

ORDINANCE NUMBER 314
Zoning Regulations -- Lincoln County, Oregon

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN
LINCOLN COUNTY AND ESTABLISHING ZONES FOR THE PURPOSE.

This ordinance replaces Lincoln County Ordinances Number 1968,
1 and 2; 1969 - 5 and 7; and 1970 - 11-15; 1971 - 24.

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ZONING REGULATIONS

LINCOLN COUNTY, OREGON

AN ORDINANCE REGULATING THE USE OF LAND AND STRUCTURES IN LINCOLN COUNTY AND ESTABLISHING ZONES FOR THAT PURPOSE.

The County Commission for Lincoln County, State of Oregon does ordain as follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.010. Title. This ordinance shall be known as the Lincoln County Zoning Ordinance.

Section 1.020. Purpose. The purpose of this ordinance is to promote the public health, safety, and general welfare and to assist in carrying out comprehensive plans for all or any portion of the county which have been adopted by the Lincoln County Planning Commission.

Section 1.030. Definitions. As used in this ordinance the following words and phrases shall mean:

1. Access. The way or means by which pedestrians and/or vehicles enter and leave property.
2. Accessory structure or accessory use. A structure or use incidental and subordinate to the main use of a property and located on the same lot as the main use.
3. Alley. A street which affords only a secondary means of access to property.
4. Automobile wrecking yard. Any property used for the dismantling and/or wrecking of used motor vehicles, machinery, or trailers, or the storage or sale of dismantled, obsolete, or wrecked motor vehicles, machinery, or trailers, or their parts.
5. Boathouse. A facility attached to a floating device for the purpose of sheltering a boat or boats and generally enclosed on the sides and top.
6. Booming Grounds. An area used for water storage of forest products or other similar materials.
7. Building. A structure built or assembled for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.
8. Built. Created by assembling basic elements such as foundations, floors, walls, roofs, plumbing and wiring systems, etc. by following step-by-step construction procedures.

9. Campground. A development providing for transient lodging accommodations and similar needs resulting from the demand generated by outdoor recreation activities, and which may include structural improvements such as covered cooking areas, lodges or other group facilities, and cabin or travel trailer sites designed for temporary occupancy.
10. Clinic. A building utilized by persons licensed by the State of Oregon to treat or analyze medical or surgical needs of humans or animals.
11. Community center. A facility owned and operated by a governmental agency or a non-profit community organization, provided that the primary purpose of the facility is for recreation, social welfare, community improvement, or public assembly, and further provided that no permanent commercial eating or drinking facilities shall be operated on the premises.
12. Comprehensive Plan. Any plan for the County or a portion thereof designed to promote the public health, safety and general welfare and based on the following considerations, among others: The characteristics of the various areas in the County, the suitability of the areas for particular land uses and improvements, the existing land uses and improvements, the trends in land improvement, the density of development (existing and desired), property values, the needs of economic enterprises in future development of the areas, needed access, natural resources and needs for development (and protection) thereof, and the public need for healthful, safe, aesthetic surroundings and conditions. The Comprehensive Plan includes but is not limited to all or portions of the following plans and related policy statements: Land and water use, transportation, parks and outdoor recreation, water supply and sewerage.
13. County. The County of Lincoln, Oregon.
14. Development Guidelines. Policies which have been adopted to provide developers an indication of what may be required of them with respect to development in areas where recognition of natural resource or scenic values is warranted, and to provide County officials with a means to determine the suitability and desirability of uses proposed in such areas.
15. Dock. A floating moorage facility constructed perpendicular or parallel to the shoreline; or a fixed facility designed or designated for loading or unloading trucks or railroad cars.
16. Dwelling, multi-family. A building containing three (3) or more dwelling units.
17. Dwelling, one-family. A building of which all inhabitable portions thereof are connected structurally and comprise one (1) dwelling unit.

- 18. Dwelling, two-family. A building of which all inhabitable portions thereof are connected structurally and comprise two (2) dwelling units.
- 19. Dwelling unit. --One or more rooms designed for permanent occupancy by one family and having only one kitchen.
- 20. Factory built dwelling. A dwelling unit built substantially or entirely at a place other than the residential site, meeting County and State building code requirements, and including (but not limited to) prefabricated or modular homes and excluding mobile homes.
- 21. Family. An individual or two (2) or more persons related by blood, marriage, adoption, or legal guardianship, plus all foster children, living together as one housekeeping unit using one kitchen, and providing meals and/or lodging to not more than two (2) additional persons; or a group of unrelated persons, living together as one housekeeping unit using one kitchen.
- 22. Farm use or agricultural use. The use of land for raising and harvesting crops or for the feeding, breeding and management of livestock or for dairying or any other agricultural or horticultural use or any combination thereof, and includes the preparation of the products raised thereon, for man's use and disposal by marketing or otherwise. It includes the construction and use of dwellings and other buildings customarily provided in conjunction with the farm use.
- 23. Fence, sight-obscuring. Consists of either a continuous fence, wall, evergreen planting, or combination thereof, constructed and/or planted so as to effectively screen the particular use from view.
- 24. Flag lot. A lot meeting minimum lot area depth and width requirements excluding the access portion of the lot.
- 25. Floodplain. The area shown on Zoning Maps for Lincoln County as being subject to inundation by delineation of an intermediate regional flood as determined by the U.S. Army Corps of Engineers or other means, or in absence of such delineation, subject to inundation by the highest flood of record in the area as determined by Planning Department.
- 26. Floodway. The stream channel and adjacent floodplain needed to adequately discharge the waters of an intermediate regional flood as determined and delineated by the U.S. Army Corps of Engineers or other means and shown on Zoning Maps for Lincoln County.
- 27. Floodway Fringe. That portion of the floodplain lying outside of the designated floodway but within the intermediate regional flood limits as determined by the U.S. Army Corps of Engineers or other means and shown on Zoning Maps for Lincoln County.
- 28. Floor-area. The sum of the gross horizontal areas of the

several floors of a building, measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings, but not including:

- a. Attic space providing headroom of less than seven (7) feet.
 - b. Basement, if the floor above is less than six (6) feet above grade.
 - c. Uncovered steps or fire escapes.
 - d. Private garages, carports, or porches.
 - e. Accessory water towers or cooling towers.
 - f. Accessory off-street parking or loading spaces.
29. Grade (ground level). The average elevation of the finished ground elevation at the centers of all walls of a building.
30. Health Department. The County Health Officer and/or his (her) duly designated representative (s).
31. Height of building. The vertical distance from grade to the highest point of a roof.
32. High water line or mark. The high water elevation as shown on the County Assessor's records, or as determined by the County Surveyor, based upon the line where normal high water elevation results in a pronounced change in vegetation characteristics.
33. Home occupation. A lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.
34. Hospital. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical, or surgical care with nursing service on a continuous basis.
35. Intermediate Regional Flood. A flood having a one percent chance of occurrence in any single year, in contrast to a standard project flood which is the most severe flood that could occur resulting from a simultaneous occurrence of the most critical meteorological conditions that are reasonably characteristic of a drainage area.
36. Junk yard. Any property utilized for breaking up, dismantling, sorting, storing, distributing, buying, or selling or any scrap, waste material, junk, or used equipment or machinery of any nature.
37. Kennel. A lot or building which provides for the keeping of four or more dogs, cats, or animals at least four months of age, where such animals are kept commercially for board, propagation, training, or sale.
38. Livestock. Domestic animals and fowl of types customarily raised or kept on farms for profit or other purposes.

39. Lodge. A structure or group of related structures wherein transient eating and/or sleeping accommodations are provided in connection with outdoor recreation activities.
40. Lot area. The total horizontal area within the lot lines of a lot exclusive of public and private streets and easements of access to other property.
41. Lot, corner. A lot abutting on two (2) or more streets, other than an alley, at their intersections.
42. Lot depth. The average horizontal distance between the front lot line and the rear lot line.
43. Lot interior. A lot other than a corner lot.
44. Lot line. The property line bounding a lot.
45. Lot line, front. The property line separating the lot from the street, other than an alley. In the case of a corner lot, the shortest property line along a street, other than an alley; or, in a case where the lot does not front directly upon a public street, that lot line toward which most houses in the immediate area face.
46. Lot line, rear. A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length, within the lot, parallel to and at a maximum distance from the front lot line.
47. Lot line, side. Any property line not a front or rear lot line.
48. Lot width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
49. Marina. A commercial boat launch, moorage or similar facility which may include dry or wet boat storage and boathouses.
50. Mean Sea Level. The average height of the surface of the sea for all stages of the tide usually determined from hourly height readings over the 19 year tidal cycle.
51. Mean high water. The average height of the high waters over a 19 year tidal cycle (as per U.S. G.S. definitions).
52. Mean higher high water. The average height of the higher high waters over a 19 year tidal cycle (as per U.S.G.S. definitions).
53. Mean low water. The average height of the low waters over a 19 year tidal cycle (as per U.S.G.S. definitions).

54. Domestic animals and stock. Domestic animals and stock raised or kept on lots for profit or other purposes.

54. Mobile home. A trailer house not less than thirty-two (32) feet in body length, exclusive of hitch, which is designed and maintained for long-term permanent occupancy and contains a flush toilet, a tub or shower bath, and kitchen facilities with water and electrical systems connected to outside systems.
55. Mobile home park. A lot providing water and electrical hook-ups for two (2) or more mobile homes occupied for living or sleeping purposes, regardless of whether a charge is made for such accommodation.
56. Non-conforming structure or use. A lawful structure of use, existing at the time this ordinance or any amendment thereto, becomes effective, and which does not conform to the requirements of the zone in which it is located.
57. Outdoor Recreation Activity. Includes fishing, camping, swimming, clam digging, hunting, boating, hiking, horse-back riding, and similar uses which require few if any related structural improvements.
58. Outdoor Recreation Development. Includes those public or private structural or other improvements customarily found in connection with outdoor recreation activities. Such improvements may include picnic or campground improvements, riding stables, or organization recreation facilities. Such development excludes commercial amusement uses such as miniature golf courses, go-cart tracks, and similar uses.
59. Owner. An owner of property or the legally authorized agent of the owner.
60. Parking space. An off-street enclosed or unenclosed surfaced area of not less than twenty (20) feet by eight (8) feet in size, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, connected with a street or alley which affords ingress and egress for automobiles.
61. Person. Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government or any other group or combination acting as a unit.
62. Pier. A fixed moorage facility constructed outward from the shoreline.
63. Planning Department. The County Planning Director and/or his (her) duly designated representative (s).
64. Professional office. An office occupied by doctors, dentists, accountants, attorneys, optometrists, architects, profession-

al engineer, or surveyors, or person engaged in similar occupations.

65. Sign. An identification, description, illustration, or device which is affixed to or represented, directly or indirectly, upon a building, structure, or land, and which directs attention to a product, place, activity, person, institution, or business. Each display surface of a sign other than two surfaces parallel and back to back on the same structure shall be considered a sign.
66. Sign, advertising. A sign which directs attention to a business, product, activity, or service which is not necessarily conducted, sold, or offered upon the premises where such sign is located.
67. Skirt. A durable all-weather material having a finished exterior surface surrounding a trailer house and effectively screening the wheels and under-carriage from view.
68. Street. A public or private right-of-way for vehicular traffic.
69. Structural alteration. Any change to the supporting members of a building including foundations, bearing walls, or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls.
70. Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.
71. Trailer house. A vehicle or similar portable device originally designed or presently constructed to permit temporary or permanent human occupancy for living and sleeping purposes and including mobile homes, travel trailers, campers and similar units, having permanent kitchen and bath facilities.
72. Trailer house, travel. A trailer house not more than eight (8) feet in body width or more than 32 feet in body length designed primarily for temporary occupancy and for travel, recreational, and vacation uses.
73. Trailer park. A lot upon which two or more trailer houses occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodations.
74. Trailer park, vacation or travel. A trailer park intended, designed or utilized for temporary occupancy by travel trailer houses or other similar portable devices, and accompanied by bath, laundry and other accessory uses as needed.

- 75. Use. The purpose for which a structure is designed, arranged or intended or for which land is maintained or occupied.
- 76. Wharf. A fixed moorage facility constructed parallel to the shoreline and usually attached continuously thereto.
- 77. Yard. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this ordinance.
- 78. Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
- 79. Yard, rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line, or the mean high water line when applicable, to the nearest part of the main building.
- 80. Yard, side. A yard between the front and rear yard measured horizontally and at right angles from the side lot line to the nearest point of the main building.
- 81. Yard, street side. A yard adjacent to a street between the front yard and the rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building.

ARTICLE 2. BASIC PROVISIONS

Section 2.010. Compliance with Ordinance Provisions.

1. A lot may be used and a structure or part of a structure may be constructed, altered, occupied, or used only as this ordinance permits.
2. No lot area, yard, off-street parking or loading area, or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance.
3. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open space for another use.

Section 2.020. Classification of Zones. For the purposes of this ordinance the following zones are hereby established in the county:

	<u>Abbreviated Designation</u>	<u>Map Designation</u>
<u>Residential Zones</u>		
Residential Zone R-1	R-1	R-1
Residential Zone R-2	R-2	R-2
Residential Zone R-3	R-3	R-3
Residential Zone R-4	R-4	R-4
<u>Commercial Zones</u>		
Tourist Commercial Zone C-T	C-T	C-T
Retail Commercial Zone C-1	C-1	C-1
General Commercial Zone C-2	C-2	C-2
<u>Industrial Zones</u>		
Planned Industrial Zone I-P	I-P	I-P
General Industrial Zone I-I	I-I	I-I
<u>Marine Zones</u>		
Marine Waterway Zone M-W	M-W	M-W
Marine Residential Zone M-R	M-R	M-R
Marine Commercial Zone M-C	M-C	M-C
Marine Industrial Zone M-I	M-I	M-I
Planned Marine and Recreation Zone M-P	M-P	M-P
<u>Rural Zones</u>		
Natural Resource Zone A-1	A-1	A-1
Rural Residential Zone A-2	A-2	A-2
Rural Community Zone A-3	A-3	A-3
Planned Development PD	PD	PD

Section 2.030. Location of Zones. The boundaries for the zones listed in this ordinance are appended hereto as an appendix to this ordinance and marked as such with the area or areas of every zone, particularly described and are also indicated on maps entitled: "Zoning Map of Lincoln County, Oregon"; originals of which are on file in the Office of the Lincoln County Clerk, in a book or place kept for that purpose and open to public inspection and counterparts of which maps are on file in the Office of the Planning Commission and bear the same date as the passage of this ordinance and the number of this ordinance and each of said maps having endorsed thereon the signatures of the chairman and member or members of the Lincoln County Board of Commissioners and the chairman and secretary of the Lincoln County Planning Commission, and said maps and any other information appertaining thereto, such as symbols, indications, notations, references, and other information which appear on said maps are hereby incorporated into and made a part of this ordinance as much as if said matters and information set forth on and by said maps were fully described herein; provided that if there is a discrepancy between the maps and the description in the appendix, the description in the appendix shall control.

