

TITLE 10
CHAPTER 18

MARINE DISTRICT

SECTION:

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10-18-1: ADMINISTRATIVE PROVISIONS:

- A. Purpose: The Marine District is primarily intended to provide for water dependent commercial, recreational and industrial uses. In addition, this District provides for certain water related uses which are most appropriately located near a water dependent use or in areas near the estuary. Such water related uses may not be directly dependent upon access to a water body, but do provide or use goods or services that are directly associated with water dependent uses. It is intended that this District be developed to benefit the economy of the Florence area, consistent with the Florence Comprehensive Plan and other plans which may be adopted by the City and the Port of Siuslaw.
- B. Evidence of Compliance: Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, appropriate permit and rule requirements of:
 - 1. Port of Siuslaw.
 - 2. Oregon State Department of Environmental Quality.
 - 3. Division of State Lands.
 - 4. United States Army Corps of Engineers.
 - 5. All other State and Federal agencies having interest applicable to the proposed use. (Amended by Ord. No. 10, Series 2009)

10-18-2: PERMITTED BUILDINGS AND USES: None of the uses intended for this District are permitted outright; all are conditional uses.

A. Water Dependent Uses:

Aquaculture

Bait and tackle shop

Boat charter service

Boat launching

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

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

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

Marina

Marine service

Moorage facilities

Office in conjunction with a permitted use

Public aids to navigation

Public boat ramp

Rental and fueling of marine equipment

Wharves, docks and piers in conjunction with a permitted use

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

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

B. Water Related Uses:

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

Cold storage or ice processing plants for sea products

Holding areas for trans-shipment of goods by water

Laboratory for research of marine products or resources

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

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

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

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

Public utility or communication facility

Public water related outdoor recreation area

Retail sales of marine equipment

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

Warehousing and storage facilities for marine equipment or sea products

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

10-18-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following uses. The requirements of the adjacent Estuary District shall supersede the requirements in this section; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses

or requirements that may apply.

A. Water Dependent Uses

Dredge or fill activities, consistent with the adjacent Estuary District provisions.

Wharves, docks, and piers, consistent with the adjacent Estuary District provisions.

Other water dependent buildings and uses as those are defined in the definition of Water Dependent Uses in this Code.

B. Water Related Uses

C. Temporary Uses

10-18-4: SPECIFIC APPROVAL CRITERIA:

A. Conditional Use Permit: In addition to the general approval criteria set forth in Section 10-4-9 of this Title, the following criteria shall apply to the consideration of a conditional use permit in this District in addition to applicable criteria in the adjacent Estuary District:

1. The proposed use must be a Water Dependent or Water Related Use, as defined in Chapter 1 of this Title.
2. Where the proposed location is within a management unit as defined in the Comprehensive Plan, approval is subject to the "allowed uses and priorities" listed for that management unit. Where competition for limited land area exists, uses higher on the list have priority.
3. In the case of water related uses, approval must be based on findings that:
 - a. Water Related Uses must be in conjunction with and incidental and subordinate to water-dependent uses on the site and there are no alternative upland locations in other districts which would be suitable for the proposed use;
 - b. There are sufficient sites available to meet projected needs for water dependent uses, especially sites adjacent to the estuary.
 - c. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.
 - d. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).
 - e. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.
 - f. For temporary non-water-dependent uses: the use must involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

B. Special Conditions: In addition to the general conditions listed in Sections 10-4-10 and 10-4-11, special conditions may be required.

1. State and/or Federal permits for any dredge, fill or installation of pilings must be obtained, if applicable.
2. Structures or vegetative plantings may be required to prevent riverbank erosion.

10-18-5: PROPERTY DEVELOPMENT STANDARDS:

- A. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.
- B. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').
- C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
- D. Setback Requirements:
 1. Front yards are not required except where setbacks have been established for road widening or other purposes.
 2. Side yards are not required except:
 - a. Where setbacks have been established for road widening or other purposes;
 - b. Where the use abuts a residential district. In such instances a buffer may be required; and
 - c. Where required to preserve a visual corridor or public access to the river.
 3. Shorefront setback requirements will be required for permanent structures in those instances where sound engineering practices require setback:
 - a. To comply with the National Flood Insurance Program;
 - b. To provide for shoreland stabilization or protection measures; and
 - c. To allow a buffer strip for areas of geological instability.
- E. Building and Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').
- F. Fences, Hedges, Walls and Landscaping: The City may require that a fence, hedge, wall or landscaping be maintained within the Marine District or with abutting districts. Refer to Section 10-34 of this Title for requirements. (Ord. 625, 6-30-80)
- G. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)
- H. Visual Clearance: Refer to Section 10-1-4 and 10-35-2-13 of this Title for definition and requirements.
- I. Signs: Signs shall be in accordance with Title 10, Chapter 26 of this Code, and amendments thereto. (Ord. 26, 2008)
- J. Vegetative Strip: A vegetative strip adjacent to the estuary shall be maintained, insofar as possible, consistent with permitted uses.
- K. Utility Systems and Public Facilities: The necessary utility systems and public facilities must be available with sufficient capacity to serve the proposed use. Refer to Section 10-36 of this Title for requirements.

- L. Access and Circulation: Refer to Section 10-34 of this Title for requirements.
- M. Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title.
(Ord. 625,6- 30-80)

Amended by Ordinance No. 15, Series 1988
Section 10-18-5, H, I - Amended by Ordinance No. 26, Series 2008
Section 10-18-5 amended by Ord. No. 9, Series 2009
Section 10-18-3 and 10-18-4 amended by Ord. No. 10, Series 2009