TITLE 10
CHAPTER 17

OLD TOWN DISTRICT

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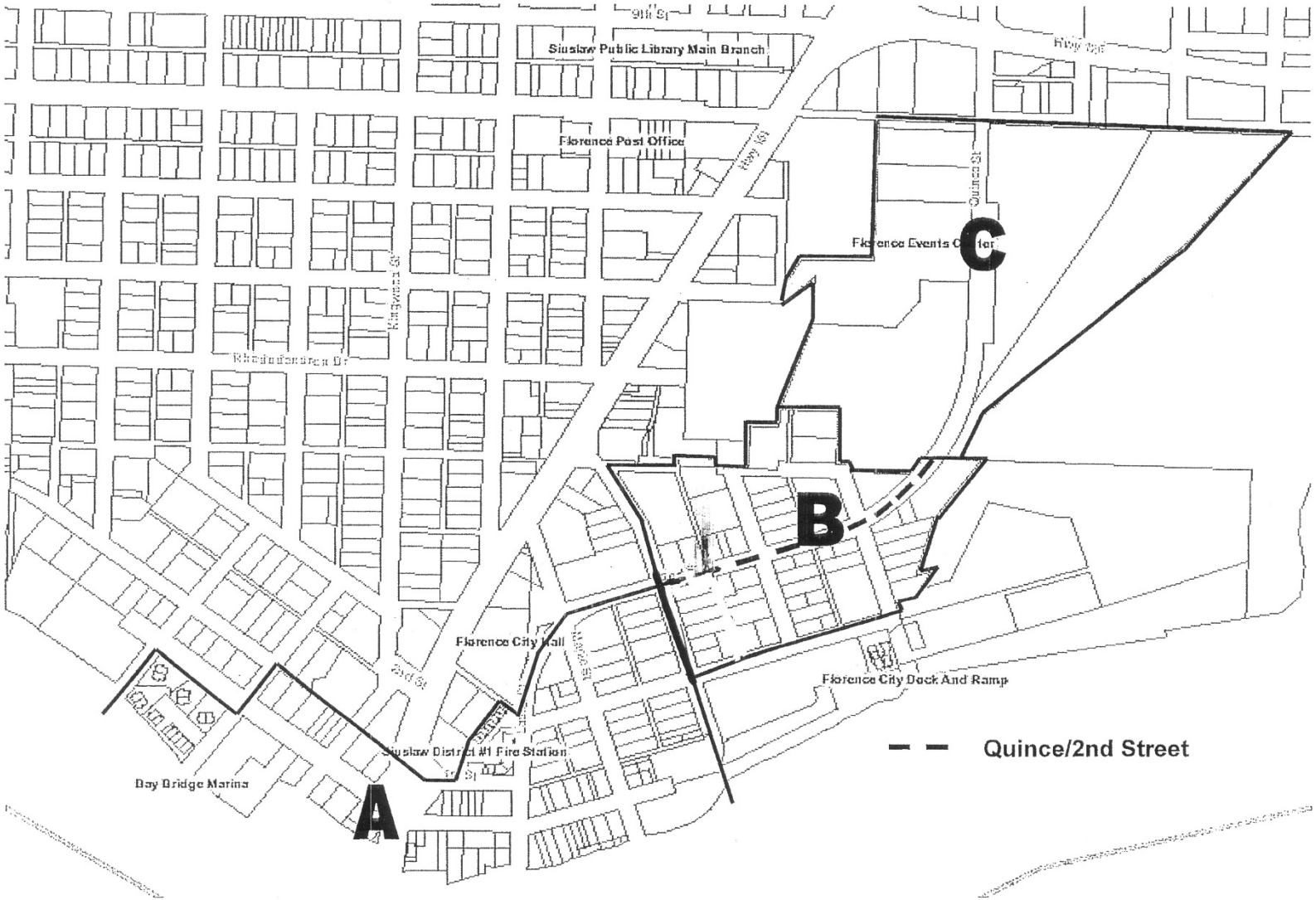
10-17-1 GENERAL PURPOSE FOR OLD TOWN: The Old Town District is intended to provide an area for pedestrian oriented, mixed land uses. Areas A and B are located near or along the waterfront and comprise the historic old town with generally smaller scale structures than Area C. The Old Town District is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

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

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



10-17-2 **DEFINITIONS:** As used in this Chapter, the following definitions apply, instead of, where applicable, and in addition to the general definitions in Chapter 2:

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.