Zone boundaries, zone modifications, additions or reclassifications may be made at subsequent times and shall be made by amendment to this ordinance, in accordance with the provisions of the ordinance.

Section 2.040. Zoning Maps. Maps of the zones or amendments to the location of zones adopted pursuant to Section 2.030 of this ordinance shall be prepared by the authority of the Lincoln County Planning Commission or by a modification by the County Board of Commissioners to the map amendment so prepared. The map or amendment shall be dated with the effective date of the ordinance that adopts the amendment, together with the signatures of the chairman and secretary of the Planning Commission and the chairman and members of the Board of Commissioners, and the ordinance number of the ordinance which made the modification. A certified print of the said original map and any subsequent map shall be maintained without change in the office of the clerk in the book or place kept for that purpose; provided, however, that when an ordinance amends a previous ordinance so as to change the area of the zone on a map previously filed, the original map may be noted in the margin to show that a change was made together with the date of change and the map number or designation and amending ordinance number.

Section 2.050. Zone Boundaries. Unless otherwise specified, zone boundaries are section lines, subdivision lines, lot lines, center lines of street or railroad rights-of-way or such lines extended, or other similar lines.

Section 2.060. Development Guidelines. In order to protect the quality of Lincoln County which make it a desirable place in which to live, the Planning Commission may recommend and the Board of County Commissioners may adopt as ordinances such development guidelines and accompanying maps as may be necessary for (1) the conservation and development of natural resources, (2) the protection of areas having historical or aesthetic importance, (3) the safe and desirable use of landslide and other geologically hazardous areas, and (4) utilization

and development of any of the air, land or water uses which may have significant impact on the quality of the Lincoln County environment.

ARTICLE 3. USE ZONES

Section 3.010. Residential Zone R-1. In an R-1 zone the following regulations shall apply:

1. Uses Permitted Outright. In an R-1 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:

- a. One-family dwelling built on the site.
- b. A factory built dwelling.
- c. A trailer house, used for dwelling purposes only during the construction of a permitted use for which a building permit has been issued. Location of the trailer house on the site shall not exceed a period of one year unless conditional use approval has been given therefore.
- d. Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises.

2. Conditional Uses Permitted. In an R-1 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. Airport and related uses.
- b. Cemetery.
- c. Church, non-profit religious or philanthropic institution.
- d. Community center.
- e. Day-nursery, nursery school, kindergarten, or similar facility.
- f. Governmental structure or use of land.
- g. Home occupation.
- h. Hospital, nursing home, retirement home, or similar facility.
- i. Golf course or country club, but excluding golf driving range, miniature golf course, or similar facility.
- j. Mobile Home.
- k. Private non-commercial recreation club such as tennis, swimming or archery club; but excluding commercial amusement or recreation enterprises.
- l. Public park, playground, golf course, swimming pool, or similar recreation area.
- m. Public school or private school offering curricula similar to public school.
- n. Public or private utility facility.

- o. Radio or television transmitter or tower.
- p. Solid waste disposal area utilizing sanitary landfill, landfill or other method approved by the Lincoln County Health Department; solid waste disposal transfer station.
- q. Temporary real estate office offering residential property in the immediate vicinity for sale, rental, or lease.

3. Standards. Except as provided in Articles 4,5,6, and 13 of this ordinance, in an R-1 zone the following standards shall apply:

a. Lot Size and Dimensions. The minimum lot size and dimensions in an R-1 zone shall be as follows:

1. The minimum lot area shall be 6,000 square feet per dwelling unit when a lot is served by both a public or community water supply system and sewage disposal system.
2. The minimum lot area shall be 7,500 square feet per dwelling unit when a lot is served by a public or community water supply system or other approved off-site water source; but not by a public or community sewage disposal system.
3. The minimum lot area per dwelling unit shall be one (1) acre when a lot is not served by a public or community water supply system or other approved off-site water source; unless otherwise required by the County Sanitarian.
4. The minimum lot width at the front building line shall be 60 feet for an interior lot and 65 feet for a corner lot when a lot is served by both a public or community water supply system and sewage disposal system.
5. The minimum lot width at the front building line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public or community water supply system, but not by a public or community sewage disposal system.
6. The minimum lot width at the front building line shall be 150 feet when a lot is not served by a public or community water supply system or other approved off-site water source.
7. The minimum lot depth shall be 80 feet.

b. Yards. The minimum yard requirements in the R-1 zone shall be as follows:

1. The front yard shall be a minimum of 20 feet.
2. Each side yard shall be a minimum of either five (5) feet or one (1) foot for each three (3) feet of building height, whichever requirement is the greater.
3. The street side yard shall be a minimum of 20 feet at a point 20' from the front lot line and may be decreased at the rate of 1 foot per additional 2 feet of setback from the front lot line, except that such setback shall not be less than 10 feet.

4. The rear yard shall be a minimum of 10 feet, except that on a corner lot it shall be a minimum of either five (5) feet or one (1) foot for each three (3) feet of building height; whichever requirement is the greater.
 5. All structures shall be located in such a manner that subsurface sewerage disposal systems be at least 50' measured horizontally, from all points along the elevation of any normal high water line.
 6. No structure shall be located closer than 45 feet from the center line of any collector or arterial street right-of-way.
- c. Building Height. No building in the R-1 zone shall exceed a height of 30 feet.
- d. Lot Coverage. Buildings shall not occupy more than thirty (30) percent of the total lot area.

Section 3.020. Residential Zone R-2. In an R-2 zone the following regulations shall apply:

1. Uses Permitted Outright. In an R-2 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:
 - a. A use permitted outright in the R-1 zone.
 - b. Two-family dwelling.
 - c. Mobil Home.
2. Conditional Uses Permitted. In an R-2 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6, and 13 of this ordinance:
 - a. A use permitted as a conditional use in the R-1 zone except that a mobile home is a use permitted outright in the R-2 zone.
 - b. Travel trailer.
3. Standards. Except as provided in Articles 4, 5, 6, and 13 of this ordinance, in an R-2 zone the following standards shall apply:
 - a. Lot Size and Dimensions. The minimum lot size and dimensions in an R-2 zone shall be as follows:
 1. The minimum lot area shall be 5,000 square feet for a one-family dwelling and 10,000 square feet for a two-family dwelling when a lot is served by both a public or community water supply system or other approved off-site water source and public or community sewage disposal system.

2. The minimum lot area shall be 7,500 square feet for a one-family dwelling and 15,000 square feet for a two-family dwelling when a lot is served by a public or community water supply system or other approved off-site water source but not by a public or community sewage disposal system.
 3. The minimum lot area shall be at least one (1) acre when a lot is not served by a public or community water supply system or other approved off-site water source, unless otherwise required by the County Sanitarian.
 4. The minimum lot width at the front building line shall be 50 feet for an interior lot and 55 feet for a corner lot when a lot is served by both a public or community water supply system and sewage disposal system.
 5. The minimum lot width at the front building line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public or community water supply system but not by a public or community sewage disposal system.
 6. The minimum lot width at the front building line shall be 150 feet when a lot is not served by a public or community water supply system.
 7. The minimum lot depth shall be 80 feet.
- b. Yard, Lot Coverage, Building Height. The yard, lot coverage, and building height requirements which apply in the R-1 zone shall apply in the R-2 zone.

Section 3.030. Residential Zone R-3. In an R-3 zone the following regulations shall apply.

1. Uses Permitted Outright. - In an R-3 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:
 - a. A use permitted outright in the R-1 zone.
 - b. Two-family dwelling.
 - c. Multi-family dwelling.
2. Conditional Uses Permitted. In an R-3 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 5, 6, and 13 of this ordinance:
 - a. A use permitted as a conditional use in the R-1 zone.
 - b. Mobile home trailer park.
 - c. Travel trailer.
3. Standards. - Except as provided in Articles 4, 5, 6 and 13 of

this ordinance, in an R-3 zone the following standards shall apply:

- a. Lot Size and Dimensions. The minimum lot size and dimensions in the R-3 zone shall be as follows:
 1. The lot area, lot width, and lot depth requirements which apply in the R-1 zone shall apply in the R-3 zone.
 2. The minimum lot area per dwelling unit shall be 5,000 square feet when a lot is served by both a public or community water supply system or other approved off-site water source and sewage disposal system; and 7,500 square feet when a lot is served by a public or community water supply system or other approved off-site water source, but not by a public or community sewage disposal system.
 3. The minimum lot area per dwelling unit shall be 20,000 square feet when a lot is not served by a public or community water supply system or other approved off-site water source; unless otherwise required by the County Sanitarian.
- b. Lot Coverage. Buildings shall not occupy more than thirty-five (35) percent of the total lot area.
- c. Yard, Building Height. The yard and building height requirements which apply in the R-1 zone shall apply in the R-3 zone.

Section 3.040. Residential Zone R-4. In an R-4 zone the following regulations shall apply:

1. Uses Permitted Outright. In an R-4 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:
 - a. A use permitted outright in the R-3 zone.
2. Conditional Uses Permitted. In an R-4, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:
 - a. A use permitted as a conditional use in the R-3 zone.
 - b. Clinic.
 - c. Club, lodge, or fraternal organization.
 - d. Hotel, motel, or resort with accessory commercial uses provided that:
 1. They are located within the main building or buildings.
 2. They are limited to gift shops, eating and drinking establishments, and similar facilities.

3. They do not exceed ten (10) per cent of the total floor area of the main use.
 - e. Private museum, art gallery, or similar facility.
 - f. Professional office.
 - g. Vacation or travel trailer park.
3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance, in an R-4 zone the following standards shall apply:
- a. Lot size and Dimensions. The minimum lot size and dimensions in the R-4 zone shall be as follows:
 1. The lot area, lot width, and lot depth requirements which apply in the R-1 zone shall apply in the R-4 zone.
 2. The minimum lot area per dwelling unit shall be 2,500 square feet when a lot is served by both a public or community water supply system or other approved off-site water source and sewage disposal system; 4,000 square feet when a lot is served by a public or community water supply system or other approved off-site water source but not by a public or community sewage disposal system.
 3. The minimum lot area per dwelling unit shall be at least 20,000 square feet when a lot is not served by a public or community water supply system or other approved off-site water source, unless otherwise required by the County Sanitarian.
 - b. Yards. The minimum yard requirements which apply in the R-1 zone shall apply in the R-4 zone.
 - c. Building Height. No building in the R-4 zone shall exceed a height of 35 feet.
 - d. Lot Coverage. Buildings shall not occupy more than 40 percent of the total lot area.

Section 3.110. Tourist Commercial Zone C-T. In a C-T zone the following regulations shall apply:

1. Uses Permitted Outright. In the C-T zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:
 - a. A use permitted outright in the R-4 zone.
 - b. Automobile service station, including minor repair provided it is conducted entirely within an enclosed building.
 - c. Barber or beauty shop.
 - d. Boat launching or moorage facility, marine, boat charter service.
 - e. Car wash.
 - f. Clinic.

- g. Club, lodge, or fraternal organization.
- h. Food store.
- i. Gift shop.
- j. Hotel, motel, or resort.
- k. Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall.
- l. Laundromat.
- m. Office.
- n. Private museum, art gallery, or similar use.
- o. Restaurant, bar, or tavern.
- p. Retail sale of sporting goods, or bait.

2. Conditional Uses Permitted. In a C-T zone, the following uses and their accessory uses may be permitted subject to the provisions of Articles 4, 5, 6 and 13 where applicable.

- a. A use permitted as a conditional use in the R-3 zone.
- b. Vacation or travel trailer park.
- c. Outdoor recreation activity or development.
- d. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway.
- e. Automobile repair garage provided all repair shall be conducted entirely within an enclosed building.
- f. Signs, advertising.

3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance, in any C-T zone the following standards shall apply:

- a. Residential uses shall be subject to lot size, dimension, coverage, yard, and building height standards of the R-4 zone.
- b. All yards abutting a lot in a residential zone shall be a minimum of ten (10) feet.
- c. All structures shall be located in such a manner that subsurface sewerage disposal systems be at least 50' measured horizontally from all points along the elevation of any normal high water line.
- d. No structure shall be located closer than 30 feet from the right-of-way of any state highway, nor 30 feet from the right-of-way of any collector or arterial street.
- e. No building in the C-T zone shall exceed a height of 35 feet.
- f. Outdoor storage shall be screened with a sight-obscuring fence.

Section 3.120 Retail Commercial Zone C-1. In a C-1 zone the following regulations shall apply:

- 1. Uses Permitted Outright. In a C-1 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:

- a. A use permitted outright in the R-4 zone.
- b. Retail store or shop such as food store, drug store, apparell store, hardware store, furniture store, or similar establishment.
- c. Repair shop for the type of goods offered for sale in those retail trade establishments permitted in a C-1 zone provided, all repair and storage shall occur entirely within an enclosed building.
- d. Personal or business service establishment such as barber or beauty shop, laundry or dry cleaning establishment, tailor shop, or similar establishment.
- e. Clinic.
- f. Financial institution.
- g. Club, lodge, or fraternal organization.
- h. Hotel, motel, or resort.
- i. Indoor commercial amusement or recreation establishment such as bowling alley, theater, or pool hall.
- j. Mortuary.
- k. Newspaper office, print shop.
- l. Office.
- m. Private museum, art gallery, or similar facility.
- n. Restaurant, bar, or tavern.

2. Conditional Uses Permitted. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6, and 13 of this ordinance:

- a. A use permitted as a conditional use in the R-3 zone.
- b. Vacation or travel trailer park.
- c. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but not including uses such as race track or automobile speedway.
- d. A use permitted outright or a conditional use permitted in the C-1 zone with drive-in service facilities such as an automobile service station or a drive-in restaurant.
- e. Signs, advertising.

3. Standards. Except as provided in Articles 4, 5, 6, and 13 of this ordinance all standards which apply in the C-T zone shall apply in the C-1 zone.

