTION

The requested actions include three related items:

1. Amendments of Florence City Code: Title 10 Chapter 17, Old Town District to create three sub-areas within the zone, rather than just two sub-areas, as currently exist.
2. A zone map change from the Old Town zoning district to Restricted Residential zoning district for the properties at 214 – 222 Juniper Street (Map 18-12-34-12 Tax Lots 3100, 3101 and 3300), in order to bring the zoning map into compliance with the Comprehensive Plan map.
3. A zone map change from Mainstreet Area B to Old Town District for Map 18-12-27-44 Tax Lot 11502 to make all of the property for the LandMark Inn under the same zoning.

II. NARRATIVE

In 2006, the Planning Commission began working on updating the City zoning code to implement the Realization 2020 Comprehensive Plan and to address problems of the current code. From August through October of 2007, the Planning Commission met every other week in work sessions to focus on revising the Old Town District code (FCC 10-17), and initiated the proposed amendments by passing Resolution 07 38 ZC 02 on October 9, 2007.

The intent of the proposed amendments is to address public concerns regarding recent developments in the area, to preserve the character of Old Town and views of the Siuſlaw River, as well as support the economic viability of Old Town as the primary tourist destination of the City. The Commission reviewed relevant Comprehensive Plan policies and the Downtown Implementation Plan to ensure that the proposed code amendments would be consistent with adopted policies. They also considered the results of the Quince Street public outreach work conducted for the city by Crandall Arambula in the spring of 2007. The Commission welcomed written public comments throughout the process and reviewed these at their work sessions. The results of their work are presented in the attached Proposed Code Amendments. The proposed changes include 1) text amendments to FCC Title 10 Chapter 17, Old Town District, 2) a rezone of three properties from Old Town District to Restricted Residential, and 3) a rezone of one property from Main Street District to Old Town District.

These code amendments are summarized as follows:

- Old Town is grouped into three sub-areas: Old Town Area A, B and C

Currently there are two subareas.

The purpose of each sub-area is defined as:

- Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence;
 - Old Town Area B is an area of mixed use residential intended to provide a transition between the waterfront visitor attractions and the Events Center campus, with Quince/2nd Street as the pedestrian-friendly link between these key areas; and
 - Old Town Area C is intended for mixed uses which provide a range of housing and hospitality options around the Events Center that take advantage of the surrounding natural features and views of the river.
- The definition for building height is being changed from *one that generally measures from average finished grade to average height of the highest gable of a pitch or hip roof* to one that measures from the average undisturbed natural grade level of the building's outer foundation line to the highest point of the roof or the roof parapet.
 - Building height within Areas A and the portion of Area B south of Quince/2nd Street is limited to two stories with a maximum height of 30 feet. The portion of Area B north of Quince/2nd Street allows up to 3 stories with a maximum of 40 feet. Building height within Area C is limited to four stories with a maximum building height of 55 feet.
Currently the maximum building height for buildings abutting the bay side of Bay Street between Nopal Street and the Siuslaw River Bridge is 2 stories or 28'. All other buildings are limited to 3 stories or 38' unless meeting certain requirements in which the Planning Commission can allow 4 stories or 50'.
 - New development proposals will be required to obtain a property survey and to erect "story poles" prior to issuing a land use decision in order to provide the public and decision makers with an idea of the height and scale of the proposed development.
 - Architectural provisions will be required for buildings two stories or higher, such as pitched or gabled roofs, varied design details no less than every 750 square feet, additional windows, balconies, entry ways and arcades or public plazas between the building and the street.
 - A minimum of 10% landscaping is required for new development in Areas A and B, while 15% landscaping is required for in Area C.
Currently, 10% landscaping is required for all of the Old Town District.

- Permitted land uses are listed by category rather than by specific uses and prohibited uses are identified for clarity of inappropriate land uses within Old Town.
- Where required parking can be located is changing to some extent. *Currently, throughout the Old Town District, on-street parking in front of the property counts toward the requirements. Also, parking is allowed in an interior parking lot within the block or in an off-site lot.*
In Area A, on-street parking in front of the property will only count for non-residential uses. Off-site parking for non-residential uses is allowed, but off-site parking for residential uses must be within the same block so the resident would not have to cross a street or walk more than 500 feet. Non-residential parking can not be located between the building and the street.
In Area B, on-street parking in front of the property will only count for non-residential uses. Off-site parking for non-residential uses is allowed, but parking for residential uses must be located on-site. Non-residential parking can not be located between the building and the street and residential parking may not be located within the front yard setback.
In Area C, all required parking must be on site and may not be located between the street and the building.
- Minimum lot sizes are increased to 2500 square feet in Areas B and C to require a larger minimum lot size than area A, which is 1500 square feet. *Currently, the minimum lot size for the entire district is 1500 square feet.*
- An incentive for preserving natural features has been included as well as open space requirements for multi-family residential projects in Areas B and C.
- For areas not currently served with historic light fixtures, we will be using light fixtures available through the Central Lincoln Public Utility District.

III. NOTICE AND REFERRALS

1. Notice:

The notice of a public hearing was published in the Siuslaw News on November 24, December 1 and December 5, as required by state law and the Florence Development Code. Notice was mailed to property owners within 300 feet of the Old Town District boundaries on November 20, 2007 and the notice required by ORS 227.183 was mailed to all property owners within the existing Old Town District boundaries, which are subject to this proposal on November 20, 2007.

2. Referrals:

Notice of the proposed Comprehensive Plan and Zoning Map Amendments was sent to Department of Land, Conservation and Development (DLCD) on October 26, 2007, not less than 45 days prior to the proposed first evidentiary hearing of December 11, 2007, as required by state law. An update of the code amendments was again sent to DLCD on November 30, 2007.

In addition to the Department of Land Conservation and Development, referrals were sent to:

- Florence Public Works Department
- Florence Building Official
- Florence Police Chief
- Florence Code Enforcement Officer
- Florence City Manager
- Urban Renewal Advisory Committee
- Urban Renewal Agency
- Florence Area Chamber of Commerce
- Siuslaw Valley Fire and Rescue District
- Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians
- Lane County Transportation
- Lane County Land Management
- Department of State Lands
- Oregon Department of Transportation
- Florence U.S. Postal Service
- Central Lincoln Public Utility District
- Qwest
- Charter Communications

IV. APPLICABLE CRITERIA

1. Florence Realization 2020 Comprehensive Plan

- Chapter 1: Citizen Involvement
- Chapter 2: Land Use; and Residential;
- Chapter 5: Open Spaces, Scenic and Historical and Natural Resources
- Chapter 9: Economic Development
- Chapter 10: Housing Opportunities;
- Chapter 11: Utilities and Facilities; and
- Chapter 12: Transportation
- Chapter 16: Estuarine Resources Siuslaw Estuary and Shorelands
- Florence Downtown Implementation Plan

2. Florence City Code (FCC) Title 10: Zoning Regulations

- Chapter 1: Zoning Administration: Section 1-1-5 Land Use Hearings; Section 1-2-2 Change of Boundaries on Zoning Map; and

Section 1-3(B) Amendments and [Quasi-Judicial] Changes

- Chapter 10: Restricted Residential District;
- Chapter 17: Old Town District

3. Oregon Revised Statutes

- ORS 197.763: Conduct of local quasi-judicial land use hearings; notice requirements; hearing procedures;
- ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost; and
- ORS 197.610: Local government notice of proposed amendment or new regulation; exceptions; report to commission.

V. FINDINGS

Applicable criteria are shown in bold and findings are in italics, below. All of the findings below apply to Requested Action 1 which deals with the legislative code changes to the Old Town District. Findings for Requested Actions 2 and 3 which involve quasi-judicial amendments to the Zoning Map are specified under the appropriate criteria.