VISUAL AID *(continued)*

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:

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

Commercial and public marinas, piers, and docks

Educational services (accessory only, not school)

Offices, professional and administrative

Parks and open space

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

Residential: above ground floor commercial

Restaurants and cafes, without drive-thru

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.)

Taverns and bars

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 Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

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

Bed and Breakfast inns

Commercial & public parking lots (ground level)

Entertainment and recreational facilities (indoor)

Lodging, motels and hotels

Manufacturing and production of food and beverage items sold on-and off-premises, when accompanied by a retail space and/or restaurant the premises where those items are sold (≤ 5000 square feet not including retail/restaurant area) and loading of materials to be sold off-site takes place on private property

Public safety facilities (police and fire stations)

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.

Taxi stands

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:

Commercial & public parking structures

Daycare, adult and child

Firing ranges (indoor or outdoor)

Group living

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Religious Institutions

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

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

Restaurants, with drive-thru (includes drive-up and drive-thru)

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

Vehicle sales or leasing

Vehicle short-term rental

Warehousing, except as allowed above as an accessory to a Conditional Use

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

Wholesale sales, except as allowed above as an accessory to a Conditional Use

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 Planning Commission or their designee may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

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

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

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

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

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

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

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

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

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

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

4. A public plaza may be provided between the building and the street right-of-way. The plaza shall be a minimum of four feet (4') in depth (in addition to the 8 feet wide sidewalk), with a minimum of 100 square feet in size for seating, landscaping, and weather protection such as awnings, canopies, overhangs, or similar features.

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

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

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

E. Parking and Loading Spaces:

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

2. Residential parking spaces may be specifically designated within any on-site parking area. Individual parking areas or lots located off-site will not be approved unless no other alternative exists; such off-site parking assigned to specific residential buildings in Area A shall be located on the same block or not more than 300 feet from the residential building entrance.

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

4. Parking requirements listed in Table 10-3-1 of Section 10-3-4 of this Code are waived for all changes of use in any structures in Old Town Area A which existed prior to October 15, 2014.

   a. No increase in provided parking spaces shall be required for any change of use in Old Town Area A.

   b. All current structures and uses shall maintain the number of parking spaces provided for those uses as of October 15, 2014.

   c. The number of parking spaces provided by a business or residence shall be retained for all subsequent businesses or residences housed within that space, regardless of the intensity of use.

   d. Changes of use in buildings which have not had a previous Planning Commission or staff approval or an amount of required parking set shall have proposed parking reviewed at the time of building permit submittal.

   e. Required parking may be provided off-site, pursuant to Section 10-3-7 of this Code.

5. All new construction (structures and additions built after October 15, 2014), not including residential, lodging, motel, or inn uses, are allowed a waiver of up to 50% of parking required by Section 10-3-4 of this Code, to be determined with a Type II or III approval. The waiver of required parking is not to exceed the minimum number of two (2) parking spaces required by Section 10-3-4.