Section 3.130. General Commercial Zone C-2. In a C-2 zone the following regulations shall apply:

1. Uses Permitted Outright. In a C-2 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:

Uses Permitted Outright. In a C-2 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:

- a. A use permitted outright in the C-1 zone.
- b. Automobile, truck, or trailer sales, service, storage, rental, or repair.
- c. Boat launching or moorage facility, marine, boat charter service.
- d. Boat or marine equipment sales, service, storage, rental, or repair.
- e. Cabinet or similar woodworking shop.
- f. Cold storage or ice processing plant.
- g. Feed or seed store.
- h. Implement, machinery, or heavy equipment sales, service, storage, or rental.
- i. Laboratory for experiment or research.
- j. Lumber or building materials sales and storage.
- k. Machine, welding, sheet metal, or similar metal working shop.
- l. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theatre, but not including uses such as race track or automobile speedway.
- m. Plumbing, heating, electrical, or paint contractors storage, repair, or sales shop.
- n. Processing, packing, or storage of food or beverage, excluding those products involving distillation, fermentation, rendering of fats or oils or slaughtering.
- o. Tire sales, repair, retreading, or vulcanizing.
- p. Truck terminal, freight depot.
- q. Upholstery shop.
- r. Warehouse or storage area.
- s. Wholesale establishment.

2. Conditional Uses Permitted. In a C-2 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance.

- a. A use permitted as a conditional use in the C-1 zone.
- b. Kennel.
- c. Animal hospital.

3. Standards. Except as provided in this section and in Articles 4, 5, 6 and 13 of this ordinance the standards which apply in the C-1 zone shall apply in the C-2 zone.

- a. All yards abutting a lot in a residential zone shall be a minimum of 20 feet.
- b. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence.

Section 3.210. Planned Industrial Zone I-P. In an I-P zone the following regulations shall apply:

1. Uses Permitted outright. In an I-P zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4,5 and 13 of this ordinance:
 - a. Agricultural use of land.
 - b. Forestry, including the management, production, and harvesting of forest products and of related natural resources in forest areas and including rock extraction and processing for use in forest access roads.
 - c. Residence for caretaker or night watchman.

2. Conditional Uses Permitted. In an I-P zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4,5, 6 and 13 of this ordinance:
 - a. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling, or storage provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor, or dust, or because it constitutes a fire, explosion, or other physical hazard.
 - b. Airport and related uses.
 - c. Animal hospital.
 - d. Automobile, truck, or trailer sales, service, storage, rental, or repair.
 - e. Automobile speedway, race track.
 - f. Automobile wrecking yard, junk yard.
 - g. Boat launching or moorage facility, marina, boat charter service.
 - h. Boat or marine equipment sales, service, storage, rental, or repair.
 - i. Extraction and processing of rock, sand, gravel, or other earth product.
 - j. Feed or seed store.
 - k. Governmental structure or use of land.
 - l. Implement, machinery, heavy equipment sales, service, storage, rental or repair.
 - m. Kennel.
 - n. Lumber or building materials sales and storage.
 - o. Newspaper office, printing shop.
 - p. Plumbing, heating, electrical, or paint contractors storage, repair, or sales shop.
 - q. Public park, playground, golf course, or similar recreation area.
 - r. Public utility facility.
 - s. Radio or television transmitter or tower.
 - t. Restaurant, bar, or tavern.

- u. Solid waste disposal area utilizing sanitary landfill, landfill, or other method approved by the Lincoln County Health Department; solid waste disposal transfer station.
- v. Tire sales, repair, retreading, or vulcanizing.
- w. Signs, advertising.
- x. Except that the following uses are prohibited in the I-P zone:
 - 1. Cement, lime, gypsum, or plaster of paris manufacturer.
 - 2. Explosives storage or manufacture.
 - 3. Fertilizer manufacture.
 - 4. Gas manufacture.
 - 5. Glue manufacture.
 - 6. Petroleum or petroleum products refining.
 - 7. Pulp mill.
 - 8. Rendering plant.
 - 9. Slaughterhouse, stock yard.
 - 10. Smelting or refining of metallic ore.
 - 11. Other uses similar to the above.

3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance, in the I P zone the following standards shall apply:

- a. All yards abutting a lot in a residential zone shall be a minimum of 20 feet.
- b. All structures shall be located in such a manner that subsurface sewerage disposal systems be at least 50' measured horizontally from all points along the elevation of any normal high water line.
- c. No structure shall be located closer than 30 feet from the right-of-way of any State highway or any collector or arterial street.
- d. No building in the I-P zone shall exceed a height of 45 feet.
- e. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence.

4. Special Standards. The following procedure shall apply to all conditional uses within the I-P zone. The Planning Department or the Planning Commission shall seek to determine whether:

- a. A proposed use is suitable for the property in question, considering the long-range industrial potential for the zone, and further considering that piecemeal development of the zone may limit the possibility for meeting this potential.
- b. Setbacks of buildings, parking and loading areas, and storage areas or development should be increased.
- c. Special landscaping, screening, and/or fencing requirements are appropriate.

- d. Any additional conditions need to be met to insure compatability of the proposed use with existing and future development in the surrounding area.

Section 3.220. General Industrial Zone I-1. In an I-1 zone the following regulations shall apply:

- 1. Uses Permitted Outright. In an I-1 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4 and 5 of this ordinance:
 - a. A use permitted outright in the I-P zone.
 - b. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling, or storage except for the following:
 - 1. A use permitted as a conditional use in the I-1 zone.
 - 2. A use declared a nuisance by statute, by ordinance, or by a court of competent jurisdiction.
 - c. Animal hospital.
 - d. Automobile, truck, or trailer sales, service, storage, rental, or repair.
 - e. Boat launching or moorage facility, marina, boat charter service.
 - f. Boat or marine equipment sales, service, storage, rental or repair.
 - g. Feed or seed store.
 - h. Implement, machinery, or heavy equipment sales, service, storage, rental, or repair.
 - i. Kennel.
 - j. Lumber or building materials sales and storage.
 - k. Plumbing, heating, electrical, or paint contractors storage, repair or sales shop.
 - l. Restaurant, bar, or tavern.
 - m. Tire sales, repair, retreading, or vulcanizing.

- 2. Conditional Uses Permitted: In an I-1 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. Manufacturing and related uses including:
 - 1. Cement, lime, gypsum, or plaster of paris manufacture.
 - 2. Explosives storage or manufacture.
 - 3. Fertilizer manufacture.
 - 4. Gas manufacture.
 - 5. Glue manufacture.
 - 6. Petroleum or petroleum products refining.
 - 7. Pulp mill.
 - 8. Rendering plant.

- 9. Slaughter house, stock yard.
- 10. Smelting or refining of metallic ore.
- 11. Other uses similar to the above.

- b. Airport.
- c. Automobile wrecking yard or junk yard.
- d. Extraction and processing of rock, sand, gravel, or other earth products.
- e. Governmental structure or use of land.
- f. Public park, playground, golf course, or similar recreation area.
- g. Public utility facility.
- h. Radio or television transmitter or tower.
- i. Signs, advertising.
- j. Solid waste disposal area utilizing sanitary land-fill, or other method approved by the Lincoln County Health Department; solid waste disposal transfer station.

3. Standards. Except as provided in this section and in Articles 4, 5, 6, and 13 of this ordinance, the standards which apply in the I-P zone shall apply in the I-1 zone.

- a. All yards abutting a lot in a residential zone shall be a minimum of thirty (30) feet.
- b. There shall be no building exceeding 45' height without voter approval in accordance with County ordinances.

Section 3.310. Marine Waterway Zone M-W. In an M-W zone the following regulations shall apply:

1. Uses Permitted Outright. In an M-W zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:

- a. Wildlife or marine life sanctuary or preserve.
- b. Marine life raising or production area.
- c. Marine recreation activities such as fishing and boating.
- d. Navigation activities.

2. Conditional Uses Permitted. In an M-W zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. Booming grounds.
- b. Governmental structure or use.
- c. Park or similar public recreation area.
- d. Public or Private utility facility.

- e. Any use permitted in the M-W zone involving filling, dredging, draining, disposal of dredging spoils, and similar activities.
- f. Any use permitted in the M-W zone involving construction, addition, or reconstruction of piers, docks, bulkheads, boathouses, or similar facilities.
- g. Non-resident structure used in connection with the raising or production of marine life.

3. Standards. Provisions of Articles 4, 5, 6, and 13 of this ordinance shall apply to uses in M-W zone.

Section 3.320. Marine Residential Zone M-R. In the M-R zone the following regulations shall apply:

- 1. Uses Permitted Outright. In an M-R zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:
 - a. A use permitted outright in the R-2 zone.
 - b. Travel trailer.
 - c. Golf course, park, playground, picnic ground, swimming area or similar use not including buildings or structures.
 - d. Agriculture or forestry use of the land.
 - e. Outdoor recreation activity.
 - f. Wildlife or marine life recreation activities such as hunting and fishing.
 - g. Wildlife or marine life sanctuary, preserve or production area.

- 2. Conditional Uses Permitted. In an M-R zone the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6, and 13 of this ordinance:
 - a. A use permitted as a conditional use in the R-2 zone and not listed as a permitted use above.
 - b. Boat launching or moorage facility.
 - c. Marina or boat charter service.
 - d. Boat or marine equipment sales, service, storage, rental or repair.
 - e. Mobile home trailer park.
 - f. Vacation or travel trailer park, including campground.
 - g. Retail sales of sporting goods, bait and related commodities.
 - h. Any use permitted in the M-R zone involving filling, dredging, draining, disposal of dredging spoils, and similar activities.

- 1. Any use permitted in the M-R zone involving the construction, addition, or reconstruction of piers, docks, bulkheads, or similar activities.
- j. Outdoor recreation development.

3. Standards. Except as provided in Article 4, 5, 6 and 13 of this ordinance, in an M-R zone, the following standards shall apply:

a. Lot Size and Dimensions For Dwelling Uses. The minimum lot size and dimensions in an M-R zone shall be as follows for dwelling units.

- 1. The minimum lot area shall be 5,000 square feet for a one-family dwelling and 10,000 square feet for a two-family dwelling when a lot is served by both a public or community water supply system and public or community sewage disposal system.
- 2. The minimum lot area shall be 7,500 square feet for a one-family dwelling and 15,000 square feet for a two-family dwelling when a lot is served by a public or community water supply system but not by a public or community sewage disposal system.
- 3. The minimum lot area shall be at least one (1) acre when a lot is not served by a public or community water supply system, unless otherwise required by the County Sanitarian.
- 4. The minimum lot width at the front lot line shall be 50 feet for an interior lot and 55 feet for a corner lot when a lot is served by both a public or community water supply system and sewage disposal system.
- 5. The minimum lot width at the front lot line shall be 70 feet for an interior lot and 75 feet for a corner lot when a lot is served by a public or community water supply system but not by a public or community sewage disposal system.
- 6. The minimum lot width at the front lot line shall be 150 feet when a lot is not served by a public or community water supply system.
- 7. The minimum lot depth shall be 80 feet.

b. Lot Size for Other Uses. One acre.

c. Yard, Lot Coverage, Building Height. The yard, lot coverage, and building height requirements which apply in the R-2 zone shall apply in the M-R zone.

4. Special Standards. The following standards shall apply to conditional uses in the M-R zone:

- a. Approval of such will not set a trend or encourage a pattern of development incompatible with surrounding area development.
- b. Approval of such will not result in the increase of either marine or vehicular traffic so as to create situations hazardous to the normal traffic patterns in the area.
- c. Evidence shall be submitted demonstrating that the proposed use is water-oriented and that there is a need for such.
- d. Approval shall be given by any Federal, State or local agency which has special interests or plans for development in or near the area and which may be affected by the proposal.
- e. The plan for development shall assure the creation of an attractive environment and protect all present and potential development from any probably blighting effects.
- f. Special standards for landscaping, fencing, screening outdoor storage, signs, set-backs, and similar features may be established.
- g. It shall be determined that the proposed development can be planned to be in substantial harmony with the surrounding area.
- h. The facility or related use shall not represent or create a source of water pollution to any nearby waterway or related tideland or marshland areas.

Section 3.330 Marine Commercial Zone M-C. In an M-C zone the following regulations shall apply:

1. Uses Permitted Outright. In an M-C zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:
 - a. Automobile service station.
 - b. Boat launching or moorage facility, marina, boat charter service.
 - c. Boat or marine equipment sales, service, storage, rental or repair.
 - d. Manufacture of boats and accessory manufacturing facilities.
 - e. Multi-family dwelling.
 - f. One-family dwelling built on the site.
 - g. ~~A factory-built dwelling.~~
 - h. Two-family dwelling.
 - i. Restaurant, bar, or tavern.
 - j. Retail sale or sporting goods groceries or similar commodities.
 - k. Hotel, motel, or resort.
 - l. Cold storage and similar uses.

2. Conditional Uses Permitted. In an M-C zone the following uses and their accessory uses may be permitted subject to the applicable provisions of Article 4,5,6, and 13 of this ordinance.
- a. Mobile Home.
 - b. Mobile home trailer park.
 - c. Governmental structure or use of land.
 - d. Laboratory for experiment or research.
 - e. Open recreation area.
 - f. Public park, playground, or similar recreation area.
 - g. Public utility facility.
 - h. Vacation or travel trailer park.
 - i. Any use permitted in the M-C zone involving filling, dredging, draining, disposal of dredging spoils, and similar activities.
 - j. Any use permitted in the M-C zone involving construction, addition, or reconstruction of piers, docks, bulkheads, or similar facilities.
3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance and that there shall be no limitations pertaining to fencing of outdoor storage areas, the standards which apply in the C-T zone shall apply in the M-C zone.

Section 3.340. Marine Industrial Zone M-I. In an M-I zone the following regulations shall apply:

1. Uses Permitted Outright. In an M-I zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:
- a. Boat launching or moorage facility, marina, boat charter service.
 - b. Boat or marine equipment sales, service, storage, rental, or repair.
 - c. Cold storage or ice processing plant.
 - d. Dry dock facilities for boat and ship repair and maintenance.
 - e. Laboratory for experiment or research of marine or coastal product or resource.
 - f. Manufacture, assembly, processing, and packing of sea products.
 - g. Manufacture of boats or marine equipment.
 - h. Wharfs and docks, marine loading and unloading facilities, storage areas, and marine railways.
 - i. Office.
 - j. Restaurant, bar, or tavern.
 - k. Retail sale of sporting goods or bait.
 - l. Signs, advertising.
 - m. Warehousing and storage areas for marine equipment or sea products.