REALIZATION 2020 FLORENCE COMPREHENSIVE PLAN

PLAN ADOPTION, AMENDMENTS, REVIEW AND IMPLEMENTATION

Implementation of the Plan takes many forms. The most obvious are zoning, subdivision, design review, and special land use ordinances. These ordinances must conform to the Plan. (p. 3)

The properties located at 214 – 222 Juniper Street (Map 18-12-34-12 Tax Lots 3100, 3101 and 3300) are designated Low Density Residential on the Comprehensive Plan Map. According to page 17 of the Comprehensive Plan, the corresponding zoning district is Restricted Residential. The rezoning of those properties from Old Town District to Restricted Residential (Requested Action 2) will bring them into conformance with the Comprehensive Plan.

Eugene Bukowski owns two adjacent tax lots: 18-12-27-44 lot 11502 and 18-12-34-11 tax lot 100. Together, these are developed for the LandMark Inn. Currently the northern tax lot is zoned Mainstreet District Area B. The southern tax lot is zoned OldTown District. Moving the boundary of the Old Town District to include the northern tax lot makes implementation simpler (Requested Action 3). Both the Mainstreet District and the Old Town District implement the Downtown Plan Designation. Therefore, the rezoning of this lot is in compliance with the Comprehensive Plan.

**Chapter 1
CITIZEN INVOLVEMENT**

Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Policies

4. **Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.** (pg. 8)

The proposal for the three requested actions (legislative code amendments and quasi-judicial zoning map amendments) is consistent with the criterion because the notice of a public hearing that was conducted in December 11, 2007 was published in the Siuslaw News on November 24, December 1 and December 5. Notice was also mailed to all property owners within 300 feet of the Old Town District boundaries, as well as those within the existing Old Town District boundaries. Additionally, the agenda and proposed amendments were posted on the City's web site prior to the hearing. The joint public hearing was held at the regular Planning Commission meeting time of 7 pm on the second Tuesday of the month. In order to provide room for a larger number of people, the city held the hearing at the Florence Event Center. A work session was held prior to the hearing as a review of the proposed code amendments. In addition to the public notices, the Siuslaw News published several articles about the proposed code changes and the scheduled public hearing. Radio station KCST also featured the Old Town Code Update on its Community Forum program and included an announcement of the public hearing in its news broadcast.

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.** (pg. 8)

The proposal for the three requested actions is consistent with the criterion because minutes of all meetings are kept at City Hall, posted on the City web site and made available on request to the public.

6. **Planning documents and background data shall be available to interested citizens.** (pg. 8)

The proposal for the three requested actions is consistent with the criterion because the staff report is made available to the public one week prior to the public hearing as well as posted on the City web site.

**Chapter 2
LAND USE**

Land Use Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.

Policies

3. **The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and enforcement of building, fire, plumbing and electrical codes.** (pg. 10)

The proposed text amendments (Requested Action 1) to the Old Town District are consistent with this criterion because all uses in sub-areas A, B and C, whether permitted or conditional, are subject to design review (FCC 10-6) to insure quality development, compatibility and integration with the character of the district, and to encourage revitalization.

Residential Goal: To create residential living environments that satisfy a wide variety of local and regional population needs and desires and which add long-term community value.

Policies

5. **Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare or natural hazards.** (pg. 14)

The proposal is consistent with this criterion because the text amendments support mixed land uses. However, no residential uses are allowed on the first floor along busy streets in Area A; they are only allowed on the second floor or behind commercial uses.

6. **Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.** (pg. 14)

The proposal is consistent with this criterion because existing residential uses are protected through the non-conforming use section of FCC 10-8.

7. **The use of upper levels of commercial structures for residential living shall be encouraged where such a mix will add to the overall vitality of the immediate area.** (pg. 14)

The proposal is consistent with this policy because the proposed code amendments allow for residential living above commercial uses bringing more activity to the streets beyond regular shopping hours. It also brings homes into closer proximity to services and jobs in a generally walkable environment.

8. **An adequate supply and mix of housing types (single family, duplex, multiple family) shall be maintained throughout the 20-year planning period for all projected ages and income levels.** (pg. 14)

The proposal is consistent with the policy because the proposed sub-areas within the Old Town District add to mixture of housing types by allowing single-family homes as a permitted use in sub-area B, and by allowing multi-family housing throughout the Old Town District, although allowed in Area A only as part of a mixed use development. Furthermore, sub-area C allows a higher density of multi-family housing as well as hospitality development to compliment the proximity to the Events Center.

Commercial Goal: To utilize appropriately designated land for the development of commercial businesses and establishments in a manner that provides for the needs and desires of the Florence resident, tourist, and regional marketplace while enhancing the attractive nature of this coastal community.

Policies

1. **The City shall maintain an adequate inventory of commercial lands for the planning period to accommodate a sustainable level of commercial goods, services and trade to Florence and surrounding area residents, tourists, and to a limited extent, regional markets.** (pg. 19)
3. **The City shall promote the efficient use of available lands designated for the establishment of commercial uses.** (pg. 19)

The proposal is consistent with these policies (1 and 3 above) because area A is reserves the land use supply for a retail/commercial loop that supports the tourist industry of the City. It also envisions expansion of the existing commercial development within the Downtown rather than forcing new commercial development out toward the edges of town.

4. **The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.** (pg. 19)

The proposal is consistent with this policy because the code amendments require consistency with the downtown architectural guidelines that include standards relating to building type, building style, and building facades. A minimum of 10% of landscaping (Areas A and B) or 15% of landscaping (Area C) is required on-site. In Areas A and B, where a building abuts the sidewalk, only awning, projecting, window and wall signs are permitted.

- 5. The City shall consider landowner and merchant incentives for revitalizing older commercial areas, employing adaptive reuse techniques, and reintroducing stores and services where supporting infrastructure, compatible uses, and vehicular and pedestrian access exists. (pg. 19)**

The proposal is consistent with this policy because vehicular and pedestrian access generally exists within Old Town and the proposed amendments reserves the land supply for retail stores and services where they are needed for the expansion of the Old Town commercial uses and where they are compatible with other land uses.

- 6. All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment. (pg. 19)**

The proposal is consistent with this policy because all commercial development are subject to design review (FCC 10-6) to insure the development meets the development standards at the time of reuse or redevelopment.

- 7. Commercial areas shall be planned in relation to the capacity of existing and future transportation systems and public infrastructure (sewer, water, stormwater). (pg. 19)**

The proposal is consistent with this policy because all commercial development are subject to design review (FCC 10-6) to insure adequate infrastructure capacity exists or will be developed to meet the needs of the development.

- 10. Within the Old Town area, commercial redevelopment or infill shall encourage compatibility with the character of the surrounding area, including architectural characteristics, the unique physical nature of the Old Town area and views of the Siuslaw River, and shall not adversely impact the development potential of adjoining properties. (pg. 20)**

The proposal is consistent with this policy because the building height of new development within area A and the portion of Area B south of Quince/2nd Street are limited to two stories to retain views of the Siuslaw

River and for compatibility with the character of the surrounding area. Furthermore, all new buildings and major remodels will be required to be consistent with the Downtown Architectural Design Standards that require architectural characteristics consistent with the surrounding area.

11. **Development on the Middle School sites shall be consistent with the Florence Downtown Implementation Plan, September 1999.** (pg. 20)

The Florence Middle School site is located in Area C, where it is planned for redevelopment, consistent with the Florence Downtown Implementation Plan.

FLORENCE DOWNTOWN IMPLEMENTATION PLAN

Objectives (listed on page 39 of the Comprehensive Plan)

3. **To enhance the downtown through the promotion of mixed-use development, pedestrian and bicycle accessibility, provision of useful public space, and attractive site and architectural design to create one of Florence's special places.**

The proposal is consistent with this objective by allowing and encouraging mixed land uses, pedestrian-friendly development through 8 foot wide sidewalks in Area A and along all of Quince/2nd Street, required bicycle parking, and the encouragement of the creating of public spaces along store fronts, and attractive architectural design is ensured through design review and compatibility with the Downtown Architectural Design Guidelines.

4. **To provide safe, convenient and attractive choices for people to walk, bike, and drive throughout the downtown. Such connections should tie together downtown attractions such as the Florence Events Center, Old Town, the Boardwalk, the Downtown Green, the Post Office, parks, lodging establishments and retail businesses.**

Quince/2nd Street is identified as the link between Bay Street/Boardwalk area and the Events Center. The proposal is consistent with this objective because development standards within Area A and along Quince/2nd Street require 8 foot wide sidewalks and encourage design features that support public spaces in front of the buildings.

