

TITLE 10  
CHAPTER 16

**HIGHWAY DISTRICT (H)**

SECTION:

- 10-16-1: Purpose
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**10-16-1: PURPOSE:** The Highway District includes the area adjacent to Highways 101 and 126. Highway frontage is recognized as an item of major concern that needs individual attention in order to serve the public interest and deal with its special nature and character. The principal concerns are:

- A. The need to create an attractive community appearance.
- B. The need to restrain the linear pattern of commercial development.
- C. The need to provide for a safe, efficient traffic flow with minimum congestion.
- D. The need to provide adequate area for new commercial, limited industrial and multiple-unit dwelling development.
- E. The need to recognize that a pattern of land valuation and subsequent taxation has evolved over many years which has anticipated a high intensity of use.
- F. The need to recognize that there are activities and uses whose survival is dependent upon highway access and visibility.
- G. To recognize the pre-existing development pattern of highway property and to insure it has continued use and value whenever possible and consistent with other concerns.

These concerns are addressed in the Highway District with a multiple use concept that can enlist the personal and financial energies of a broad diversity of interests. The multiple use concept requires careful restraint and employs a design review procedure that encourages highway enterprises to blend harmoniously with the scenic and aesthetic features at the entrances to the City.

It is intended that the economic potential of this District should be developed, but in a manner than enhances our coastal village atmosphere and is consistent with the Florence Comprehensive Plan. (Ord. 625, 6-30-80)

**10-16-2: PERMITTED BUILDINGS AND USES:**

The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein.

- A. All uses permitted outright or conditionally in the Commercial District, except single-unit dwellings, duplex dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-unit residential PUD's.
- B. Multiple-unit residential, tri-plex and four-plex.
- C. Planned unit developments, excluding single-unit residential developments.

D. Mini storage units

Any use proposed to locate within this District shall be subject to review by the Planning Commission according to the general criteria listed in Section 10-16-4 herein. Buildings and uses proposed to be established within the Highway District shall be presented for design review in accordance with Chapter 6 of this Title.

**10-16-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:** The following uses shall be permitted only upon affirmative findings by the Planning Commission that the proposed use meets the general criteria in Section 10-16-4 herein, with conditions to be required by the Planning Commission through the provisions of Chapters 1 and 4 of this Title.

- A. All uses permitted outright or conditionally in the Limited Industrial District.
- B. Public buildings and facilities.
- C. Single-unit detached, and duplex dwellings.
- D. Home occupations.
- E. Mobile Home/Manufactured Home/RV Parks
- F. Medical Marijuana Dispensaries
- G. Marijuana Retailers
- H. Medical and Recreational Marijuana Production, Processing, or Wholesaling.
- I. Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

**10-16-4: GENERAL CRITERIA:** Before a building or use is established within the Highway District, the petitioner must demonstrate to the City that the proposed development will meet the following criteria:

- A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.
- B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.
- C. The location of the site can accommodate energy efficient traffic circulation routes.
- D. The vehicle and pedestrian access to the site can be safely and efficiently provided.
- E. The necessary utility systems and public facilities are available with sufficient capacity.
- F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.

**10-16-5: DEVELOPMENT STANDARDS:** The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:

- A. Setbacks, yards, height, density and similar design features.
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.
- C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.
- D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.
- E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.
- F. Signs shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)
- G. Architectural quality and aesthetic appearance.
- H. Public health and safety.
- I. Security.
- J. Lot area, dimensions and percent of coverage.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

**10-16-6: REHABILITATION OF EXISTING BUILDINGS AND USES:** The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter.

In the absence of voluntary compliance, the City will enforce the applicable codes, State laws or City ordinances to affect structural, building, electrical, clearance of debris or vehicles, elimination of health, safety and sanitation problems or deficiencies when necessary.

**10-16-7: DESIGN SPECIFICATIONS:**

- A. Highway Setback (Minimum Allowed Without a Variance; Measured From the Center Line of the Highway Right of Way):
  - 1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.
  - 2. Residential: One hundred feet (100').
  - 3. Light Industrial: One hundred feet (100').
  - 4. All Other Uses: As determined by the City.
- B. Setback from Side Streets and Abutting Property: Minimum of five feet (5') unless otherwise determined by the City with consideration given to the existing and proposed uses on the abutting properties.

- C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:
1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.
  2. Residential: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.  
  
In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.
  3. Light Industrial: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.  
  
In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.
- D. Highway Access: For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:
1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or
  2. The City specifically authorizes the highway curb cuts.
- E. Parking: Shall be in accordance with Chapter 3 of this Title.
- F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code.
- G. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.
- H. General Provisions:
1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.
  2. Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.
  3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.
- I. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').
- J. Minimum Lot Area: The minimum lot area shall be six thousand (6,000) square feet.
- K. Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings shall have a maximum height of thirty-five feet (35') and their associated/accessory structures shall refer to Section 10-10-5 of this Title for requirements.

- L. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definitions, and requirements. (Ord. 26, 2008)
- M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
- N. Open Space is required for residential housing developments of 4 or more units as follows:
  - 1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designed and permanently reserved as common open space.
  - 2. In meeting the open space standard, the multiple unit 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 length that is not less than twenty feet (20').
  - 4. Any common areas shall be owned as common property and maintained by a homeowners associations 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.
- O. Lighting: Refer to Section 10-37 of this Title for requirements.
- P. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The less restrictive standards would apply.
- Q. Non-residential development refer to Section 10-6-5-1 & 10-6-7 of this title for requirements.
- R. Screening: Any trash, recycling or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.

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Amended by Ordinance No. 15 Series 1988  
 Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008  
 Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009  
 Section 10-16-7-N added by Ord. No. 2, Series 2011  
 Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11)  
 Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)  
 Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)  
 Section 10-16-3 amended by Ord. 1, Series 2015 (effective 3-17-15)  
 Section 10-16-2 and 10-16-3 amended by Ord. No. 12, Series 2015 (effective 1-1-16)  
 Sections 10-16-3 and -7-L amended by Ord. No. 11, Series 2016 (effective 11-16-16)  
 Section 10-16-17-N amended by Ord. No. 7, Series 2019 (effective 12-18-19)  
 Sections 10-16-2(A) and (B), 10-16-3(C), 10-16-17(A)(2), (C)(2), (K), amended by, and section 10-16-17(P) added by Ord. 9, 2020 (effective 9-16-20)  
 Sections 10-16-1-D, 10-16-2-A, B & C, 10-16-4-F, 10-16-7-K, N-2, P amended by Ord. No. 6, Series 2023 and 10-16-7-Q & R added (effective 8-17-23)