2. Conditional Uses Permitted. In an M-I zone the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:
- a. Governmental structure or use of land.
 - b. Public park, playground, or similar recreation area.
 - c. Public utility facility.
 - d. A use involving manufacture, repair, assembly, fabrication, packing, distribution, warehousing, wholesaling, or storage under the following conditions:
 - 1. The use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor, or dust, or because it constitutes a fire, explosion, or other physical hazard.
 - 2. The use will not represent a source of water pollution to any nearby tidelands, marshlands, waterways, or other areas used for the raising, production, or preservation of marine life and other natural resources.
 - 3. The use warrants a site with direct access or general orientation to the waterfront.
 - e. Any use permitted in the M-I zone involving filling, dredging, draining, disposal of dredging spoils, and similar activities.
 - f. Any use permitted in the M-I zone involving construction, addition, or reconstruction of piers, docks, bulkheads, boathouses, or similar facilities.
3. Standards. Except as provided in Articles 4, 5, 6, and 13 of this ordinance and that there shall be no limitations pertaining to fencing of outdoor storage areas, the standards which apply in the I-1 zone shall apply in the M-I zone.

Section 3.350. Planned Marine and Recreation Zone M-P. In an M-P zone the following regulations shall apply:

- 1. Uses Permitted Outright. In an M-P zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5 and 13 of this ordinance:
 - a. A use permitted outright in the M-W zone.
- 2. Conditional Uses Permitted. In an M-P zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. A use permitted outright or a conditional use permitted in the M-I zone.
 - b. A conditional use permitted in the M-W zone.
 - c. Community center.
 - d. Hotel, motel, or resort.
 - e. Mobile home park.
 - f. Vacation or travel trailer park.
3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance the standards which apply in the I-P zone shall apply in the M-P zone.
4. Special Standards. In taking action on a conditional use application, the Planning Department or the Planning Commission shall seek to determine whether:
- a. Any Federal, State or local agency has any special interests or plans for development in or near the area and which may be affected by the proposal.
 - b. The plan for development will assure the creation of an attractive environment and protect all present and potential development from any possible blighting effects.
 - c. Special standards for landscaping, fencing, screening, outdoor storage, signs, set-backs, and similar features should be established.
 - d. The area around the property being developed can be planned to be in substantial harmony with the proposal.
 - e. The use will represent a source of water pollution to any nearby tidelands, marshlands, or waterways essential to the raising, producing, or preserving of any marine life or other natural resources.

Section 3.410. Natural Resource Zone A-1. In an A-1 zone the following regulations shall apply:

1. Uses Permitted Outright. In an A-1 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:
 - a. Agricultural use of land except in those areas delineated as Tideland or Marshland in Land Use Plans for the County.
 - b. Forestry including the management, production, and harvesting of forest products and of related natural resources in forest areas and including rock extraction and processing for use in forest access roads but excluding structures and log storage in those areas delineated as Tideland or Marshland in Land Use Plans for the County.

- c. Dwellings and other buildings customarily provided in conjunction with agriculture and forestry except in those areas delineated as Tideland or Marshland in Land Use Plans for the County.
- d. Wildlife or marine life sanctuary or preserve.
- e. Marine life raising or production area.
- f. Outdoor recreation activity.

2. Conditional Uses Permitted. In an A-1 zone, the following uses and their accessory uses may be permitted and subject to the applicable provisions of Articles 4, 5, 6, and 13 of this ordinance:

a. The following uses except in those areas delineated as Tideland, Marshland or Duneland in Land Use Plans for the County.

- 1. Church, non-profit religious or philanthropic institution.
- 2. Community center.
- 3. Golf course or country club, but excluding golf driving range, miniature golf course.
- 4. Outdoor recreation development.
- 5. Radio or television transmitter or tower.
- 6. Solid waste disposal area utilizing sanitary landfill, landfill, solid waste disposal transfer station.
- 7. Any use permitted in the A-1 zone involving filling, dredging, draining, disposal of dredging spoils, and similar activities.
- 8. Any use permitted in the A-1 zone involving construction, addition, or reconstruction of piers, docks, bulkheads, or similar facilities.
- 9. Extraction and removal of rock, sand, gravel or other earth products.

b. The following uses except that structures shall not be permitted in those areas delineated and designated as Tideland, Marshland or Duneland in Land Use Plans for the County.

- 1. Governmental land use.
- 2. Public recreation area.
- 3. Public school or private school offering curricula similar to a public school.
- 4. Public or private utility facility.

c. Non-resident structure used in connection with the raising or production of marine life.

3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance, in the A-1 zone the following standards shall apply:

- a. Minimum lot area shall be 5 acres.
- b. All structures shall be located in such a manner that subsurface sewerage disposal systems be at least 50' measured horizontally from all points along the elevation of the normal high water line.
- c. No structure shall be located closer than 60 feet from the right-of-way of any state highway, collector, or arterial street.
- d. No building shall exceed a height of 30 feet.
- e. Animal shelters shall be located no closer than 75 feet from a residential zone.

Section 3.420. Rural Residential Zone A-2. In a Rural Residential Zone the following regulations shall apply:

1. Uses Permitted Outright. In an A-2 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Article 4, 5, and 13 of this ordinance:

- a. A use permitted outright in the A-1 zone.
- b. One-family dwelling built on the site.
- c. Factory built dwelling.
- d. Mobile home.

2. Conditional Uses Permitted. In an A-2 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. A use permitted as a conditional use in the R-2 and A-1 zones.
- b. Animal hospital.
- c. Extraction and removal of rock, sand, gravel or other earth product.
- d. Kennel.

3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance in the A-2 zone the following standards shall apply:

- a. Minimum lot size shall be one (1) Acre.
- b. Minimum lot width at the front building line shall be 150 feet.
- c. All other standards which apply in the R-1 zone shall apply in the A-2 zone.
- d. Animal shelters shall be located:
 - 1. No closer than 75 feet from a residential zone.
 - 2. No closer than 20 feet from a property line.

4. Special Standards. The following standards shall apply to mobile homes and travel trailers located on individual lots.

- a. The lot must be served by a water supply and a sewage disposal system approved by the County Sanitarian.
- b. The travel trailer must be approved by the State Fire Marshall, the State Labor Commission, and the State Health Board, or by duly appointed representatives thereof.
- c. A "Building Permit/Trailer House Location Permit" must be approved, signifying compliance with the above provisions.

Section 3.430. Rural Community Zone A-3. In an A-3 zone the following regulations shall apply:

1. Uses Permitted Outright. In an A-3 zone the following uses and their accessory uses are permitted subject to the applicable provisions of Articles 4, 5, and 13 of this ordinance:

- a. A use permitted outright in the A-2 zone.
- b. A use permitted outright in the C-2 zone except the raising or keeping of livestock may be permitted.

2. Conditional Uses Permitted. In an A-3 zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Articles 4, 5, 6 and 13 of this ordinance:

- a. A use permitted as a conditional use in the A-2 zone.
- b. Mobile home park.
- c. Vacation or travel trailer park.

3. Standards. Except as provided in Articles 4, 5, 6 and 13 of this ordinance, in the A-3 zone the following standards shall apply:

- a. The standards which apply in the C-1 zone shall apply in the A-3 zone, except that there shall be no limitations pertaining to fencing of outdoor storage areas.
- b. Animal shelters shall meet the standards of the A-2 zone.

Section 3.510. Planned Development Zone, PD. A PD zone may be used only in combination with another zone. When a PD zone is combined with another zone, the following regulations shall apply:

1. Purpose. The purpose of the PD zone is to permit the application of new technology and greater freedom in de-

sign in land development than may be possible under a strict interpretation of the provisions of this ordinance. The use of these provisions is dependent upon the submission of an acceptable plan and satisfactory assurances it will be carried out. Such plan should accomplish substantially the same objectives as are proposed by the comprehensive plan for the area.

2. General Requirements. The following requirements shall govern the use of a PD zone:

- a. A PD zone may be established in combination with any other zone.
- b. A PD zone may contain only a planned development which has been approved in accordance with the provisions of this section.
- c. A planned development may include any uses permitted outright or conditionally in any zone with the following exceptions:
 1. Residential uses shall not be permitted in an I-1 or M-I zone.
 2. Uses permitted only in an I-P, I-1, M-I, or M-P zone shall not be permitted in an R-1, R-2, R-3, R-4, A-1, A-2, C-1, C-T, M-C, or M-W zone.
- d. Requirements pertaining to area, density, yards, or similar dimensional standards shall be guided by the standards of the zone in which the planned development is proposed.
- e. No building shall exceed a height which is greater than 45 feet without voter approval in accord with the County ordinance. With voter approval, the Planning Commission may approve an allowable height of up to 50% greater than that of the maximum building height limitation of the zone in which the plan is proposed. Such height increases may be approved by the Planning Commission provided that the proposed height is not detrimental, incompatible or otherwise undesirable with respect to existing or future surrounding area development, and provided that one of the following situations can be found to exist:
 1. That the height increase can be justified on the basis of unique lot characteristics, topographical conditions, or other natural features; or
 2. That the height increase can be justified on the basis of amenities provided or concessions made by the developer for which some bonus incentive is warranted.
- f. For a planned development in a residential, A-1

or A-2 zone the total floor area of all industrial and commercial uses other than hotel, motels, trailer parks, resorts, and similar accommodations shall not exceed ten (10) percent of the total floor area of the development. Any commercial and industrial uses shall be directly related in purpose and function to the remainder of the planned development.

- g. In a residential, A-1 or A-2 zone, where commercial and/or industrial uses are being developed in conjunction with residential uses, construction of such commercial or industrial uses shall not be initiated until 25% of the residential units have been developed.
- h. A planned development shall have a minimum of five (5) contiguous acres, exclusive of street right-of-way.

3. The following procedure shall be used when a proposal for a planned development is submitted for consideration:

- a. An applicant shall submit at least five (5) copies of a preliminary plan of a planned development to the Planning Department for study at least 15 days prior to the Planning Commission meeting at which it will be discussed. The preliminary plan shall include the following information:
 1. Proposed use, location, dimensions, height, and type of construction of all buildings. Proposed number of dwelling units, if any, to be located in each building.
 2. Proposed circulation pattern including the location, width, and surfacing of streets, private drives, and sidewalks; the location of any curbs; the status of street ownership; and the location of parking areas and the number of spaces therein.
 3. Proposed use of all open spaces including a plan for landscaping.
 4. Proposed grading and drainage pattern.
 5. Proposed method and plan for provision of water supply, sewage disposal, and electrical facilities.
 6. Economic and supporting data to justify any commercial and industrial development in an area not so zoned.
 7. Relationship of the proposed development to the surrounding area and to the comprehensive plan.
- b. Prior to consideration of the preliminary plan to any applicable agency or interest which may include the Lincoln County Health Department; the Lincoln County Engineering Department; any other utility districts or fire districts in the area where the

the proposed development would be located; any cities which may be effected by the proposed development; the State Highway Department; and to any other appropriate Federal, State, or local agencies. Officials of these agencies shall be given at least ten (10) days to review the plan, suggest revisions, and return the plans to the Planning Department.

- c. A public hearing will be held for presentation of the preliminary plan.
- d. The Planning Commission shall consider the preliminary development plan at a meeting, at which time the comments of persons receiving the plan for study shall be reviewed. In considering the plan, the Planning Commission shall seek to determine that:
 - 1. There are special physical conditions or objectives of the development which warrant a departure from the standard ordinance requirements.
 - 2. The proposed development will not be inconsistent with the comprehensive plan provisions or zoning objectives of the area.
 - 3. The area at least 250' from the outside boundary of the lot upon which the development is proposed, is or can be planned to be in substantial harmony with the proposal.
 - 4. The plan can be completed within a reasonable period of time.
 - 5. Any proposed commercial or industrial development can be justified economically.
 - 6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area.
 - 7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed and will not create a drainage or pollution problem outside the planned area.
- e. The Planning Commission may approve, deny or recommend revision of the preliminary plan of the planned development.
- f. If the preliminary plan for the planned development is approved, the Planning Commission may attach conditions it finds necessary to carry out the purposes of this ordinance. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required setbacks.
 - 2. Limiting the height of buildings.
 - 3. Controlling the location and number of vehicular access points.
 - 4. Establishing new streets, increasing the right-of-way or roadway width of existing streets, requiring curbs and sidewalks, and, in general, improving the traffic circulation system.

5. Increasing the number of parking spaces and improving design standards for parking areas.
6. Limiting the number, size, location, and lighting, of signs.
7. Designating sites for open space and recreational development, and, in general improving landscaping requirements.
8. Requiring additional view obscuring screening or fencing.
9. Requiring performance bonds to assure that the planned development is completed as approved within the time limit as established by the Planning Commission.
10. Requiring appropriate contractual agreement with the county or with special districts to assure development of streets, curbs, gutters, sidewalks, and all utilities to acceptable standards.

- g. If the Planning Commission approves the preliminary plan of the planned development, the applicant may initiate a request for an amendment to the zoning map to establish a PD zone in combination with another zone. Amendment procedure shall be as specified in Section 9.010 to 9.020 of this ordinance. If the Planning Commission finds to the contrary, it may recommend the application be denied, or returned to the applicant for revision.
- h. If the Planning Commission denies a request for approval of a preliminary plan for a planned development, the applicant may appeal the decision to the Board of County Commissioners in accordance with Section 10.030 of this ordinance. In the event that the Board of County Commissioners approves the preliminary plan, the applicant may then initiate an amendment to the zoning map as specified on part (g) of this section.

4. Approval of an amendment and any provisions of the approval to establish a PD zone shall constitute final approval of the plan for the planned development. Building permits for all or any portion of a planned development shall be issued on the basis of the approved plan. An application for a building permit shall be preceded or accompanied by submission of any required bonds or deeds for public dedication or contractual agreements for developments of public facilities.
5. Any change in the approved plan shall be submitted to the Planning Commission for processing as an amendment to this ordinance.
6. If no building permits have been issued within two (2) years of the date of final approval of the planned development, it shall be terminated and the zone change

requiring the applicant to submit a plan for improving the public facilities.

- automatically repealed, unless a request to extend the time limit is approved by the Planning Commission.
7. Upon abandonment of a particular development authorized under this section, or if the development has not been substantially completed within five (5) years from the date of its final approval, the Planning Commission may determine that the granting of approval shall be nullified, the rezone automatically repealed, and further use of the property and structures thereon shall be in accordance with the existing zone, unless a request to extend the time limit is approved by the Planning Commission.
 8. An approved planned development shall be identified on the zoning map with the symbol PD in addition to the existing zone.

ARTICLE 4. SUPPLEMENTARY REGULATIONS

Section 4.020. Clear-Vision Areas. A clear-vision area shall be maintained on the corners of all property at the intersection of two streets or a street and a railroad.