F. Vision Clearance: Refer to Sections 10-2-13and 10-35-2-14 of this Title for definition and requirements.

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

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

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

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

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

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

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

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

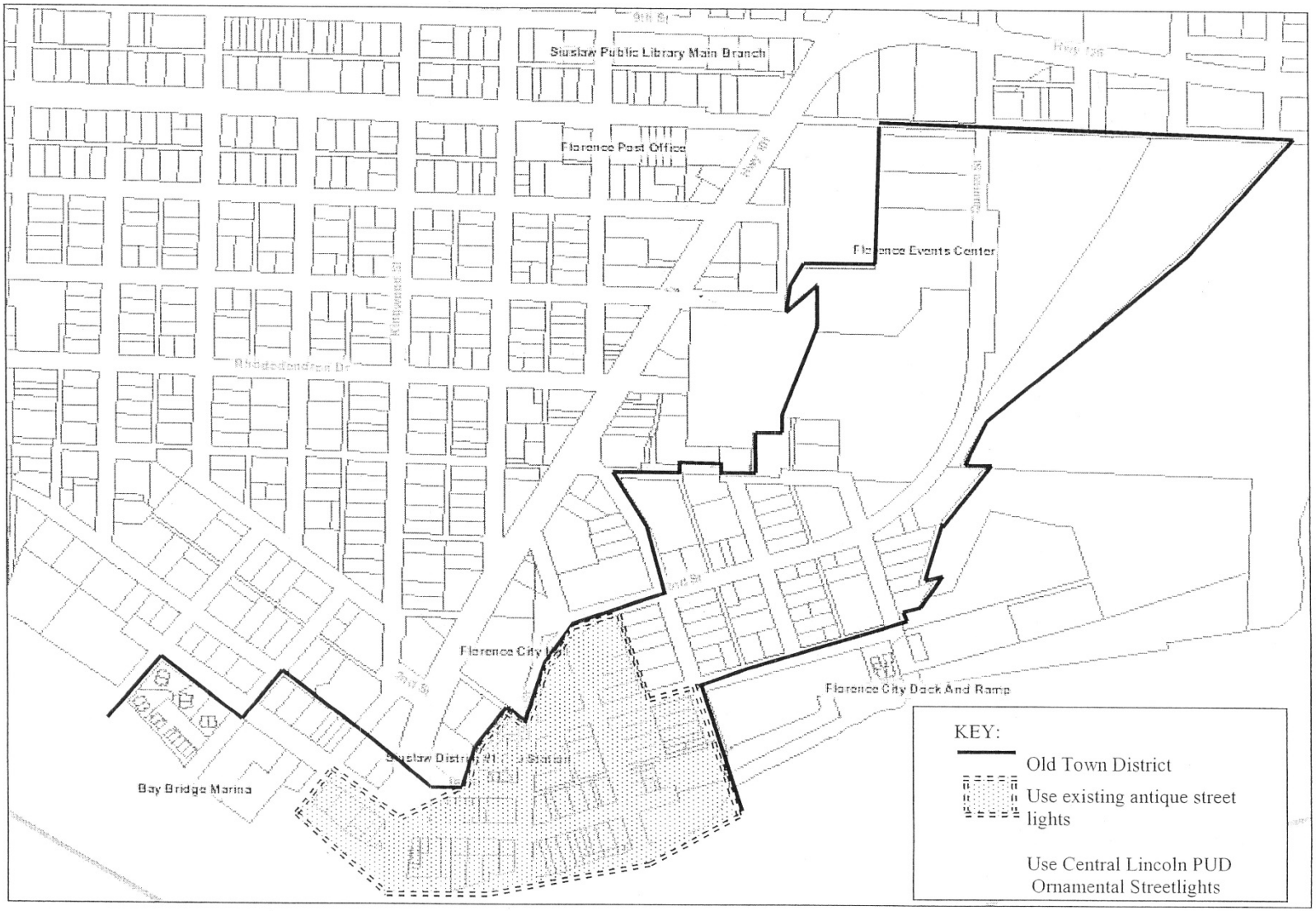
4. Lighting shall be pedestrian scaled.

5. Refer to Section 10-37 of this Title for additional requirements.

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

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

City of Florence Proposed Old Town District Lighting Map
Figure 17.2



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

K. **Design Review:** All uses in Area A of Old Town District whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

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

v. Floodplain

vi. Highest observed tide

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

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

i. Projects located on the riverside of Bay Street shall provide visual aid type I and visual aid type II or III.

