

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

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

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

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

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

B. Side Yards:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet (2').
2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

10-2-4: HEIGHT:

A. Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles,

chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

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

10-2-6: WHO MAY APPLY: In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this Title. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this Title.

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

10-2-8: SIGNS: In accordance with the sign regulations of the City and amendments thereto.

10-2-9: GUARANTEE OF PERFORMANCE: The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

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

10-2-11: PUBLIC USES: Land within any zoning district which is designated public in the Florence Comprehensive Plan shall be limited to uses which are consistent with that land use designation. Where public uses are designated in the plan and are implemented as a conditional use, such uses shall be permitted with the requirement of development standards by the City as provided for in the conditional use section of this Title.³ (Ord. 669, 5-17-82)

10-2-12: EXEMPTION FROM PARTITIONING REQUIREMENTS: Public road and highway right-of-way acquisitions are exempt from the minor land partition regulations of this ordinance, providing the remainder of the property meets minimum lot size and setback requirements.*

10-2-13: USES AND ACTIVITIES PERMITTED IN ALL ZONES: The following uses and activities are permitted in all zones without review unless specifically required otherwise:

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

1. Reconstruction or modification of an historic building or other historic structure.
2. Development that requires acquisition of additional property other than the following widening of a public road or highway right-of-way.

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

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

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

3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.
4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

Amended by Ordinance No. 15, Series 1988

Amended by Ordinance No. 2, Series 2000

Amended by Ordinance No. 12, Series 2002

Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009