1. A clear-vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the other two sides.
2. A clear-vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 2.5 feet in height, measured from the top of the curb or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height eight (8) feet above grade.
3. The following measurements shall establish clear-vision areas:
 - a. In a rural or residential zone the minimum distance shall be 30 feet, or, at intersections including an alley, ten (10) feet.
 - b. In all other zones where yards are required, the minimum distance shall be fifteen (15) feet or, at intersections including an alley, ten (10) feet, except that when the angle of intersection between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

Section 4.030. Sign Requirements.

1. No permanent sign shall be placed in or extend over a required side yard or street right-of-way or within 10 feet of the front property line in a required front yard.
2. There shall be no moving or flashing signs.
3. Light from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
4. In the R-1, R-2, R-3, M-W, A-1 and A-2 zones, only on-premise signs shall be allowed and shall be limited to the following kinds which may be directed toward on-coming traffic or located at needed points of vehicular access where such access points are over 200 feet apart:
 - a. A name plate or sign not exceeding one and one-half square feet in area for each dwelling, or
 - b. A temporary sign not exceeding thirty-two (32) square feet in area pertaining to the lease, rental, or sale of the property or the construction of a structure thereon, and limited to a time period of three months, or
 - c. A sign not exceeding thirty-two (32) square feet advertising a subdivision, or other development, or
 - d. A sign not exceeding twelve (12) square feet in area identifying a non-residential use such as the sale of farm produce, a golf course, church, or home occupation, or
 - e. A sign not exceeding twelve (12) square feet directing vehicular traffic to places of interest to the public, such as tourist accommodations and recreation sites, which would otherwise be difficult to find because the site is not visible from a highway, subject to the provisions of Article 6. Such signs shall be located within 300 feet of the intersecting roadway which provides access from the highway to the place of interest, or
 - f. A sign not exceeding thirty-two (32) square feet in area identifying a permitted recreation use in an A-2 zone.
5. In the R-4, C-1, C-2, C-T, M-C, M-I, M-P, I-P, I-1, and A-3 zone one detached on-premise sign is allowed for each lot. The sign shall not exceed a total area of two hundred (200) square feet or one square foot for every foot of lot frontage along streets, other than alleys, whichever is less. The sign shall not exceed thirty-five (35) feet in height measured from road level, and display surfaces shall not be greater than twelve (12) feet in height nor twenty-five (25) feet in width.

6. In the C-1, C-2, C-T, I-P, I-1, and A-3 zones, advertising signs are allowed and must conform to the following standards:
 - a. Signs must be five hundred (500) feet apart on the same side of a road and two hundred and fifty (250) feet apart on opposite sides of a road.
 - b. Signs shall not exceed thirty-five (35) feet in height measured from road level, and display surfaces shall not be greater than twelve (12) feet in height nor twenty-five (25) feet in width.
7. Signs permitted in the R-1, R-2, R-3, M-W, A-1 and A-2 zones shall be permitted in all other zones.
8. All off-premise signs and free-standing on-premise signs shall be constructed only after building permit approval.

Section 4.040. Off-Street Parking and Off-Street Loading Requirements. At the time a new structure is erected or enlarged or the use of an existing structure is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this ordinance.

1. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
2. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.
3. Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operations do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases or contracts to establish the joint use.
4. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.
5. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
6. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid flow of water

across public sidewalks.

7. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five (5) feet in height except where vision clearance is required.
8. Parking spaces along the outer boundaries of a lot shall be contained by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4½) feet from the property line.
9. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
10. Required off-street parking areas shall not be provided in the required front or street side-yard areas in a residential zone.
11. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required.
12. Passengers loading. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty-five (25) students.
13. Loading of merchandise, materials or supplies. Buildings or structures which receive and distribute material or merchandise by truck, shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this ordinance may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
14. Off-street parking space requirements:
 - a. Dwelling, one-family-One space per dwelling unit.
 - b. Dwelling, two-family-One and one-half spaces per dwelling unit or multi-family.
 - c. Trailer park, Three (3) spaces for each two (2) trailer spaces.
 - d. Motel, hotel or resort One (1) space for each guest accommodation.
 - e. Hospital Three (3) spaces for each two (2) beds.
 - f. Nursing home or similar institution One space for each three (3) beds.
 - g. Church, club or similar place of assembly One space for each six (6) seats, or one space for each 50 square feet of floor area used for assembly.

- h. Library One space for each 300 square feet of floor space.
- i. Dance hall, skating rink, or similar commercial amusement enterprise One space for each 100 square feet floor area.
- j. Bowling alley Five (5) spaces for each alley.
- k. Retail store, eating and drinking establishment One space for each 200 square feet of floor area.
- l. Service or repair shop retail store handling bulky merchandise such as automobiles and furniture One space for each 600 square feet of floor area.
- m. Bank, office One space for each 300 square feet of floor area.
- n. Medical and dental clinic One space for each 200 square feet of floor area.
- o. Warehouse, storage and wholesale business One space for each 2,000 square feet of floor or storage area.
- p. Manufacturing establishment One space for each 1,000 square feet of floor area.

Section 4.050. Setbacks adjacent to Timberlands. Lot depths and setback requirements of lots created after adoption of this ordinance and adjacent to U.S. National Forest or State Forest Land or other land determined by the Planning Department to be productive timberland shall be at least 50' greater than normal requirements therefore.

Section 4.060. Distance from Property Line. In areas where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

Section 4.070. Exterior Lighting. Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face or shine directly onto a lot in a residential zone, street or highway.

Section 4.080. General Provisions Regarding Accessory Uses. An accessory use shall comply with all requirements for a principal use, except as this ordinance specifically allows to the contrary, and shall comply with the following limitations:

- 1. An accessory structure or use shall only be approved provided the principal use has been established.
- 2. An accessory structure not used for human habitation and separated from the main building may be located in the required rear and side yard, except in the required street side yard of a corner lot, provided it is not closer than five (5) feet to a property line.
- 3. A single trailer house, may be occupied as a temporary accessory use to a dwelling under the following conditions:
 - a. That the device comply with residential setback

requirements.

- b. That a sight-obscuring fence may be required to be provided to effectively screen the use from outside of the parcel upon which it is located.
- c. That the water supply and sewerage disposal system be approved by the County Sanitarian.
- d. That a "Building Permit/Trailer House Location Permit" be approved prior to locating the device, thus signifying compliance with the above provisions.

- 4. Fences, hedges, and walls may be located within required yards, but shall not exceed three and one-half ($3\frac{1}{2}$) feet in height in any required yard which abuts a street other than an alley.

Section 4.100. Permit Approval. No building or structure shall be erected, enlarged, altered, rebuilt, remodeled, or moved onto any lot and no permits shall be issued therefore unless the parcel upon which the building or structure is proposed meets the following requirements:

- 1. Access shall be approved by the agency or body authorized to give subdivision or land partitioning approval.
- 2. Adequate provision for water supply and sewage disposal shall be approved by the Lincoln County Health Department prior to permit issuance or initiation of construction.
- 3. Subdivision or land partitioning requirements shall be met for all lots created after adoption of this ordinance.
- 4. Requirements specified in the Lincoln County Building Code shall be satisfied. Building permits shall be denied for development not in conformance with the provisions of this and other applicable ordinances.

Section 4.200. Special Standards: Floodplains. The following standards shall apply to development in floodplain areas:

- 1. **General Requirements.** In order to insure the health, safety, and welfare of buildings, structures and the inhabitants thereof, development in areas delineated by the Planning Commission as floodplains on zoning maps of Lincoln County or determined to be subject to flooding by the Planning Department, shall comply with the following requirements:
 - a. Proposed development will not, when inundated, create flood hazards to the health, safety, or welfare of area inhabitants or the property thereof.
 - b. No structural improvements shall be allowed which would likely to alter the flow of surface water,

or increase the depth thereof so as to endanger the health, safety or welfare of area residents which might be affected by such.

- c. A plot plan shall be submitted for all development on any land subject to inundation and shall include an indication of the point at which location and elevation of the highest flood of record has been determined and the date of such flood established by Governing Body or appropriate agency.
- d. Design of subsurface sewage disposal systems shall be such that during periods of inundation, the health, safety, or welfare of area or downstream residents will not be endangered.
- e. In areas delineated as floodplain or floodway fringe on Zoning Maps for Lincoln County, or if flood levels can be determined by the Planning Department the lowest floor of any permanent structure shall be at least 1' above the elevation of highest flood determinable for that area. Travel trailers, mobile homes and similar devices may be located in such areas only between April 1st and November 15 or such other dates conditioned by the weather as may be set by the County Commission. Related non-residential structures such as boathouses, moorages and necessary sanitary facilities may be constructed within the floodway provided that such improvements are made utilizing floodproofing design and building techniques.
- f. In areas delineated as floodway on Zoning Maps for Lincoln County no permanent structures shall be allowed except that travel trailers, mobile homes, and similar devices may be located in such areas between April 1st and November 1st. Related non-residential structures such as boathouse, moorages, and necessary sanitary facilities may be constructed within the floodway provided that such improvements are made utilizing floodproofing design and building techniques.

2. Permit Issuance. Prior to issuance of any permit for a building or structure to be erected, altered, enlarged, rebuilt or moved onto any lot or parcel of land in a floodplain, and in order to insure satisfaction of the above standards, the Building Inspector shall determine that the proposed building or structure meet all of the following conditions:

- a. Be designed and anchored to resist the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
- b. Be constructed of materials and utility equipment that are resistant to flood damage.
- c. Be constructed utilizing methods and practices that will minimize flood damage.

- d. Be provided adequate drainage in order to reduce exposure to flood hazards.
- e. Be located so that public utilities and facilities on the site are constructed to minimize or eliminate flood damage, such utilities and facilities including sewer, gas, electrical and water systems.

Article 5. EXCEPTIONS

Section 5.010. Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, signs, chimneys and flues shall not project more than 2" for each foot of yard width. Unroofed landings, porches, and stairs may project into any required yard provided the following conditions are met:

- 1. No portion except for guardrails shall extend above the floor level of a habitable room.
- 2. No such projection shall obstruct a stairway.
- 3. No such projection shall extend more than one-third the distance from the exterior wall to the property line.

Section 5.020. General Exceptions to Lot Size Requirements. If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the office of the County Clerk at the time of the passage of this ordinance has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling unit consistent with the density and meeting sanitary requirements of the zone.

- 1. If a lot or the aggregate of contiguous lots held in a single ownership as recorded in the Office of the County Clerk at the time of the passage of this ordinance has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holding(s) may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling unit consistent with the density and meeting sanitary requirements of the zone.
- 2. Flag lots having a frontage of not less than 20' or 15' each for 2 adjacent flag lots, and abutting on an approved street are not required to meet lot frontage requirements.

Section 5.030. General Exceptions of Yard Requirements.
The following exceptions to the front yard requirement for a dwelling are authorized for a lot in any zone:

1. The required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front or rear yards respectively of dwellings on all lots within 100 feet on both sides of the proposed dwelling.
2. The required front or rear yard for a dwelling need not exceed the existing or probable average depth of the nearest front or rear yards of dwellings within 100 feet on either side of the proposed dwelling and the required front yard depth.
3. When an attached or detached garage is to be built on a lot having an average elevation at least ten (10) feet higher (or lower) than street level, the front of the garage may be located five (5) feet from the front property line or at the point where ground elevation is five (5) feet higher (or lower) than the street level, whichever is greater. The garage and driveway shall be constructed in such a manner as to minimize traffic hazards resulting from backing onto an adjacent street.

Section 5.040. General Exceptions to Building Height Limitations. Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance. Such projections shall not have a lateral dimension of greater than eight feet and a height of no greater than the height of the building as defined in this ordinance.

Article 6. CONDITIONAL USES

Section 6.010. Authorization to Grant, Deny or Revoke Conditional Use Permit. Conditional uses listed in this ordinance may be permitted, enlarged, or altered upon authorization Planning Department or by the Planning Commission in accordance with the standards and procedures set forth in this Article.

1. In taking action of a conditional use request application, the Planning Department or Planning Commission may either approve or deny the application. Conditional Use applications found not in accord with the Comprehensive Plan shall be denied. If an application is denied, the action must be based on reasons related to the Comprehensive Plan, or the best interests of the surrounding area or the County as a whole.
2. In approving a conditional use request or the modification of a Conditional Use, the Planning Department or Planning Commission may impose, in addition to those standards

and requirements expressly specified by this ordinance additional conditions which are considered necessary to protect the best interests of the surrounding area or the County as a whole. These conditions may include, but are not limited to the following:

- a. Increasing the required lot size or yard dimensions.
 - b. Limiting the height of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location, and lighting of signs.
 - g. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property.
 - h. Designating sites for open space.
 - i. Setting a time limit for which the conditional use is approved.
 - j. Site reclamation upon discontinuance of use.
3. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use or a non-conforming use, a change in use or in lot area or an alteration of structure shall conform with the requirements for conditional use.
 4. The Planning Commission may require or authorize the Planning Department to require that the applicant for a Conditional Use furnish the County with a performance bond of up to the value of the cost of the improvements to be guaranteed by such bond, in order to assure that the Conditional Use is completed according to the plans as approved by the Planning Commission or the Planning Department.
 5. Any permit granted hereunder shall be subject to revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if it is determined that the conditions of approval have not been complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.
 6. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Section 10.050 of this ordinance and in order for the permit holder to show cause why such permit should not be revoked.
 7. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for rectification, and if corrections are not made within that time, revocation of the permit shall become effective ten days after the time specified.

8. Reapplication for conditional use approval cannot be made within 1 year after revocation except that the Planning Commission may permit a new application if in its opinion new evidence or a change in circumstances warrant it.

Section 6.020. Procedure for Taking Action on a Conditional Use Application. The procedure for taking action on an application for a conditional use shall be as follows:

1. A property owner may initiate a request for a conditional use by filing an application with the Planning Department, using forms prescribed pursuant to Section 10.030.
2. If the Conditional Use meets all applicable ordinance requirements, the Planning Department may approve the request.
3. If the Conditional Use has more than routine significance, as determined by the Planning Department a public hearing may be set for Planning Commission consideration of the request.
4. Within five (5) working days after the Planning Department approves a Conditional Use request the applicant and surrounding area residents within 250' will be notified of such. Within five (5) working days after the Planning Department disapproves a Conditional Use request, the applicant will be notified of such. The decision will be final if not appealed to the Planning Commission in writing within fourteen (14) days after such notice is given.
5. If Planning Department approval for the Conditional Use request is given, no building permits will be issued from fifteen (15) days after notice of approval is given in order to insure that approval is not appealed.
6. If no appeal is filed the requestor is authorized to make improvements necessary to satisfy the requirements of approval. Upon satisfaction of such conditions, the requestor shall notify the Planning Department in order that inspection can be made to determine whether a Conditional Use Permit indicating requirement satisfaction can be issued.
7. Should the decision of the Planning Department be appealed to the Planning Commission, a public hearing will be held within forty (40) days at a regular Planning Commission meeting to consider the appeal.
8. Within five (5) working days after a decision has been rendered with reference to a Conditional Use appeal, the Planning Department shall provide the applicant with written notice of the decision of the Planning Commission.