7. **To develop safe, convenient and attractive public parking areas to accommodate visitors and residents accessing the downtown from Highway 101 and adjacent neighborhoods.**

The proposal is consistent with this objective because the parking requirements for non-residential uses allow flexibility for shared parking arrangements within the block and on-street parking in front of the building,

in order to make efficient use of and attractive parking areas within Old Town.

9. **To identify suggested transportation improvements needed to facilitate redevelopment of the downtown area consistent with land use and retail market strategies.**

The proposal is consistent with this objective because the proposal will not increase densities, which would result in a potential increase in the transportation impacts.

10. **To encourage mixed-use development that enables citizens to live, work, shop, and recreate all within easy walking distance within the downtown.**

The proposal is consistent with this objective because mixed land uses are encouraged within all of the sub-areas of Old Town.

Specific policies regarding land use and transportation for each subarea are contained in the Florence Downtown Implementation Plan, September 1999 which was incorporated into this Comprehensive Plan as the detailed plan for the Downtown area. (pg. 40) The subareas are shown on the Florence Downtown Map 2-6.

Area C closely aligns with the Events Center District. Areas B and A closely align with the Old Town as described in the Florence Downtown Implementation Plan.

Events Center District

1. **Provide for mixed use infill and redevelopment of sites around the Florence Events Center. Including:**

- **Building facades occupy at least 80% of the primary frontage line**

Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement for the Events Center District will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

- **Pedestrian accessway(s) to rear parking areas**

Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement for the Events Center District will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

- **Building front setbacks from 10 to 15 feet**

The proposed code has a minimum front yard setback of 15 feet which is in compliance with this policy.

- **Minimum building height of 15 feet measures to the eave or top of parapet**

Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement for the Events Center District will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

- **Require new buildings to line Quince Street**

The proposed code has a minimum front yard setback of 15 feet which is in compliance with this policy, although the Planning Commission can allow reduction in front or side yard setbacks along Quince/2nd Street if pedestrian-friendly amenities are provided.

2. Strongly encourage hotel development on the Middle School site

Lodging, motels and hotels, is a permitted use in Area C.

6. Maintain community recreational opportunities and amenities currently provided by the play fields by either:

- **Providing a development opportunity for a public/quasi-public building at this site, or**
- **A mixed-use district with medium density residential uses such as duplexes, rowhouses, and garden apartments and non-retail commercial uses in keeping with the character of Old Town**

Indoor entertainment and recreational facilities is a permitted use. Medium density residential uses (multi-family, townhouses, and duplexes) and various commercial uses are permitted uses in Area C. Therefore, either development option listed in this policy is allowable by the proposed code.

7. Find an appropriate place in the downtown for a Sister City Japanese Garden.

Parks and open space is a permitted use in Area C and therefore would allow for a Sister City Japanese Garden.

Old Town

1. Maintain and reinforce the existing mixed-use, small-town character

of Old Town as follows:

a. **Bay Street – defined by:**

- **Continuous storefronts lining the sidewalks**

Continuous store-fronts are allowed by the proposed code in that buildings may be zero lot line. Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit. The code does require at least one opening for Americans with Disabilities Act accessible public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River

- **Off-street parking behind buildings on the north side**

The proposed code does not allow any non-residential parking to be located between a building and the street.

- **Opportunity for upper story offices or residences**

Residential above ground floor commercial as well as professional and administrative offices are both allowed as permitted uses in Area A.

- **Building facades occupying at least 90% of the primary building frontage line with remaining frontage dedicated to pedestrian accessway(s) to rear parking areas**

There is no requirement for building facades to occupy 90% of the primary building frontage line although that would be allowed. There is a requirement for a maximum of a 10% of the lot frontage, or a maximum of six feet may be utilized for pedestrian walkways connecting to interior parking lots.

- **Building ground floors aligned at the street right-of-way**

The front setback can vary from zero to ten feet from the property line which brings buildings up close to the street right-of-way. Side setbacks may be zero lot line, so corner buildings may be but are not required to be aligned at the street right-of-way.

- **Upper story bay windows, balconies, and awnings may encroach over the public sidewalk above the first story**

The code allows for upper story windows and balconies to encroach into the sidewalk area as long as a minimum 8 feet wide and 10 feet high pedestrian way is maintained.

- **Building fronts have a minimum height of 20 feet measured to the eave or top of parapet**

Both the Chapter on Conditional Use Permits and the Chapter on

Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

b. detached building or house converted to commercial business

- **building side setbacks at a minimum 5 feet**
- **rowhouses may have no side setbacks**

Zero lot lines are allowed in Area A. Area B requires a minimum side yard setback of five feet unless zero lot line spacing applied for rowhouses or is approved by the Planning Commission.

- **variable front setbacks from 5 to 15 feet with allowable porch encroachments into the setback to match the historic conditions**

Building fronts in Area A may vary from zero to ten feet. The front yard minimum setback in Area B is 10 feet with a reduction to 5 feet allowed by the Planning Commission. With this range of setbacks, the proposed code is consistent with this policy.

- **maximum length of an uninterrupted building front should be 40 feet. Building fronts longer than 40 feet should have a variation of 5 foot depth and 10 foot width**

Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

- **off-street parking at the rear of buildings with access from rear alleys. For any lots that are not accessed by alleys a maximum 14 foot wide curb cut should be allowed to access parking to the rear of buildings**

While off-street parking is specifically required to be at the rear of buildings, in most cases it is not allowed between the street and the building. The code would allow parking to the side of the building at the interior of a block. Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

**Chapter 5
OPEN SPACES, SCENIC AND HISTORICAL AND NATURAL RESOURCES**

Open Spaces, Scenic and Historical and Natural Resources, Chapter 5

Goal To conserve natural resources such as wetlands, riparian areas, ground-water supplies, beaches and dunes, air and water, and wildlife habitat in recognition of their important environmental, social, cultural, historic and economic value to the Florence area and the central Oregon Coast.

Native Vegetation

Goal To develop an effective program to retain native vegetation on public and private lands.

Policies

- 1. Native vegetation is part of the character of the community. Retention and enhancement of native vegetation provides for continuation of the unique character of the community. Therefore, the City shall work with local landscaping companies to develop a way of integrating native vegetation into site plans, with emphasis placed on retention of existing native materials and reduction in the use of water for irrigation. (pg. 44)**

The proposal is consistent with this criterion because landscaping is required for all development within Old Town; ten percent landscaping is required for sub-areas A and B, and 15 percent is required for sub-area C. The code gives the Planning Commission/Design Review Board the authority to allow reduction of any Area B or Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation. Further, retention of existing native plants can be used toward the opens-space requirements of multi-family housing.

- 2. City Code currently requires minimal landscaping. The City shall evaluate its codes, to determine whether landscaping requirements need to be increased. The integration of native vegetation into site plans should reduce costs of additional landscaping as well as the need for irrigation once plantings are established. (pg. 44)**

The proposal is consistent with this criterion because the existing Old Town District landscaping requirement was evaluated and increased in sub-area C due to the fact that the developments are larger developments on larger lots.

Scenic Resources/Visual Quality

Goal To maintain the scenic quality of the community for the benefit of residents and visitors.

Policies

1. **Important scenic views of the river, dunes, ocean and jetty area shall be identified and protected. Key scenic resources were identified by the Florence Visual Management Plan, and are shown on Map 5-H1. During pre-application conferences, and review by the Planning Commission/ Design Review Board, strong consideration shall be given to designing of proposed development to maintain view corridors to identified scenic resources. This is particularly important in Old Town and along the river shoreline. The use of scenic easements shall be researched, and implemented, if appropriate. Development on the Siuslaw Estuary shall be in conformance with the Lane County Coastal Resources Management Plan. (pg. 63)**

The proposal is consistent with these criteria because the height of new development within sub-areas A and portion of area B closes to the river have been reduced from three stories to two stories in order to preserve the scenic views of the Siuslaw River. Further, within each block of Area A, there is required to be at least one opening for access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River. Additionally, Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

4. **The City shall work with utility companies, other organizations and agencies to place utility lines underground or in less visible locations, especially where they conflict with scenic or visual quality goals and objectives. (pg. 64)**

The proposed code changes do not require utility lines other than lighting to be placed underground or in less visible locations. To ensure this policy is implemented consistently, the City of Florence should incorporate additional standards that require new development to place utility lines underground. Both the Chapter on Conditional Use Permits and the Chapter on Design Review reference compliance with the Comprehensive Plan as a criteria (FCC 10-4-9-A and 10-6-5-N respectively). Therefore, this design requirement will be invoked as all development must go through Design Review and some developments must also obtain a conditional use permit.