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

OLD TOWN DISTRICT AREA B

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

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

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

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

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

Educational services (accessory only, not school)

Offices, professional and administrative

Parks and open space

Residential, single family

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Restaurants and cafes, without drive-thru

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 Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Bed and breakfast inns

Commercial & public parking lots (ground level)

Commercial & public parking structures

Daycare, adult and child

Entertainment and recreational facilities (indoor)

Group living

Lodging, motels and hotels

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

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

Public safety facilities (police and fire stations)

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

Religious Institutions

Taverns and bars

Taxi stands

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

Firing ranges (indoor or outdoor)

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing, or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Restaurants, with drive-thru

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

Vehicle sales or leasing

Warehousing

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

Wholesale sales

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 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 may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. Common Open Space: Common open space is required for multi-family housing developments of four (4) or more units as follows:

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

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

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

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

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

A. Building or Structural Height Limitations.

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

2. **North of Quince/2nd Street:** The maximum height for buildings or other structures in the Old Town District Area B north of Quince/2nd Street may be three (3) stories above grade with a maximum of forty feet (40') when approved by a conditional use permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **Vision Clearance:** Refer to Sections 10-2-13 and 10-35-2-14 of this Title for definition and requirements.

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

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

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

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

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

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

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

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

4. Lighting shall be pedestrian scaled.

5. Refer to Section 10-37 of this Title for additional requirements.

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

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

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

K. **Design Review:** All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

iv. Existing structures

v. Floodplain

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

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

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

OLD TOWN DISTRICT AREA C

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

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

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

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

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

Educational services (accessory only, not school)

Entertainment and recreational facilities (indoor)

Lodging, motels and hotels

Offices, professional and administrative

Parks and open space

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Restaurants and cafes, without drive-thru

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.)

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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 Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Bed and breakfast inns

Commercial & public parking lots (ground level)

Commercial & public parking structures

Commercial and public marinas, piers, and docks

Daycare, adult and child

Group living

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

Office, vehicle short-term rental (no outdoor storage)

Public safety facilities (police and fire stations)

Recreational facilities (must be outdoor, water-related, and non-motorized such as canoeing or kayaking)

Religious Institutions

Taverns and bars

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:

Firing ranges (indoor or outdoor)

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Residential, single family

Restaurants, with drive-thru

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

Vehicle sales or leasing (except short-term car, bicycle, or watercraft rental)

Warehousing

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

Wholesale sales

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 Planning Commission or their designee 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 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 may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

E. **Common Open Space:** Common open space is required for multi-family housing developments of four (4) or more units, as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **Vision Clearance:** Refer to Sections 10-2-13 and 10-35-2-14 of this Title for definition and requirements.

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

H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

1. **Landscaping:** A minimum of fifteen percent (15%) landscaping is required unless a preservation credit is achieved in accordance with 10-34-2-4. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All required landscaping must be installed and maintained by the applicant or his/her successors.

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

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

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

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

3. Lighting shall be pedestrian scaled.

4. Refer to Section 10-37 of this Title for additional requirements.

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

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

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

K. **Design Review:** All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

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

v. Floodplain

vi. Highest observed tide

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

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

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

Established by Ord. No 1, Series 2008 – effective Feb. 4, 2008
Sections 10-17A-2, 10-17B-2, 10-17C-2,10-17A-4, 10-17B-4 and 10-17C-4 Amended by Ord. No. 9, Series 2009
Sections 10-17B-3-E and 10-17C-3-E, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Sections 10-17-A-4-G, 10-17-B-4-G, and 10-17-C-4-G amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Sections 10-17A-2, 10-17A-4, 10-17B2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)
Section 10-17A-4-E amended by Ordinance No. 4, Series 2014 – effective October 15, 2014
Section 10-17-A-4-I-5, 10-17-B-4-I-5, and 10-17-C-4-I-4 amended by Ord. No. 12, Series 2014 – effective December 31, 2014
Section 10-17A-2-C, 10-17B-2-C, and 10-17C-2-C amended by Ord. No. 12, Series 2015 – effective 1-1-16
Section 10-17A-2-B amended by Ord. No. 13, Series 2015 – effective 1-12-16
Sections 10-17-2, 10-17A-2, 10-17A-4, 10-17B-2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 11, Series – effective 11-16-16