Section 6.030. Building Permit for an Approved Conditional Use. Building permits for all or any portion of a Conditional Use shall be issued only on the basis of the plan as approved by the Planning Department or the Planning Commission. Any change in the approved plan shall be submitted to the Planning Department or the Planning Commission as a new application for a Conditional Use.

Section 6.040. Time Limit on a Conditional Use Approval.

Approval of a conditional use shall be void after one (1) year or such lesser time as the approval may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission, or upon authorization, the Planning Department may extend authorization for an additional period not to exceed one (1) year, on request.

Section 6.042. Revocation of a Conditional Use Permit. Any permit granted hereunder shall be subject to denial or revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if it develops that the conditions of approval have not been complied with or are not being maintained.

1. In order to consider revocation of a conditional use permit the Planning Commission shall hold a public hearing as prescribed under Section 10.050 of this ordinance in order for the permit holder to show cause why such permit should not be revoked.
2. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for rectification; and if corrections are not made within that time, revocation of the permit shall become effective ten days after the time specified.
3. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Planning Commission may allow a new application if in its opinion new evidence or a change in circumstances warrant it.

Section 6.050. Standards and Procedures Governing Conditional Uses. In addition to the standards of the zone in which the conditional use is located and the other standards of this ordinance, conditional uses shall meet the following standards:

1. In all residential zones and in the A-2 zone, yard setbacks for conditional uses shall be a minimum of one (1) foot for each two (2) feet of building height, or the yard requirement specified for the zone, whichever requirement is the greater.
2. Motels, hotels, or resorts in an R-4 zone shall have a minimum lot area per guest unit of 1,500 square feet, if at the time application is made, the property is served by both a public or community water supply system and sewage disposal system; 2,500 square feet if the property is served by a public or community water supply system, but not by a public or community sewage disposal system; and 12,000 square feet if the property

is not served by a public or community water supply system.

3. Special Set-back Requirements:

- a. Buildings and pens, which are a part of kennels and animal hospitals, and active recreation use areas which are a part of outdoor commercial amusement or recreation establishments shall be located no closer than seventy-five (75) feet from a residential zone or street or highway.
- b. Clubs, lodges, or fraternal organizations in an R-4 zone; and community swimming pools and buildings housing recreational facilities in a residential zone shall be located no closer than 30 feet from any other lot in a residential zone.

4. Standards for public utility facilities such as electric substation or transformer, public or community domestic water supply reservoir or pumping station, or public or community sewage disposal plant or pumping station; radio or television tower or transmitter; or governmental structure or use of land:

- a. In a residential or A-2 zone, all equipment and material storage shall be within an enclosed building.
- b. Workshops shall not be permitted in a residential, C-1, C-T, or A-2 zone.
- c. Public utility facilities shall be screened and provided with landscaping.
- d. The minimum lot size requirement may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

5. Standards for mobile homes on individual lots.

- a. Approval of such will not set a trend or encourage a pattern of development incompatible with surrounding area development.
- b. The dwelling unit must be approved by the State Fire Marshall, State Labor Commission, and State Health Board or by duly appointed representatives thereof.
- c. The dwelling unit must be placed on a foundation and shall be finished and/or skirted as a permanent structure.
- d. The lot must be landscaped and/or maintained as a permanent residence similar to surrounding area development.
- e. Other conditions may be required by the Planning Department when authorized or by the Planning Commission in order to insure compatibility with surrounding area development.
- f. Must be approved prior to locating the dwelling unit on the site.
- g. Once preliminary approval is given to such a conditional use request, all provisions (conditions)

required to be met must be completed and/or satisfied within six months or the conditional use approval will become invalid. Except that an extension of 6 months may be granted by the Planning Commission or the Planning Department as authorized.

- h. Upon completion of the provisions (conditions) required to be met, a conditional use permit will be given.

6. Standards for travel trailers located on individual lots.

- a. Approval of such will not set a trend or encourage a pattern of development incompatible with surrounding area development.
- b. The lot must be served by a water system and a sewerage disposal system approved by the County Sanitarian.
- c. The travel trailer may be required to be surrounded by a sight-obscuring fence to a height of six (6) feet above ground.
- d. A time limit not to exceed 5 years shall be established, after which time reapplication for conditional use permit approval shall be required.
- e. Upon compliance with the above and any additional conditions which the Planning Department or Planning Commission feels necessary to insure compatibility with surrounding area development, a Building Permit/Trailer House Location Permit must be obtained.

7. Standards for home occupation:

- a. The home occupation shall be secondary to the main use of the property as a residence.
- b. The home occupation shall be limited to either an accessory structure or to not over twenty-five (25) percent of the floor area of the main floor of a dwelling. If located within an accessory structure, the home occupation shall not utilize over six hundred (600) square feet of floor area.
- c. No structural alteration, including the provision of an additional entrance, shall be permitted to accommodate the home occupation except when otherwise required by law. Such structural alteration shall not detract from the outward appearance of the property as a residential use.
- d. No person other than members of the immediate family residing in the dwelling is to be engaged in the home occupation.
- e. No window display and no sample commodities displayed outside the building shall be allowed. One unlighted sign not exceeding one and one-half (1½) square feet in area shall be permitted. The sign shall either be attached to the exterior of the building, placed

in a window of the building, or, if detached from the building, shall not be located in a required front or street side yard. The sign shall identify only the home and occupation of the resident.

- f. No on-site sale of stock in trade stored or commodities kept for sale which are not produced on the premises shall be allowed.
- g. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration noise, dust, smoke, odor, interference with radio or television reception, or other factors.
- h. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create undesirable traffic or congestion.
- i. No parking of customer's vehicles in a manner or frequency so as to cause disturbance or inconvenience to residents or so as to necessitate off-street parking shall be allowed.

8. Standards for trailer parks including mobile home parks or vacation or travel trailer parks. A trailer park may be permitted as a conditional use provided it meets the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:

	<u>Mobile Home Trailer Park R-3 Zone</u>	<u>Mobile Home Trailer Park Other Zones</u>	<u>Travel Trailer Park R-4</u>	<u>Travel Trailer Park Other Zones Where Permitted</u>
a. Minimum size of trailer park:	10 Acres	5 Acres	5 Acres	2 Acres
b. Minimum size of trailer space:	5,000 sq. ft.	4,000 sq. ft.	2,000 sq. ft.	2,000 sq. ft.
c. Minimum width of trailer space:	50 ft.	40 ft.	30 ft.	30 ft.
d. Minimum length of trailer space:	80 ft.	80 ft.	60 ft.	60 ft.
e. Minimum distance between trailer and street right-of-way:	20 ft.	20 ft.	20 ft.	20 ft.
f. Minimum distance between trailers and all other property lines:	20 ft.	15 ft.	15 ft.	10 ft.
g. Minimum distance between trailers:	20 ft.	15 ft.	15 ft.	15 ft.
h. Minimum distance between trailers and community or service buildings:	20 ft.	20 ft.	20 ft.	20 ft.

1. Each access road connecting with a public street shall have a surface width of at least 30 feet and all other access roads shall have a surface width of at least 20 feet. All access roads and parking areas and walkways shall be surfaced to minimum County road standards and well-drained. Walkways not less than three (3) feet wide may be required to be provided from trailer spaces to community and service buildings. All access roads and walkways shall be well lighted.
- j. Developed recreation area shall be provided which contains a minimum of 2,500 square feet or 200 square feet per trailer space, whichever requirements is the greater.
- k. All areas not used for trailer spaces, motor vehicle parking, traffic circulation, or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition.
- l. A sight-obscuring fence and/or buffer strip of vegetation may be required on every side of a trailer park.

9. Standards for auto wrecking yard or junk yard:

- a. The auto wrecking yard or junk yard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, not less than six (6) feet in height, and of a design approved by the Planning Director.
- b. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.
- c. All sales, display, storage, repair, or other handling of products, merchandise, equipment, and other articles shall occur from within an enclosed building or from within the fenced area.

10. Standards for solid waste disposal area:

- a. Submitted plans and specifications shall contain sufficient information to allow the County staff or Planning Commission to set standards pertaining to:
 1. Appropriate use of the land.
 2. Set-backs from the property line.
 3. Location of vehicular access points.
 4. Protection of pedestrians and vehicles through the use of fencing.

5. Rehabilitation of the land upon termination of the operation.
 6. A copy of the application submitted to the Department of Environmental Quality shall be submitted with the application.
- b. All solid waste disposal areas shall meet standards as established by the Department of Environmental Quality and the Lincoln County Health Department.
 - c. Only the sanitary landfill, landfill, or other method approved by the Lincoln County Health Department shall be utilized at the solid waste disposal area.
 - d. Access to the site shall be by a well-maintained all-weather road.
 - e. If the solid waste disposal area is located within a residential zone or is less than 300 feet from a residential zone or a state highway, sight-obscuring screening shall be provided.
 - f. All areas used for solid waste disposal shall be located no closer than 100 feet from a property line.
 - g. The property shall be fenced to prevent blowing paper and debris and to control access to the property by pedestrians and vehicles.
 - h. The solid waste disposal area shall be located and developed so that seepage will not cause pollution or other public health problems.
 - i. Solid waste disposal transfer stations shall be fenced to prevent blowing paper and debris and to control access; sight-obscuring screening shall be provided; areas shall be located no closer than thirty (30) feet from any property line; hours of operation shall be established; and the operation shall be conducted to prevent seepage and to facilitate transfer of waste to a solid waste disposal area.
11. Standards for extraction and processing of rock, sand, gravel, or other earth product:
- a. Submitted plans and specifications shall contain sufficient information to allow the County staff or Planning Commission to set standards pertaining to:
 1. The most appropriate use of the land.
 2. Set-back from the property line.
 3. Location of vehicular access points.
 4. Protection of pedestrians and vehicles through the use of fencing.
 5. Prevention of the collection and stagnation of water at all stages of the operation.
 6. Rehabilitation of the land upon termination of the operation.

- b. Any processing of earth products commonly associated with the excavation of minerals, rocks, sand, or gravel, such as the use of crushing, sorting, or washing equipment, shall not be permitted in commercial, residential or marine zones. In zones where processing is permitted, it shall be located no closer than 200 feet from a lot in a residential, commercial, marine or A-3 zone.
 - c. Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which are injurious or substantially annoying to persons living in the vicinity or to crops or livestock being raised in the vicinity.
 - d. Asphalt plants, concrete products manufacture, cement plants, and similar uses often associated with extraction of earth products shall not be permitted in conjunction with extraction operations in a rural zone.
12. Standards for uses involving, filling, dredging, draining, disposal of dredging spoils, and similar activities, or construction of wharfs, bulkheads or similar devices.
- a. Evidence shall be provided that the applicant has complied with, or fully intends to comply with, all standards of the Department of Environmental Quality, the Division of State Lands, the port district, and all other agencies having interests or ordinances applicable to the property in question.
 - b. The activity shall not represent a source of water pollution to any nearby tidelands, marshlands, rivers, streams, or other waterways used for the raising, production, or preservation of marine life or other natural resources.
 - c. Any filling or dredging activity shall not substantially alter the course of any channel or the natural movement of any waters, result in increased flood hazards, or cause the formation of appreciable bottom or sludge deposits deleterious to marine life.
 - d. Any fill or dredging spoil area shall be deposited behind a watertight berm to avoid any sloughing and to stabilize the area.
 - e. If a fill is proposed of which any portion falls below mean higher high water or mean high water plus 6 feet, whichever is highest, and which is adjacent to or having potential access to a navigable waterway, the developer shall designate on the plan a portion of the parcel to remain unfilled for possible off-channel moorage or similar use. The size of the area to remain unfilled shall be determined on the basis of the need generated by proposed or

anticipated uses on the fill, and shall be not less than 20% of that portion of the parcel lying below the highest above-mentioned elevation. The location and design of the unfilled portion shall be approved by Planning Department or Planning Commission.

f. Applications for a permit for filling, dredging, or similar activities shall include:

1. The source of the applicants right to fill or dredge.
2. The purpose of the proposed operation.
3. The legal description of the area where the operation will take place.
4. The depth to which dredging or filling is to take place and the proposed angle of slope.
5. The manner in which material will be dredged or used for fill and the type of material to be used.
6. The method to be used to stabilize the dredge or fill area.
7. A map showing the plan of dredging or filling and the uses proposed for the area.
8. The time when the project is scheduled to begin and to be completed.
9. In taking action, the Planning Director, County staff or the Planning Commission may consult any state, federal, or local agency it feels appropriate for consultation and advice.

13. Standards for uses involving construction, addition, or reconstruction of piers, docks, boathouses, or similar facilities.

- a. Evidence shall be provided that the applicant has complied with or fully intends to comply with all standards of the Department of Environmental Quality, the Division of State Lands, the port district, and all other agencies having interests or ordinances applicable to the property in question.
- b. The facility or any use related to it shall not allow any water pollution to occur to any nearby tidelands, marshlands, rivers, streams, or other waterways used for the raising, production, or preservation of marine life or other natural resources.
- c. The facility shall not substantially alter the course of any channel or the natural movement of any waters or result in increased flood hazards, or the formation of appreciable bottom or sludge deposits deleterious to marine life and shall meet all of the following requirements:

1. No dock, pier or similar facility shall extend into any watercourse more than 25' from ordinary low water line nor 50' from ordinary high water line, unless it can be shown that such extension is necessary and will not increase flood hazards or create other problems such as the deterioration or destruction of marine life or wildlife habitat as a result of the extension.
 2. No dock, pier or similar facility shall extend into the navigable channel any distance greater than required for safe moorage and shall be designed so as to minimize potential flood hazard and loss of navigable waterway area.
 3. No pier, dock or similar facility shall extend into any watercourse more than 5% of the width thereof as measured perpendicular from the mean low water line on one side of the watercourse to the mean low water line on the opposite side.
- d. No plumbing facilities for the handling of domestic or industrial waste shall be a part of the facility unless approved by the Health Department.
- e. Application for a permit for a pier, dock, bulkhead, boathouse, or similar facility shall include:
1. The source of the applicant's right to construct the facility.
 2. The purpose of the facility.
 3. The legal description of the area where the facility will be located.
 4. A map and drawings, showing the plan for construction of the facility. Such plan shall include a vicinity map drawn to scale showing location and design of similar facilities and other development within 250' of the parcel upon which the improvement is proposed.
 5. The time when the project is scheduled to begin and to be completed.
- f. Upon approval of any Conditional Use request which includes pilings, a fee of \$10 per piling shall be submitted to the Planning Department to be placed in a County fund for the purpose of piling removal and channel maintenance.
- g. Plans for moorage facilities shall meet the following requirements:
1. In new subdivisions considered by the Planning Commission following the adoption of this Ordinance docks having less than 10 moorage spaces

will be approved only in the instance that no other public or private means of launching or moorage is available or can be developed within 1000' feet of the site in question.