7. **The City shall continue to implement goals, policies and objectives in the Florence Downtown Implementation Plan concerning scenic resources. (pg. 64)**

The proposed changes to the Old Town District further implement the goal and objectives of the Florence Downtown Implementation Plan, as previously discussed, and these findings are incorporated herein.

Historic Resources

Goal To identify and protect the historic resources within the community.

Policies

3. **The City shall work to incorporate any identified essential historic elements in the Architectural Guidelines that are part of the adopted Downtown Implementation Plan. (pg. 67)**

The adopted Architectural Guidelines have incorporated essential historic elements and that the proposed code continues to reference the Architectural Guidelines.

Chapter 7 DEVELOPMENT HAZARDS AND CONSTRAINTS

Policies

1. **The City shall restrict or prohibit development in known areas of natural hazard or disaster in order to minimize risk to citizens, reduce the hazard of loss of life and economic investments, the costs of expensive protection works, and public and private expenditures for disaster relief.**
2. **Prior to development taking place in known areas of potential natural hazard, applicants shall provide a Site Investigation Report which clearly determines the degree of hazard present and receive City approval for the measures to be taken to reduce the hazard.**

Public comment identified the fact that Old Town may be impacted by a tsunami. The City of Florence is currently in the process of preparing a Natural Hazards Mitigation Plan, which will identify potential risks to the community based on historical occurrences. As a function of this, areas within the community most likely to be damaged due to the event will be identified. The focus of the plan will be to identify 'action items' that will eliminate or reduce the damage caused when such a hazard occurs. Examples of action items may include establishing a tsunami hazard zone which may impact how and where development occurs. However, at this point such an overlay-zone has not been adopted by the City. Therefore it is premature to impose requirements on development within Old Town based on a tsunami hazard until a hazard risk analysis is completed as part of the hazard mitigation planning process.

Chapter 9 ECONOMIC DEVELOPMENT

Goal To embrace a stable, prosperous business environment focused on industry diversity, yielding family income sufficient to support education, recreation,

social and cultural opportunities, comprehensive health services, affordable housing and public safety while preserving the environment and its natural beauty.

Policies

- 3. The City shall work with appropriate parties to increase tourism revenues.** (pg. 75)

The proposal supports the implementation of Old Town as the primary tourist destination of the city, by encouraging land uses that allow residential uses, shopping, entertainment and water-related activity, as well as a range of housing and hospitality options around the Events Center.

Chapter 10 HOUSING OPPORTUNITIES

Goal To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.

Policies

- 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.** (pg. 81)

The proposal is consistent with this goal and policy because the development standards for areas A, B and C, along with the re-zoning of the subject parcels provide for varying density levels and housing types within the Old Town District.

- 3. Sufficient land within the Florence area shall be made available for high density housing development where public services are adequate and where higher densities and traffic levels will be compatible with the surrounding area.** (pg. 81)

The proposal provides for high density housing in Old Town by allowing multi-family housing up to four stories within Area C.

- 5. The City shall recognize mobile homes and multiple family dwellings as an important part of the overall housing stock if well situated.** (pg. 81)

The proposal recognizes mobile homes and multiple family dwellings as an important part of the overall housing stock, by allowing multi-family housing as a permitted use within sub-areas A, B and C, and by allowing single-family dwellings (which could be a manufactured home) as permitted use in sub-area B.

**Chapter 11
UTILITIES AND FACILITIES**

D. PARKS, RECREATION AND OPEN SPACE

Policy

- 5. The City shall encourage and support public/private efforts to insure permanent public access and views of the Siuslaw River and its scenic estuary. (pg. 83)**

Within Area A, there is a requirement for at least one public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River. For those blocks along the river where there is no interior parking, that access will be required to be provided to views of the River.

**Chapter 12
TRANSPORTATION**

Goal To provide a balanced transportation system that provides options for meeting the travel needs of all modes of transportation.

Policies

- 2. Convenient access for motor vehicle, transit, bicycles and pedestrians shall be provided to major activity centers, included public buildings and schools, shopping areas, parks and places of employment. (pg. 120)**
- 3. Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle pedestrian circulation within the community. To promote bicycling and walking, all new collector and arterial streets should have bicycle lanes, and all new streets, except short, very low volume local streets, should have sidewalks. (pg. 120)**

The proposal is consistent with policies two and three because standards for 8- feet wide sidewalks in Area A and along Quince/2nd Street and pedestrian friendly design have been incorporated into the Old Town amendments.

Goal To provide for adequate parking facilities in conjunction with other transportation facilities, as appropriate.

Policies

- 1. On-site parking for motor vehicles shall continue to be provided, unless another adopted City plan expressly provides otherwise.**

2. **The policies and direction of Downtown Implementation Plan regarding the provision of on-street parking shall be implemented.**

The Downtown Implementation Plan encourages on-street parking and the creation of shared and public parking lots. This proposal allows for on-street parking in front of the development site to count toward the required parking spaces in Areas A and B and thus complies with policies 1 and 2.

3. **Appropriate bicycle parking facilities shall be provided at places of employment, at business and at public buildings.**

The code requires that bike racks be located either in the interior parking lot or by an entrance but not in the pedestrian walkway. The provision of how much bicycle parking is required is being dealt with as part of the update to the parking requirements in Chapter 3.

Chapter 16

ESTUARINE RESOURCES SIUSLAW ESTUARY AND SHORELANDS

Policy

1. **The Lane County Coastal Management Plan, and amendments shall serve as the definitive document for actions related to Goal 16 Estuarine Resources. (pg. 193)**

The shorelands management unit for areas of Old Town adjacent to the Siuslaw Estuary is the Shorelands Mixed Development Combining District. The allowable uses within this management unit are water-related, and the standards of this district (see FCC 10-19-5) apply to any new development, in addition to the regulations of the Old Town zone.

FLORENCE CITY CODE (FCC) TITLE 10: ZONING REGULATIONS

CHAPTER 1: ZONING ADMINISTRATION

SECTION 1: ADMINISTRATIVE REGULATIONS

FCC 10-1-1-3: PURPOSE:

- 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.**

The proposed code provisions are consistent with these policies and allow for the integration of single-family homes and multi-family residential uses with non-residential/business uses by:

- 1) Separating the Old Town District into three sub-areas to allow for a more finely-grained integration of land uses that compliment the existing development pattern;*
- 2) Requiring commercial uses along the street-front on multi-family residential projects, in order to support the development of a retail loop within Area A – the primary tourist destination point of the city;*
- 3) Allowing single-family and multi-family residential uses, as well as non-residential uses within Area B;*
- 4) Promoting higher density residential uses and hospitality options to enhance the viability of the events center as well as take advantage of the re-development opportunities within Area C; and*
- 5) Allowing for compact, mixed use development to make efficient use of infrastructure and shared services, which in turn reduces travel costs.*

FCC 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.**

The proposed rezonings are quasi-judicial decisions, which are subject to the criteria listed above. However, the proposed text amendments to the Old Town District is a legislative decision. The proposed rezones are consistent with these criteria because:

- The Planning Commission will hold a public hearing on the request;*
- Notice was sent to all owners of record of property within 300 feet of the subject property; and*
- Notice of the hearing was published three (3) times in the*

Siuslaw News, a newspaper of general circulation, the last not more than ten (10) days prior to the date of the hearing.

SECTION 3: AMENDMENTS AND CHANGES

FCC 10-1-3-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.**

- 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.**

The proposal for Requested Actions 2 and 3 is consistent with the criteria in FCC 10-3-B, subsections #1 and #3 because:

- *The rezone proposal is a quasi-judicial zoning change that affects a discreet number of properties in a small, defined area;*
- *The proposal was initiated by Planning Commission Resolution;*
and
- *Notice of the proposed change was provided in accordance with Code Section 10-1-1-5.*

FCC 10-1-3-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.**
 - *The proposed text amendments (Requested Action 1) are a legislative change that affects all properties within the Old Town District;*
 - *The proposal was initiated by Planning Commission Resolution;*
and
 - *Notice of the proposed change was provided in accordance with state law and the Comprehensive Plan.*

ORS 227.186 NOTICE TO PROPERTY OWNERS OF HEARING ON CERTAIN ZONE CHANGE; FORM OF NOTICE; EXCEPTIONS; REIMBURSEMENT OF COST.

- (3) Except as provided in subsection (6) of this section, at least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to amend an existing comprehensive plan or any element thereof, or to adopt a new comprehensive plan, a city shall cause a written individual notice of a land use change to be mailed to each owner whose property would have to be rezoned in order to comply with the amended or new comprehensive plan if the ordinance becomes effective.

The proposal for the legislative amendments (Requested Action 1) is consistent with ORS 227.186 because:

- *At least 20 days but not more than 40 days before the date of the Planning Commission hearing (first hearing) on the adopting ordinance to amend the comprehensive plan map and zoning map, the City mailed a written individual notice of a land use change to the owners of each of the properties included in this proposal;*
- *The notice was approved by the City and described in detail how the proposed ordinance would affect the use of the properties;*
- *The notice contained the text required in ORS 227.186; and*
- *The proposal is to adopt an ordinance that will limit or prohibit land uses previously allowed in the affected zone.*

ORS 197.610: LOCAL GOVERNMENT NOTICE OF PROPOSED AMENDMENT OR NEW REGULATION; EXCEPTIONS; REPORT TO COMMISSION.

(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

The proposal for the rezonings (Requested Actions 2 and 3) is consistent with ORS 197.610 because notice to DLCD was sent on October 26, 2007, at least 45 days prior to the December 11, 2007 (first) Planning Commission public hearing and the notice contained the information required in this statute.

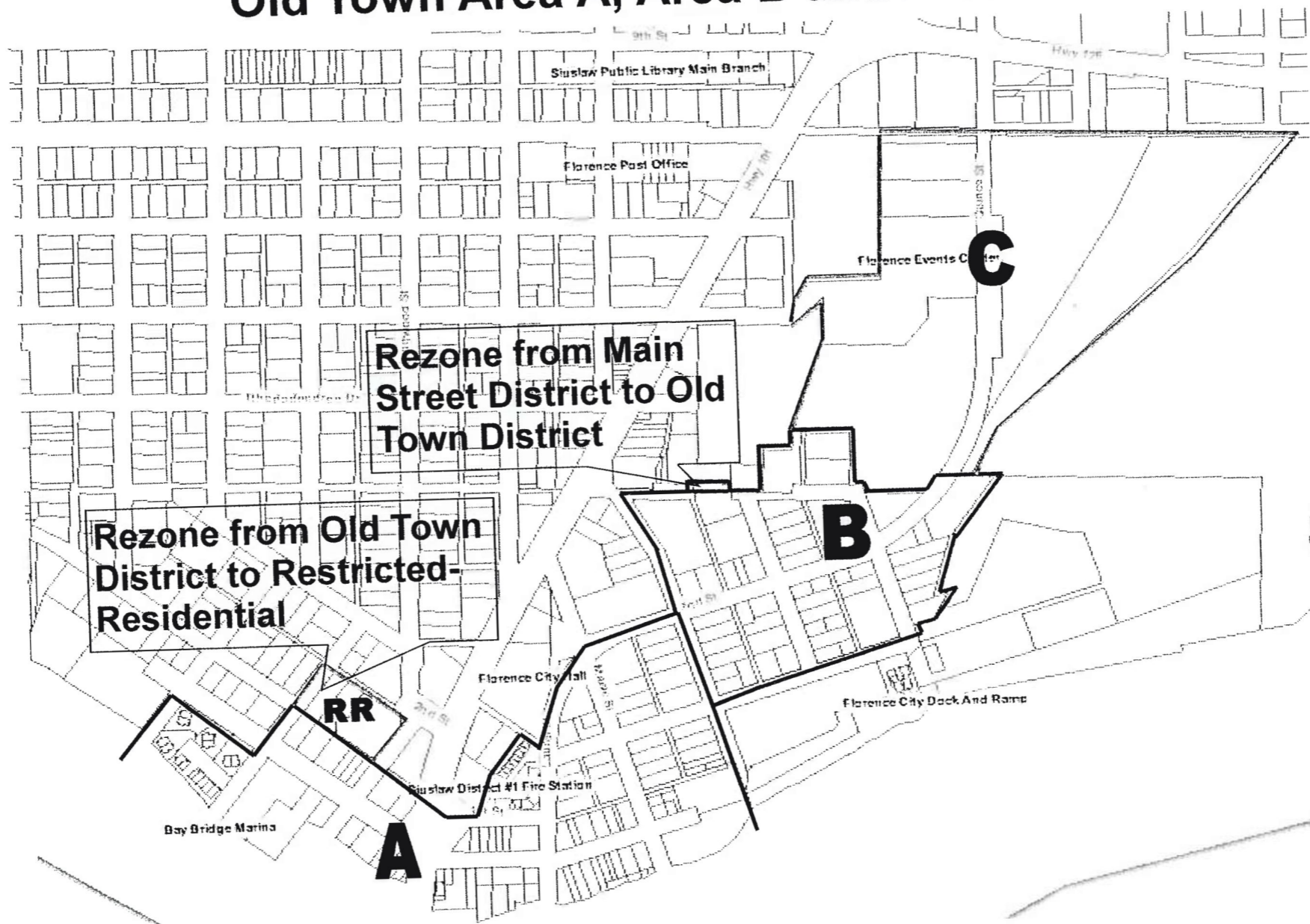
ORS 197.763 CONDUCT OF LOCAL QUASI-JUDICIAL LAND USE HEARINGS; NOTICE REQUIREMENTS; HEARING PROCEDURES:

The procedures for quasi-judicial land use hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law ORS 197.763. These procedures have been met as described in the criteria listed above, FCC 10-1-1-5, and are incorporated herein for Requested Actions 2 and 3.

VI. CONCLUSION

The proposed amendments to the Florence City Code Title 10 Chapter 17 Old Town District are consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code, Statewide Planning Goals and Oregon Revised Statutes.

City of Florence Zoning Districts for Old Town Area A, Area B and Area C



RR = Restricted Residential

EXHIBIT E

**CITY CODE AMENDMENTS:
TITLE 10 CHAPTER 17, OLD TOWN DISTRICT
COMPARISON OF VERSION OF CODE SENT AS AN UPDATE TO
DLCD ON 11/29/07 AND ADOPTED CODE VERSION 2/4/08**

SECTION

10-17-1	General Purpose for Old Town
10-17-2	Definitions
10-17A-1	Purpose for Area A
10-17A-2	Land Uses for Area A
10-17A-3	Lot and Yard Provisions for Area A
10-17A-4	Site and Development Provisions for Area A
10-17B-1	Purpose for Area B
10-17B-2	Land Uses for Area B
10-17B-3	Lot and Yard Provisions for Area B
10-17B-4	Site and Development Provisions for Area B
10-17C-1	Purpose for Area C
10-17C-2	Land Uses for Area C
10-17C-3	Lot and Yard Provisions for Area C
10-17C-4	Site and Development Provisions for Area C

10-17-1 GENERAL PURPOSE FOR OLD TOWN: The Old Town District is intended to provide an area for ~~small-scale~~, pedestrian oriented, mixed land uses. ~~Areas A and B that are located near appropriate in an area related to,~~ or along ~~the a~~-waterfront ~~and comprise the historic old town, and are consistent with generally smaller scale structures than Area C. The the character of Old Town District.~~ It is also intended to encourage restoration, revitalization and preservation of the District.