2. Facilities being proposed in areas where it is likely that additional similar structures will be desired shall be designed to be combined into joint facilities wherever possible.
 3. The design of moorages must provide sheer logs or similar devices for fending debris. Such improvements need not be maintained during periods where there is no danger of flood water.
 4. Docks shall have the long dimension running parallel to the channel unless future development will result in pier construction or moorages being connected, necessitating facility design perpendicular to the channel.
 5. The width of those portions of such facilities dimension required to provide safe access and moorage.
 6. One dock shall not be closer to another dock than the length of the shorter structure or 25' whichever distance is greater.
 7. The number of ramps, fenders and other land connections, and the number of piling and other projections below the surface of the water shall be minimized.
 8. Walkways shall be provided on only one side of individual moorages unless it can be satisfactorily shown that walkways are necessary on both sides. Walkways and breakwaters shall have a width not greater than required to provide safe moorage and access thereto.
- h. Each dock, boathouse, or similar facility shall have the U.S. Army Corps of Engineers permit number permanently affixed to the outboard side of the facility in a clearly visible location prior to requesting final Planning Department inspection for Conditional Use permit issuance.
- i. No owner of a dock or similar facility shall exercise any proprietary rights on the water surrounding such structure. Violations of such will be considered a failure to maintain the Conditional Use approval requirements.
- j. Recognition of potential flood hazards as well as the need to protect the visual attractiveness of the waterway shall be shown in design and exterior materials used in construction of docks, piers, boathouses and similar facilities.

- k. In taking action on a Conditional Use request, the Planning Department or the Planning Commission may consult any State, Federal, or local agency it feels appropriate for consultation and advise.
14. Standards for Outdoor Recreation Developments in A-1 or A-2 zoned areas.
- a. Permanent residency shall be limited to caretakers, proprietors or other personnel required to operate the outdoor recreation development.
 - b. All trailer spaces shall be screened from roadways, streams or creeks by sight obscuring vegetation.
 - c. Materials used in all improvements shall be of a nature compatible with the surrounding area.
 - d. Travel trailer spaces, camp or cabin sites shall have a maximum density of 4 spaces or sites per acre.
 - e. Outdoor recreation development areas devoted to spaces or sites shall not exceed ten acres per development.
 - f. Plans for water supply and sewage disposal improvements must be approved by the State Health Division and the Department of Environmental Quality respectively prior to the issuance of a Building Permit.
 - g. Lodge location requirements and number of allowable accommodations shall be the same as those for travel trailer spaces, camp or cabin sites, except that the Planning Commission may approve an increase in the number of lodge accommodations if sufficient area is available to meet the above density and other standards.
 - h. The total number of a combination of the above accommodations shall not exceed the allowable density of any of the accommodations developed independently.

Article 7. NON-CONFORMING USES

Section 7.010. Continuation of Non-Conforming Use or Structure. Subject to the provision of O.R.S. 215.130 and subsequent

provisions of this article, a lawful non-conforming structure or use may be continued. The extension of a lawful non-conforming use to a portion of a structure which was arranged or initiated for the lawful non-conforming use at the time of passage of this ordinance is not considered an enlargement or expansion of a non-conforming use.

Section 7.020. Discontinuance of Non-conforming Use.

1. If a non-conforming use involving a structure is discontinued for a period of one year, or if a non-conforming trailer house is removed from the site for a period of one year, further use of the property shall conform to this ordinance.
2. If a non-conforming use not involving a structure is discontinued for a period of six (6) months, further use of the property shall conform to this ordinance.

Section 7.030. Change of Non-conforming Use.

1. If a non-conforming use not involving a structure is replaced by another use, the new use shall conform to this ordinance.
2. If a non-conforming use involving a structure is replaced by another use, the new use shall conform to this ordinance unless the Planning Commission determines that such structure is suitable only for another non-conforming use no more detrimental to surrounding properties than the one to be replaced.

Section 7.040. Destruction of Non-conforming Use. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding eighty (80) percent of its fair market value as indicated by the records of the County Assessor and is not returned to use within one (1) year from the date of destruction, a future structure or use on the site shall conform to this ordinance except that replacement of non-conforming signs shall be in accordance with the provisions of this ordinance.

Section 7.050. Completion of Structure. Nothing contained in this ordinance shall require any change in the plans, construction, alteration, or designated use of a structure for which a building permit has been issued and construction work has commenced prior to the adoption of this ordinance, provided the building, if non-conforming or intended for a non-conforming use, is completed and in use within two (2) years from the time the building permit is issued.

Section 7.060. Expansion of Non-conforming Uses. A non-conforming use existing at the time that zoning was or is adopted in the area of such use, or changed in the area, may be expanded if such expanded use is not detrimental to public health, safety, and welfare and determined by the Planning Commission at a public hearing, to be in compliance with all State laws and local ordinances.

Section 7.070. Discontinuance of Non-conforming Uses. A non-conforming use determined by the Planning Commission to be detrimental to the public health, safety or welfare shall be discontinued after a period of time determined by the Planning Commission at a public hearing to be the amortized life of the use.

ARTICLE 8. VARIANCES

Section 8.010. Authorization to Grant or Deny Variances. The Planning Commission or Planning Department may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted (1) to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located, or (2) to increase building height more than ten (10) percent higher than is otherwise permitted in this ordinance, except to complete a story of which more than half falls within the allowable height limit of that zone, or to allow construction of a structure one story higher than the finished ground elevation on the highest side of the structure. In granting a variance the Planning Director or Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this ordinance.

Section 8.020. Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances are found to exist:

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, legally existing prior to the date of this ordinance, topography, or other circumstances over which the applicant has no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the zone or vicinity in which the property is located, or otherwise conflict with the objectives of any County plan or policy.

4. The hardship is not self-imposed and the variance requested is the minimum variance which would alleviate the hardship.
5. The hardship does not arise from a violation of this ordinance.

Section 8.030. Variance Procedure. The following procedures shall be followed in applying for and acting on a variance:

1. A property owner may initiate a request for a variance by filing an application with the Planning Department, using forms prescribed pursuant to Section 10.030. The application shall be accompanied by a site plan drawn to scale showing the condition to be varied and the dimensions and arrangement of the proposed development. The Planning Department or the Planning Commission may request other drawings or material essential to an understanding of the variance request.
2. The Planning Department may approve a variance request upon making findings that the request is in compliance with the requirements of Section 8.020, and other ordinances which they administer.
3. Within five (5) working days after the Planning Department approves a Variance request notification thereof will be made to the applicant and surrounding area residents within 250 feet. Within five (5) working days after the Planning Department disapproves a variance request, the applicant will be notified of such. Either decision will stand if not appealed to the Planning Commission in writing within ten (10) days after such notice is given.
4. If Planning Department approval for the variance is given, no building permits will be issued for fifteen (15) days in order to insure that the approval is final.

Section 8.040. Time Limit on a Variance. Authorization of a variance shall be void after one (1) year unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year, on request.

ARTICLE 9. AMENDMENTS

Section 9.010. Authorization to Initiate Amendments. An Amendment to the text of this ordinance or to a zoning map may be initiated by the County Court, by the Planning Commission, or by application of a property owner.

Section 9.020. Amendment Procedure. The following procedures shall be followed in applying for and acting on an amendment:

1. The Planning Commission shall conduct a public hearing within 40 days after any amendment is proposed and shall

- within forty (40) days after the hearing, provide a report and recommendation to the County Commissioners regarding the proposed amendment. Such report shall include the findings and action taken by the Planning Commission, as well as, supportive information from the meeting agenda(s) and minutes, and a stated recommendation to the Board of County Commissioners based on such findings and action.
2. The Board of County Commissioners shall conduct a public hearing within forty (40) days after receiving the report and recommendation of the Planning Commission on any amendment to modify or change an existing zone on a zoning map.
 3. In considering an amendment to a zoning map the Planning Commission and Board of County Commissioners shall make findings of fact as follows:
 - a. Whether the change is in accord with the Land Use Plan for the area, and
 - b. Whether there has either been a substantial change in the character of the area since zoning was adopted, and which warrants changing the zone and
 - c. Whether the zoning adopted for the area was in error.
 4. Within forty (40) days of the Board of County Commissioners hearing, the Board shall file findings and the decision in the Office of the County Clerk and submit a copy thereof to the Planning Commission.
 5. The County Clerk shall maintain records of amendments to the text and map of this ordinance in a form convenient for use by the public.

Section 9.030. Limitation. No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Planning Commission within the one year (1) period immediately following a previous denial of such request, except the Planning Commission may permit a new application, if in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

ARTICLE 10. ADMINISTRATIVE PROVISIONS

Section 10.010. Administration. The Planning Department shall have the power and duty to enforce the provisions of this ordinance.

Section 10.020. Appeals.

1. An appeal from a ruling of the Planning Department regarding

- a requirement of the ordinance may be made only to the Planning Commission within fifteen (15) days after such action by the Planning Department. Any action or ruling of the Planning Department shall become final fifteen (15) days after approval or disapproval is given or ruling is made unless the decision is appealed to the Planning Commission. If appealed the Planning Commission shall consider the appeal at a public hearing within 40 days after the appeal has been filed.
2. An action or ruling of the Planning Commission pursuant to this ordinance may be appealed to the Board of County Commissioners within fifteen (15) days after the Planning Commission has rendered its decision. If the appeal is not filed within the fifteen (15) day period, the decision of the Planning Commission shall be final. If the appeal is filed, the Board of County Commissioners shall within forty (40) days receive a report and recommendation thereon from the Planning Commission including findings of the Planning Commission, and actions recommended thereby to the Board of County Commissioners and shall hold a public hearing on the appeal.
 3. Written notice of an appeal shall be filed in the Planning Department.

Section 10.030. Form of Petitions, Applications, and Appeals. All petitions, applications, and appeals provided for in this ordinance shall be made on forms prescribed by the County. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the sizes and locations on the lot of the buildings and other structures, existing and proposed, the existing and intended use of each building, structure or part thereof, the number of families, if any, to be accommodated thereon, and such other information as is needed to determine conformance with this ordinance.

Section 10.040. Filing Fees. The following fees shall be paid to the Planning Commission upon the filing of an application. Such fees shall not be refundable.

1.	Amendment proposed by property owner	\$50.00
2.	Conditional use permit request	15.00
3.	Variance request	15.00
4.	Appeal to Board of County Commissioners	15.00
5.	Appeal to Planning Commission	15.00
6.	All other public hearings	15.00

Section 10.050. Notice and Procedure for Public Hearings.

1. When the Planning Commission is required to hold a public hearing, notice of the hearing shall be given in the following manner:
 - a. Each notice of a public hearing for any purpose except to change the text of the zoning ordinance shall be published in a newspaper of general circulation in the County at least ten (10) days prior to the date of the hearing. In addition,

at least ten (10) days prior to the date of the hearing, notices shall be mailed to all owners of property within 250' of the exterior boundary of the property for which the application is made. For this purpose the name and addresses of the owners as shown on the records of the County Assessor may be used.

- b. Each notice of a public hearing regarding an amendment to the text of this ordinance shall be published at least three (3) times in a newspaper of general circulation in the county during the three (3) weeks just before the hearing.
2. When the Board of County Commissioners is required to hold a public hearing, notice of the hearing shall be given in the following manner:
 - a. Each notice of a hearing on an amendment to modify or change an existing zone on a zoning map shall be published in a newspaper of general circulation in the County at least ten (10) days prior to the date of the hearing. In addition, at least ten (10) days prior to the hearing, notices shall be mailed to all owners of property within 250' feet of the exterior boundary of the property for which the application is made. For this purpose the names and addresses of the owners as shown on the records of the County Assessor may be used.
 - b. Each notice of a hearing on an appeal authorized by this ordinance shall be published in a newspaper of general circulation in the County at least 10 days prior to the hearing.
 3. In considering an amendment to a zoning map, the Planning Commission and Board of County Commissioners shall make findings of fact as follows:
 - a. Whether the change is in accord with the Land Use Plan for the area, and
 - b. Whether there has either been a substantial change in the character of the area since zoning was adopted, and which warrants changing the zone, and
 - c. Whether the zoning adopted for the area was in error.
 4. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
 5. The Planning Commission and/or the Board of County Commissioners may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 10.060. Notification to Cities. when a conditional use or amendment request to the Planning Commission requires a public hearing, each incorporated city within two (2) miles shall be notified of the request.

Section 10.070. Authorization of Similar Uses. The Planning Commission may permit in a particular zone a use not listed in this ordinance, provided the use is compatible to the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed, a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

Section 10.080. Procedure for Planning Department Consideration.

1. Application for variance or conditional use approval is submitted to the Planning Department.
2. The Planning Department will give notice of the request to local, State and Federal agencies having interests or ordinances applicable to the request.
3. Within thirty (30) days after the application is made, the Planning Department shall notify the applicant whether his request has been approved or disapproved, based on the approval or disapproval of those agencies or staff members having interests or ordinances applicable to the request.
4. Within five (5) days after the Planning Department approves or disapproves the request, the applicant will be so notified.
5. At the time the applicant is notified of approval of his request, all property owners within 250 feet of the property in question will also be notified.
6. The Planning Department approval or disapproval will become final ten (10) days after notification has been given unless an appeal is made and filed along with the proper fee to the Planning Department.
7. Should the Planning Department decision be appealed, a public hearing will be set to consider the appeal at the next regularly scheduled Planning Commission meeting according to the provisions set forth in Section 10.050 of this ordinance.
8. On an appeal the Planning Department shall provide the Planning Commission a report, including the findings of fact on a recommendation.

Section 10.090. Procedure for Planning Commission Action At a Public Hearing.