The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with ~~Figure 17.1. Map ## on page ##.~~ The purpose of these sub-areas is described in each subsection.

10-17-2 **DEFINITIONS:** As used in this Chapter, the following definitions apply, instead of the general definitions in Chapter 1:

ACCESSORY BUILDING

A building of secondary importance on a site, detached from the principal building. The accessory building must be (1) subordinate in size (area and height) to the principal building; (2) contribute to the comfort, convenience, or necessity of occupants of the principal building; and (3) located on the same lot as the principal building; (4) under the same ownership and control as the principal structure; (5) in compliance with all applicable zoning regulations including building setbacks; and (6) shall not be constructed or maintained prior to the construction of the principal use. (Building permits for an accessory structure may be obtained as part of or at the same time as a permit for the principal structure). Examples of accessory buildings include but are not limited to: garages, carports, decks, gazebos, storage sheds, play houses, patios, ~~and~~ terraces.

ACCESSORY USE

A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. -It shall (1) be -subordinate to and serve a primary use in function and time; (2) be subordinate in

area, extent, or purpose to primary use; (3) contribute to the comfort, convenience, or necessity of those occupying, working at, or being served by the primary use; (4) be -located on the same lot as the primary use; (5) be under the same ownership and control as the primary use; ~~and~~ (6) comply with the use limitations applicable in the zoning district in which it is located; and (7) no accessory use shall be established prior to the primary use.

BUILDING HEIGHT

The "buildingBuilding height" dimension is defined as the vertical distance from the average level of the undisturbed natural grade aroundlevel-of the building's outer foundation line to the highest point of the roof or the roof parapet, if present. If fill has been or will be is-added or removed (e.g. for drainage or access)-in accordance with a City-an approved grading plan (as for drainage, access, or compatibility with surrounding topography), the approved grade level-shall be used in lieu of the undisturbed natural grade. Stories-Note that stories located entirely below the average grade level-, or occupying no more than three feet above-, the average grade level are not counted toward the number of stories-. The dimensional limit is normally adequate to allow a pitched or gable roof style over the maximum allowed number of above-grade stories-.
stories.

VISUAL AID

Visualization aids may be of three general types:

Type I: "Story poles" with connecting ribbons that are physically erected on the site to accurately represent the full extent of the proposed structure. Accuracy of critical story pole dimensions shall be checked and certified by a licensed surveyor after erection. Type I aids shall be installed twenty (20) days before the public hearing and removed within twenty (20) days after the final land use decision.

Type II: Virtual computer images which depict the proposed structure and its relation to the surroundings. Such images shall be accurately scaled and shall portray detailed 3-D perspectives of the structure/surroundings in color from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type II aids shall be available to the City and the public twenty (20) days before the public hearing.

Type III: Colorized architectural renderings which depict the proposed structure and its relation to the surroundings. Such renderings shall be at least two feet (2') in the smaller dimension, shall be accurately scaled, and shall portray detailed 3-D perspectives of the structure/surroundings from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type III aids shall be available to the City and the public twenty (20) days before the public hearing. At least two (2) copies shall be provided; one set of copies shall be "weatherproofed" and displayed for public view at the site.

OLD TOWN DISTRICT AREA A

10-17A-1 PURPOSE FOR AREA A: Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence.

10-17A-2 LAND USES FOR AREA A: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area A:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

Residential: above ground floor commercial

Bed and breakfast inns

Restaurants and cafes, without drive-thru

Taverns and bars

Offices, professional and administrative

Recreational facilities (facility must be outdoor, water-related, and non-motorized)

Commercial and public marinas, piers, and docks

Educational services (accessory only, not school)

Parks and open space

Basic utilities (water, sewage, electrical, and communication facilities - not staffed)

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential units: -provided that any building ~~contains a commercial business~~ facing a street (or streets if a corner lot) ~~and that the residential use shall include a first story commercial use that occupies not occupy~~ the first twenty-five feet (25') of the building(s) that face(s) a street. - If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Lodging, motels and hotels

Entertainment and recreational facilities (indoor)

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

Taxi stands

Commercial & public parking lots (ground level)

Public safety facilities (police and fire stations)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below are prohibited in this Area. The following uses are specifically Prohibited:

Residential: multi-family, townhouses, duplexes (unless part of mixed use development as listed in permitted or conditional uses)

Residential, single family -(unless ~~is~~ part of mixed uses as listed in permitted or conditional uses)

Group living

RV parks and campgrounds

Daycare, adult and child

Restaurants, with drive-thru

Religious Institutions

Commercial & public parking structures

Vehicle short-term rental

Vehicle sales or leasing

Vehicle repair or storage of non-operational vehicles

Firing ranges (indoor or outdoor)

Kennels

Waste/recycling facilities (except as incidental to an approved use)

Industrial services

Wholesale sales

Warehousing

Self-service storage

Schools and colleges

Medical centers

Mobile home parks

D. Existing Single-family Residences: Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17A-3 LOT AND YARD PROVISIONS FOR AREA A

A. Lot Area: The lot area shall be a minimum of 1,500 square feet.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The Design Review Board may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

1. ~~a.~~ For Area A, yards shall be as follows:

Front Yards: Building fronts may vary from zero to ten feet (0' to 10') setback from the front property line. Upper story windows and balconies may encroach into the sidewalk area as long as a minimum eight feet (8') wide and ten feet (10') high pedestrian way is maintained within the sidewalk area. Benches and tables may encroach into the sidewalk area as long as the minimum eight feet (8') wide pedestrian way is maintained within the sidewalk area. Ten percent (10%) of the lot frontage, or a maximum of six feet (6'), may be utilized for pedestrian walkways connecting to interior parking lots or for river viewing areas.

Side and Rear Yards: Buildings may be zero lot line, provided that all Building Code requirements are met.

- ~~2.~~ **b.** In each block, there will be at least one opening for Americans with Disabilities Act (ADA) accessible public access to interior parking lots and/or to new or existing public viewing areas of the Siuslaw River.

10-17A-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA A

A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area A shall be two (2) stories above grade with a maximum of thirty feet (30').

For any building two (2) stories above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

- 1a.** Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.
- 2.b.** Building ~~exteriormassing~~ shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative offset.
- 3e.** Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.
- 4d.** A public plaza may be provided between the building and the street right-of-way. The plaza shall be a minimum of four feet (4') in depth (in addition to the 8 feet wide sidewalk), with a minimum of 100 square feet in size for seating, landscaping, and weather protection such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the Building Codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide.

E. Parking and Loading Spaces: Non-residential parking spaces may be located on-street in front of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. Individual parking areas or lots will not be approved unless no other alternative exists. Parking may not be located between the building and the street.

Residential parking spaces may be specifically designated within any parking area. Individual parking areas or lots will not be approved unless no other alternative exists; such off-site parking assigned to

specific residential buildings in Area A shall be located on the same block (to avoid crossing a street) and shall not be more than 500 feet from the residential building entrance.

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

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

G. 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 ~~prohibited~~subject to approval as part of Design Review.

H. Fences, Hedges, Walls and Landscaping:

~~1.~~ **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 ten percent (10%) calculation must be installed and maintained by the applicant or his/her successors.

~~2.~~ **b. Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less.- Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area A.

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

~~1.~~ Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See Figure 17.2)(see map #)

~~2.~~ In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights.- (See Figure 17.2map #.)

~~3.~~ Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.

~~4.~~ Lighting shall be pedestrian scaled.

~~5.~~ 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.

~~6.~~ Other overhead wiring shall be placed underground, where possible.

J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. Design Review: All uses in Area A of Old Town District whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district.

1. ~~a.~~ Additional Requirements:

~~a.1.~~ Survey: All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. ~~The survey must show:~~

- ~~i.~~ ~~a.~~ Property lines
- ~~ii.~~ ~~b.~~ Easements
- ~~iii.~~ ~~c.~~ 2' Contours
- ~~iv.~~ ~~d.~~ Existing structures (including height of sea-wall, if appropriate)
- ~~v.~~ ~~e.~~ Floodplain
- ~~vi.~~ ~~f.~~ Highest observed tide

~~b.~~

2. New Construction or Story Additions: ~~As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration: Story poles and connecting ribbons, which accurately represent the full extent of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.~~

~~Visual aids are required unless waived by the Community Development Director. In the course of, shall be installed twenty (20) days before the public hearing, the Commission may overrule such determination and require additional visual aid(s). The following visual aids are required for all buildings or story additions in Area A: Story poles shall be removed by the applicant within twenty (20) days after the final decision has been made.~~

- ~~i. Projects located on the riverside of Bay Street shall provide visual aid type I and visual aid type II or III.~~
- ~~ii. Projects located in Area A other than the riverside of Bay Street shall provide visual aid type I, II or III.~~

OLD TOWN DISTRICT AREA B

10-17B-1 PURPOSE FOR AREA B: Old Town Area B is an area of mixed use residential intended to provide a transition between the waterfront visitor attractions and the Events Center ~~campus~~Campus, with Quince/2nd Street as the pedestrian-friendly link between these key areas.

10-17B-2 LAND USES FOR AREA B: The following establishes permitted, conditional, and prohibited uses for the Old Town District Area B:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted listed uses below:

Residential, single family

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Bed and breakfast inns

Restaurants and cafes, without drive-thru

Offices, professional and administrative

Educational services (accessory only, not school)

Parks and open space

Basic utilities (water, sewage, electrical, and communication facilities – not staffed)

Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than the Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

Residential, single family

Group living

Lodging, motels and hotels

Daycare, adult and child

Taverns and bars

Office, vehicle short-term rental (no outdoor storage of cars, bicycles, or watercraft)

Entertainment and recreational facilities (indoor)

Recreational facilities (facility must be outdoor, water-related, and non-motorized)

Religious Institutions

Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)

- Taxi stands
- Commercial & public parking lots (ground level)
- Commercial & public parking structures
- Public safety facilities (police and fire stations)

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than a Prohibited use listed below is prohibited in this area. The following uses are specifically prohibited:

- Restaurants, with drive-thru
- RV parks and campgrounds
- Vehicle sales or leasing
- Vehicle repair or storage of non-operational vehicles
- Firing ranges (indoor or outdoor)
- Kennels
- Waste/recycling facilities (except as incidental to an approved use)
- Industrial services
- Wholesale sales
- Warehousing
- Self-service storage
- Schools and colleges
- Medical centers
- Mobile home parks

10-17B-3 LOT AND YARD PROVISIONS FOR AREA B

A. Lot Area: The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The maximum lot coverage allowed shall be seventy percent (70%) for buildings and structures and a total of eighty percent (80%) for all buildings and other impervious surfaces.

D. Yard Regulations:

- ~~1. _____~~
 - ~~a. Garage and Carport Entries:~~ Garage and carport entries shall have a minimum setback of twenty feet (20').
 - ~~2. b. Front Yard: s:~~ Front yard setback shall be a minimum of ~~tenfifteen~~ feet (10') and ~~up to 15'~~.
 - ~~c. Side Yard: No side yard shall be less than~~ five feet (5') with approval by the Planning Commission.
- ~~3. Side Yard: Zero lot line spacing is allowed for row-house (townhouse) development between the interior and exterior units. All other development is required to have a~~

minimum of a five foot (5') sideyard, unless zero lot line spacing is approved by the Planning Commission.

4. ~~d.~~ **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5'). For single family dwellings, the rear yard shall have a minimum setback of ten feet (10').

5. ~~e.~~ The Planning Commission/Design Review Board may allow reduction of any Area B setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

6. ~~f.~~ For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. Common Open Space: Common open space is required for any multi-family housing development as follows:

1. ~~a.~~ An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designated and permanently reserved by deed restriction as common open space.

2. ~~b.~~ In meeting the common open space standard, the multiple family development shall contain one or more of the following: –outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

3. ~~c.~~ To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than -twenty feet (20').

4. ~~d.~~ Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity.– A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17B-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA B

A. Building or Structural Height Limitations.

1. South of Quince/2nd Street:– The maximum height for buildings or other structures in the Old Town District Area B south of Quince/2nd Street shall be two (2) stories above grade with a maximum of thirty feet (30').

2. North of Quince/2nd Street: The maximum height for buildings or other structures in the Old Town District Area B north of Quince/2nd Street may be three (3) stories above grade with a maximum of forty feet (40') when approved by a conditional use permit~~Every multi-family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception from the state building code.~~

a. If the property includes a Scenic Resource identified as Site 7 on Map 5H-1 in the Comprehensive Plan and is therefore undevelopable, the remainder of the property may be developed with three stories.

b. If the property includes natural features such as mature trees, sand banks, and/or bank vegetation (outside of Site 7), three stories may be allowed if those features are preserved with an easement as approved by the Planning Commission; or

c. Three stories may also be allowed if design elements are incorporated into the roof-line such as stepping back the third story a minimum of 10 feet (10') from the wall plane of the floor below if it faces a street, using a mansard roof design, or by incorporating living space within the attic of a pitched roof via a dormer(s) and/or partition-wall.

3. For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

a.1. Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.

b.2. Building exteriormassing shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative off-set.

c3. Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.

d4. A public plaza may be provided between the building and the street right-way. The plaza shall be a minimum of four feet (4') in depth (in addition to any required sidewalk), with a minimum of 100 square feet wide for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for retail or office use shall have a floor area that exceeds 15,000 square feet. Mixed use buildings may have greater floor areas, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by Building Codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. Parking and Loading Spaces: All required residential parking spaces must be located on-site, but may not be located within the front yard.

Every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

Non-residential parking spaces may be located on-street in front of the front yard of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. -The number of parking spaces as provided in Chapter 3, Title 10 shall be used as guideline when determining parking needs. For non-residential uses, off-street parking shall not be located between the building and street

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

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

G. 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.

H. Fences, Hedges, Walls and Landscaping:

1. ~~_____~~ **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.
2. ~~_____~~ **b. Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less.- Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area B.

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

- ~~1.~~ Where there are antique street lights within the public right of way, new light fixtures shall match the antique streetlights. (See [Figure 17.2](#))(see-map #)
- ~~2.~~ In the areas where the antique street lights are not currently located, the light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights.- (See [Figure 17.2](#)map#-)
- ~~3.~~ Light fixtures shall conform to the lighting styles in the [Downtown](#) Architectural Guidelines.
- ~~4.~~ Lighting shall be pedestrian scaled.
- ~~5.~~ Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement. Lighting plans shall show the illumination fields for each fixture.
- ~~6.~~ Wiring for historic light fixtures shall be placed underground.
- ~~7.~~ Other overhead wiring shall be placed underground, where possible.

J. Trash Enclosures: At least one trash receptacle shall be provided on site. Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than 5' in height. Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

K. Design Review: All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural [Design](#) Guidelines to determine compatibility with the character of the district.

1. ~~_____~~ **a. Additional Requirements:**

~~a.4.~~ **Survey:** All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. -The survey must show:

- ~~i.~~ ~~_____~~ **a.** Property lines

- ~~ii.~~ ~~_____~~ ~~b.~~ Easements
- ~~iii.~~ ~~_____~~ ~~c.~~ 2' Contours
- ~~iv.~~ ~~_____~~ ~~d.~~ Existing structures
- ~~v.~~ ~~_____~~ ~~e.~~ Floodplain

~~b.2. New Construction or Story Additions: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configuration: Story poles and connecting ribbons, which accurately represent the full extent of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.~~

~~Visual aids are required unless waived by the Community Development Director. In the course of, shall be installed twenty (20) days before the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area B.— Story poles shall be removed by the applicant within twenty (20) days after the final decision has been made~~

~~L. Development Prohibition: Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.~~

OLD TOWN DISTRICT AREA C

10-17C-1 **PURPOSE FOR AREA C:** Old Town Area C is intended for mixed uses which provide a range of housing and hospitality options around the Events Center that take advantage of the surrounding natural features and views of the river.