1. The Planning Commission in considering an appeal from the Planning Department shall make findings of fact consistent with the requirements of this ordinance pertaining to the matter on appeal and the Comprehensive Plan for the County.
2. The Planning Commission shall make findings of fact in considering items other than appeals and amendments when a public hearing is held, and when action is taken on a

- Change of a Non-conforming Use.
3. The Planning Department shall make a record of any public hearing held by the Planning Commission.
 4. The Planning Commission shall not approve or allow a request for which the findings of fact are not in conformance with the Comprehensive Plan for the County and the requirements of this ordinance.

Section 10.100. Procedure for Action by Board of County Commissioners.

1. The Board shall hold a public hearing on an appeal from the Planning Commission within 40 days of receiving the Report and Recommendation from the Planning Commission.
2. The Board in considering an appeal from the Planning Commission shall make findings in fact consistent with the requirements of this ordinance and consistent with the Comprehensive Plan for the County.
3. The Board shall not approve or allow a request for which the findings of fact are not in conformance with the Comprehensive Plan for the County and the requirements of this ordinance.
4. The Board shall make a record of any public hearing held in consideration of an item pertaining to this ordinance.
5. The Board shall have their decision made in writing, and recorded in the clerks office within 40 days of the first day of a public hearing.

ARTICLE 11. MISCELLANEOUS PROVISIONS

Section 11.010. Interpretation. Where the conditions imposed by any provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinance, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 11.020. Severability. The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

ARTICLE 12. REMEDIES

Section 12.010. Title, Purpose, and Applicability. The purpose of this Article is to ensure compliance with the zoning regulations. These provisions shall apply to the enforcement of the zoning regulations, but shall not be deemed exclusive.

Section 12.020. Official Action. All officials, departments, and employees of Lincoln County vested with authority to issue permits, certificates, or licenses, shall adhere to and require conformance with the regulations of this ordinance.

Section 12.030. Inspection and Right of Entry. Whenever any official department or employee of Lincoln County shall have cause to suspect a violation of any provision of the zoning regulations, or when necessary to investigate an application for or revocation of any zoning approval under any of the procedures prescribed in this Ordinance, officials responsible for enforcement or administration of this Ordinance, or their duly authorized representatives, may enter on any site or into any structure for the purpose of investigation, provided they shall do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant. No owner or occupant or agent thereof, shall after reasonable notice and opportunity to comply, refuse to permit such entry.

Section 12.040. Building Official. It shall be the duty of the Building Official of Lincoln County and/or the Lincoln County Planning Department to enforce the provisions of this Ordinance pertaining to land use and to the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, use, height, area and enactment of this Ordinance shall not invalidate any prior, existing or future prosecutions for violation of the zoning regulations committed under previous, applicable County Ordinance then in effect.

Section 12.050. Abatement. Any use which is established, operated, erected, moved, altered, enlarged, or maintained contrary to the regulations of this ordinance shall be and is hereby declared to be unlawful and a public nuisance, and may be abated as such in the following manner:

1. Within ten (10) days after notification of a violation of this ordinance the Planning Department shall notify the property owner that such a violation exists.
2. Where the violation does not involve a structure, action to rectify such shall be made within thirty (30) days.
3. Where the violation involves a structure, action to rectify such shall be made within sixty (60) days.
4. If no action has been taken within the specified time, the Planning Department will request the District Attorney to take such action as necessary to rectify the violation.

Section 12.060. Legal Proceedings by District Attorney. The District Attorney, upon request, shall institute any necessary legal proceedings to enforce the provisions of this Ordinance.

Section 12.070. Enforcement by County Sheriff. The County Sheriff and his authorized representatives shall have the power, upon request, to assist in the enforcement of the provisions of this Ordinance.

Section 12.080. Violation and Penalties. Any person, firm or corporation violating any provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by fine of not more than \$500 or by imprisonment for

a period not to exceed one hundred (100) days, or both such fine and imprisonment.

Section 12.090. Each Day a Separate Offense. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this Ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable therefor as provided for in this Ordinance, any use, occupation, building or structure maintained contrary to the provision hereof shall constitute a public nuisance.

ARTICLE 13. DEVELOPMENT GUIDELINES

Section 13.010. Intent. The intent of development guidelines is to provide procedures necessary to secure the desirable attributes of the County from depletion, and to protect against hazardous or otherwise undesirable development activities.

Section 13.012. Scope. Development guidelines shall apply to those areas of concern delineated on either Zoning Maps of the Comprehensive Plan of the County or parts thereof.

Section 13.020. Soils Limitations. The following development guidelines are related but not limited to U.S. Department of Agriculture, Soil Conservation Service soils information maps and/or aerials prepared by the Lincoln Soil and Water Conservation District.

1. **Purpose.** Various soils types have different characteristics with respect to permeability, compaction, slope, erosion, etc. Each of the different soils is therefore differently suited for development. The following development guidelines have been included to recognize the soils limitations for such.
2. **Areas of Concern.** Limitations for subsurface sewage disposal and structural suitability have been shown in areas of potential urban development on County Land Use Plans wherever such limitations become moderate/severe or severe on a scale which includes slight, slight/moderate, moderate, moderate/severe and severe.
3. **Considerations.** In addition to subsurface sewage disposal, and structural suitability, other limitations considered may be related to road construction and maintenance, dikes, levees, or pond embankments, terraces and diversions, sanitary landfills or sewage lagoons or recreation interpretations. Such limitations may be taken into account by the Planning Commission to determine the suitability and desirability of uses proposed on various soils types.
4. **Procedure.** The following procedure shall be followed in determining the suitability and desirability of development proposed in areas having soils limitations for such:

a. Statement of Limitations. Requestors of development approval within areas having soils limitations may be required by the Planning Commission or Planning Department to submit a statement as to how such limitations have been recognized in the proposal. Such statement may be required to include the following.

- (1) The extent and causes of the limitations.
- (2) The provisions proposed to overcome the limitations.
- (3) A certified declaration as to the on going responsibility of the developer should such limitations be of a nature whereby possible future danger may exist. Such declaration should include the developers intent to continue ownership and what provisions might be made to either continue or absolve responsibility should the development be sold.
- (4) Additional material as determined by the Planning Commission or Planning Department, to be desirable to make a determination as to the acceptability of the statement.
- (5) The name and qualifications of that person or persons determining the extent and causes of the limitations as well as the provisions proposed to overcome such.

b. Review of Statement of Limitations. The Statement of Limitations will be considered by the Planning Commission or Planning Department prior to development approval. In making findings with respect to the acceptability of the statement, the Planning Commission or Planning Department may confer with related local, State or Federal agencies or interests having expertise or jurisdiction in such areas.

If the findings of the Planning Commission or Planning Department are that the requested development approval appears to adequately recognize the extent, causes, and provisions necessary to overcome recognized soils limitations; if the provisions for continuance of developer responsibility are satisfactory; and if the qualifications of that person or persons certifying the various inclusions in the statement are acceptable, approval or favorable recommendations will be given to the request.

Failure of the Planning Department or Planning Commission to accept or approve statements of limitations and therefore, the related development can be resolved according to appeals procedures.

Section 13.030. Geological Hazards. The following development guidelines are applicable to geological hazards identified in the State Department of Geology and Mineral Industries study of Lincoln County or by other means.

1. Purpose. Various geological formations have different characteristics with respect to suitability for development because of faults, flood or landslide potential, high groundwater, streambank, beach or headland erosion, etc. The following development guidelines have been prepared in order that geological hazards will be recognized and the losses resulting therefrom will be lessened.
2. Areas of Concern. The primary areas of concern are active landslides, flooding, high groundwater, beach erosion and others. Such hazards may be shown on the Comprehensive Plans of the County or on a planning interpretation of the geological information assembled in the above-mentioned study, or may be determined by other means. The severity of the hazard is determined by the potential land use provided for in the County Comprehensive Plan.
3. Considerations. The most important consideration with respect to geological factors are:
 - (1) That development approved is not hazardous to buildings, structures or the inhabitants thereof,
 - (2) That protection to unsuspecting purchasers of property having geological hazards is provided, and,
 - (3) That unjustified expenditure of public funds for losses incurred due to geological hazards resulting in damage of development which should not have been approved initially, is prevented.
4. Procedures. The procedure for determining the suitability and desirability of development proposed in areas having geological hazards shall be the same as the procedure for areas having soils limitations.

Section 13.040. Scenic Roadways and Scenic Corridors. The following development guidelines shall apply to scenic roadways and scenic corridors identified on County Land Use Plans.

1. Purpose. The visual quality of Lincoln County which makes it a desirable location to visit and in which to reside is important to the residents of the County from physical and social as well as economic viewpoints. The following development guidelines have been prepared to insure that such visual attractiveness will not be destroyed.
2. Areas of Concern: Areas adjacent to the main highways

in the County, may be designated as scenic roadways on Land and Water Use Plans of County areas. Areas in the County which have important visual significance may be designated as scenic corridors on Land and Water Use Plans of areas in the County.

3. Considerations. The following list indicates some of the considerations which should be recognized as developing areas adjacent to scenic roadways and within scenic corridors.

- a. Maintaining natural vegetation wherever possible.
- b. Landscaping areas where vegetation is removed and neither structures nor roads have been constructed, and erosion might result.
- c. Screening unsightly land uses, preferably with natural vegetation or landscaping.
- d. Limiting rights-of-way widths and numbers of roads intersecting scenic roadways to the minimum needed to safely and adequately serve the uses to which they connect.
- e. Limiting signs in size and design so as not to distract from the attractiveness of the area.
- f. Utilizing designs and materials which enhance the beauty of the coast.
- g. Siting developments to be compatible with surrounding area development, and recognizing the natural characteristics of the location.
- h. Limiting excavation and filling only to those areas where alteration of the natural terrain is necessary, and revegetating such areas as soon as possible.
- i. Protecting wildlife and marinelif habitats.
- j. Protecting water quality, and limiting filling or structural encroachment into natural waterways including floodways.
- k. Protecting vistas and other views which are important to be recognized because of their limited number and importance to the visual attractiveness of the area.
- l. Concentrating commercial developments in areas where adequate parking and public services are available, and discouraging strip commercial development.
- m. Recognizing scenic views in determining timber harvest practices and reforestation techniques used within scenic corridors.

4. Procedure. The following procedure shall be followed in determining the suitability and desirability of development being proposed in areas affected by designated scenic roadways or scenic corridors:

- a. Scenic Roadway Considerations: Requestors of development proposed adjacent to, or having direct visual exposure to a scenic roadway may be required to submit along with any subdivision, conditional use, rezone,

variance or building permit request a detailed diagram and/or a written statement as to how the proposed activity takes into account each of the applicable visual considerations which should be recognized in development of areas along scenic roadways.

- b. Scenic Corridors. Requestors of approval for any subdivision, or partitioning of land or the creation of any multi-family permanent or transient residential use, or any commercial or industrial use proposed in a location having a significant visual area of development, as indicated on land use plans for the County, may be required to submit along with any request for building permit or development statement as to how the proposed activity takes into account each of the applicable visual considerations which should be recognized in development within scenic corridors.
- c. Review. Statements and diagrams of recognition of visual considerations submitted along with requests for development will be reviewed in the following manner:

- (1) Building Permits Approval. For development proposed which has impact only to the immediate area, as determined by Planning Department, the above mentioned statements and diagrams will be reviewed by the Planning Department as part of Building Permit approval procedures: If the proposed development appears to adequately recognize the applicable visual considerations outlined above, the Building Permit will be approved. If questions are raised regarding recognition of such considerations, a meeting date shall be set by the Planning Department with the requestor to discuss the areas of question. If such questions can be resolved satisfactorily, the Building Permit will be approved.

For development proposed which has an impact greater than the surrounding vicinity, as determined by the Planning Department, or for development proposed which the Planning Department, cannot satisfactorily resolve questions regarding recognition of visual considerations, the requests will be referred to the County Planning Commission for resolution.

- (2) Other Approvals. Statements and diagrams of visual consideration for subdivision, land partitioning, rezones and other development activities which do not require building permit approval shall be reviewed by the Planning Department for those activities which have an

impact only to an immediate area. If the Planning Department determines such considerations are satisfactorily recognized, requests will be approved for those decisions which this ordinance authorizes.

If such proposal is determined by the Planning Department to have an impact greater than the surrounding vicinity; if the Planning Department is not authorized to make a decision on the matter; or if agreement is not reached between the requestor and the Planning Department that the considerations have been satisfactorily recognized, the item will be referred to the Planning Commission for resolution.

Section 13.050. Airport Areas. The following development guidelines are applicable to those areas in close proximity to airports within the County, and particularly in approach pattern areas.

1. Purpose. Since airports are an important community asset and investment, they must be protected from encroaching incompatible uses which may subsequently have a deleterious effect on the expansion or future operation of the facility. These development guidelines have been prepared in order to achieve the potential of all airports. The operation of such should not be placed in jeopardy or be limited by future noise or other standards being enacted to provide for the safety and health of structures and inhabitants which should initially have been limited or prevented from locating in close proximity to the airport facility.
2. Areas of Concern. At the present time there are four airport or landing facilities in the County which warrant the provision of some means of protection. They are located at Siletz Bay, Toledo, Newport, and Waconda Beach. Areas of concern around each of these facilities will be delineated on County Zoning maps by the Planning Commission working with the State Board of Aeronautics and the County Airport Planning Committee.
3. Considerations. The most important areas of concern are to provide for the continuance of each airport facility, and to insure that provisions for expansion will not be limited by avoidable complications due to other uses being developed in the area. In determining the suitability of proposed area uses, consideration should be given as to how such uses might be affected by increased noise levels, aircraft take-offs and landings (either routine or emergency) expansion of runways or related operations, and increased air traffic and airport related development.
4. Procedure. Upon delineation of areas of airport influence on County Zoning Maps, requests for multi-family, commercial, industrial, or any other development within such areas determined by the Planning Department to have a likely effect on, or be affected by an airport, shall

be considered as a conditional use, and processed according to conditional use procedures.

The requestor of any rezone in which a parcel proposed for rezoning is within the area of airport influence shall, prior to Planning Commission consideration, arrange with the Planning Department to have a meeting scheduled with the County Airport Committee to determine possible effects of such rezone and proposed development at that location. The results of such meeting shall become a part of the Planning Department report on the zone change.

ARTICLE 14. EFFECTIVE DATE

Effective Date. Inasmuch as the provisions herein contained are necessary for the preservation of the peace, health and safety, of the inhabitants of all zoned areas within Lincoln County, an emergency is hereby declared to exist and this ordinance shall be in force and effect upon its enactment.

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