10-17C-2 **LAND USES FOR AREA C:** The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

A. Permitted Uses: Uses which are administratively determined to have an impact similar to or less than Permitted uses listed below:

- Residential: above ground floor commercial
- Residential: multi-family, townhouses, duplexes
- Bed and breakfast inns
- Lodging, motels and hotels
- Restaurants and cafes, without drive-thru
- Offices, professional and administrative
- Entertainment and recreational facilities (indoor)
- Educational services (accessory only, not school)
- Taxi stands
- Parks and open space
- Basic utilities (water, sewage, electrical, and communication facilities - not staffed)
- Accessory uses and structures, except activities that are permitted as a basic use and for required on-site parking
- Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- Group living
- Daycare, adult and child
- Taverns and bars
- Office, vehicle short-term rental (no outdoor storage)
- Recreational facilities (must be outdoor, water-related, and non-motorized such as canoeing or kayaking)
- Religious Institutions
- Manufacturing and production of retail items sold on the premises (< 5000 s.f. w/retail)
- Commercial and public marinas, piers, and docks

Commercial & public parking lots (ground level)
Commercial & public parking structures
Public safety facilities (police and fire stations)

C. Prohibited Uses: Uses that are administratively determined to have impact similar to or greater than Prohibited uses listed below are prohibited. The following uses are specifically ~~prohibited~~**Prohibited:**

Residential, single family
RV parks and campgrounds
Restaurants, with drive-thru
Vehicle sales or leasing (except short-term car, bicycle, or watercraft rental)
Vehicle repair or storage of non-operational vehicles
Firing ranges (indoor or outdoor)
Kennels
Waste/recycling facilities (except as incidental to an approved use)
Industrial services
Wholesale sales
Warehousing
Self-service storage
Schools and colleges
Medical centers
Mobile home parks

D. Existing Single-family Residences: Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17C-3 LOT AND YARD PROVISIONS FOR AREA C

A. Lot Area: The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. Lot Dimensions: The minimum lot width shall be twenty-five feet (25').

C. Lot Coverage: The Design Review Board may allow up to eighty percent (80%) lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

1. ~~a.~~ **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20'), with all parking to have access from side or rear of property.
2. ~~b.~~ **Front Yards:** Front yard setback shall be a minimum of fifteen feet (15').
3. ~~c.~~ **Side Yard:** No side yard shall be less than five feet (5') unless zero lot line spacing is approved.
4. ~~d.~~ **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5').

~~5. e.~~ The Planning Commission/Design Review Board may allow reduction of any Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

~~6. f.~~ For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. Common Open Space: Common open space is required for any multi-family housing development, as follows:

~~1. a.~~ An area on the site measuring a minimum of 100 sq ft per dwelling unit shall be designated and permanently reserved by deed restriction as common open space.

~~2. b.~~ In meeting the common open space standard, the multiple family development shall contain one or more of the following: –outdoor recreation area, protection of sensitive lands (e.g., trees or bank vegetation preserved), play fields, outdoor playgrounds, outdoor sports courts, swimming pools, walking fitness courses, pedestrian amenities, or similar open space amenities for residents.

~~3. c.~~ To receive credit under this section, a common open space area shall have an average width that is not less than twenty feet (20') and an average length that is not less than 20 feet.

~~4. d.~~ Any common areas shall be owned as common property and maintained by a homeowners association or other legal entity.– A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C

A. Building or Structural Height Limitations: The maximum height for buildings or other structures in the Old Town District Area C shall be four (4) stories above grade with a maximum height of fifty-five feet (55').

~~Every building of three (3) stories or more above grade and every multi-family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception from the state building code.~~

For any building two (2) stories or more above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

~~1.a.~~ Pitched or gable roofs are encouraged, with offsets, valleys, or false dormers to break up the roof plane as viewed from any abutting street.

~~2.b.~~ Building exteriormassing shall be broken into shapes and planes of less than 750 square feet for any building plane. Such planes shall have a two foot (2') minimum relative offset. Any; and any third or fourth story shall be set back a minimum of 10 feet from the wall plane of the floor below if it faces a street.

~~3e.~~ Windows, balconies, entryways, and/or arcades shall be used to create visual interest and reduce the apparent bulk/mass of the building; and variation in materials, textures, colors, and shapes shall be used to break up wall planes.

4d. A public plaza may be provided between the buildings and the street right-of-way. The plaza shall be a 1,000 square feet in size for seating, landscaping, and weather protection, such as awnings, canopies, overhangs, or similar features.

B. Building Size Limitation: No structure designed solely for non-residential use shall have a building footprint that exceeds 15,000 square feet. Mixed use buildings may have greater building footprints, subject to Design Review for compatibility with surrounding structures and uses.

C. Access: Americans with Disabilities Act (ADA) approved access must be provided to all floors of buildings and structures as required by the building codes.

D. Sidewalks: Public sidewalks shall be a minimum of eight feet (8') wide along Quince Street/2nd Street.

E. -Parking and Loading Spaces: Off-street parking shall not be located between the building and the street, unless mitigation measures are approved by the Planning Commission that include each of the following: pedestrian pathways from the street to the building, landscaped berms and professionally designed landscaping. All required parking shall be on site unless otherwise provided in Chapter 3.

Every building of three (3) stories or more above grade and every multi family housing structure building that incorporates indoor parking shall have an approved fire sprinkler system installed, unless it is granted an exception provided by the state building code.

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

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

G. 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 prohibited.

H. Fences, Hedges, Walls and Landscaping:

1. a. Landscaping: A minimum of fifteen percent (15%) 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 fifteen percent (15%) calculation must be installed and maintained by the applicant or his/her successors.

2. b. Walls, Fences and Hedges: Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area C.

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

1. The light fixtures within the public right of way shall use the Central Lincoln Public Utility District's Ornamental streetlights. (See Figure 17.2map#.)

2. Light fixtures shall conform to the lighting styles in the Downtown Architectural Guidelines.

3. Lighting shall be pedestrian scaled.

4. Light fixtures shall be placed to allow adequate illumination for safe pedestrian movement.- Lighting plans shall show the illumination fields for each fixture.

5. Wiring for historic light fixtures shall be placed underground.

6. Other overhead wiring shall be placed underground, where possible.

Jl. Trash Enclosures: At least one trash receptacle shall be provided on site. -Dumpsters or similar utilitarian trash receptacles shall be screened with a solid fence or wall not less than five feet (5') in height.- Trash receptacles for pedestrians shall have a consistent design in order to provide consistency in street furniture.

KJ. Design Review: All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against Downtown Architectural Design Guidelines to determine compatibility with the character of the district.

1. **a. Additional Requirements:**

a1. Survey: All new development and redevelopments and/or additions must also submit a recent survey map with their Design Review Application. -The survey must show:

i. **a.** Property lines

ii. **b.** Easements

iii. **c.** 2' Contours

iv. **d.** Existing structures (including height of sea-wall, if appropriate)

v. **e.** Floodplain

vi. **f.** Highest observed tide

b.—

2. New Construction or Story Addition: As an element of the Design Review process, the applicant is required to provide and/or install visual aids to assist the Planning Commission and the public to visualize the size/configurationStory poles and connecting ribbons, which accurately represent the full extent of the proposed structure with its relation to the surroundings. The required visualization aids consist of three types: Type I Story Poles, Type II Virtual Images, and Type III Color Architectural Renderings, as defined in FCC 10-17-2 Definitions of Visual Aid.

Visual aids are required unless waived by the Community Development Director. In the course of, shall be installed twenty (20) days before the public hearing, the Commission may overrule such determination and require additional visual aid(s). Visual aid type I, II or III is required for all buildings or story additions equal to or greater than two (2) stories in Area C.

L. Development Prohibition: Any property identified as Site 7 on Map 5H-1 in the Comprehensive Plan shall remain undeveloped.

~~Story poles shall be removed by the applicant within twenty (20) days after the final decision has been made.~~

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02/06/2008
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CITY OF FLORENCE

250 Highway 101
Florence, OR 97439

TO: Attention: Plan Amendment Specialist
Department of Land Conservation and
Development
635 Capital Street NE, Suite 150
Salem, Or 97301-2540