

**EXHIBIT C – DRAFT 5/29/10
PLANNING COMMISSION RESOLUTION PC 10 08 ZC 02**

**Draft Amendments to Florence City Code Text and Zoning
Map for Consistency with the 2010 Florence Parks and
Recreation Master Plan**

The following amendments are proposed.

- Florence City Code Text Amendments
- Florence City Zoning Map Amendments

Florence City Code Text Amendments

The following amendments are proposed to Florence City Code Text.

1. Title 11: Subdivision and Land Use Development Regulations
2. Title 10: Zoning Regulations

Deletions are shown in strike out and additions in double underline.

1. Amend Florence City Code Title 11, Subdivision and Land Use Development Regulations as follows:

Chapter 1: SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

11-1-1: PURPOSE: The Purpose of this Title is:

- B: To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, parkland, multi-use paths and trails, recreation and other needs of the people of the city; to prescribe procedures to be followed in submitting plans and plats of subdivision for approval.

11-1-3: DEFINITIONS:

Dedicate/Dedication. The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property has been committed.

Easement. A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public.

Multi-Use Path. A paved 10- to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users.

Multi-Use Trail. An unpaved path that accommodates all-terrain bicycles; shared with pedestrians.

Recreation and Park Areas, Facilities, and Opportunities. Provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seating areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities.

Open Space. Any publicly or privately owned land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include intermittent lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas.

Parkland. Land that meets, or will be restored or improved to meet, the definition of either "Open Space" or Recreation Areas, Facilities, and Opportunities" in Florence City Code Title 11.

Recreation Needs. Existing and future demand by citizens and visitors for recreation areas, facilities and opportunities.

Chapter 4: MAJOR PARTITION MAP, PLAT PROCEDURE

11-4-2: REQUIREMENTS:

- B. Information Required: The application itself, or the proposed subdivision plat or the major partition map, must contain the following with respect to the subject area:
- 13: Designation of all donations to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the subdivision or major partition.

11-4-4: APPROVAL OF MAP, PLAT: ...Approval shall be granted provided affirmative findings can be made that:

- E: The plat or map contains a donation to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the subdivision or major partition.

Chapter 5: PLATTING AND MAPPING STANDARDS

11-5-2: LOTS AND PARCELS

B: Exceptions:

1. The Planning Commission may, in its discretion, authorize the relaxation of the lot size and frontage requirements specified herein where the applicant submits a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and park area which was used as a credit against recreation land or fees required by code and will be commonly available for recreation and park purposes to the residents of the subdivision or partition,....
2. **Amend Florence City Code Title 10, Zoning Regulations as follows:**

Chapter 1: ZONING ADMINISTRATION

10-1-4: DEFINITIONS:

DEDICATE/DEDICATION. The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property has been committed.

EASEMENT. A grant of the right to use a strip of land for specific purposes. A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public.

MULTI-USE PATH. A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users.

MULTI-USE TRAIL. An unpaved path that accommodates all-terrain bicycles; shared with pedestrians.

OPEN SPACE. Any publicly or privately owned land that is retained in a substantially natural condition or is improved for recreational uses such as golf courses, hiking or nature trails or equestrian or bicycle paths or is specifically required to be protected by a conservation easement. Open spaces may include intermittent lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers. Open space does not include residential lots or yards, streets or parking areas.

PARKLAND. Land that meets, or will be restored or improved to meet, the definition of either "Open Space" or Recreation Areas, Facilities, and Opportunities" in Florence City Code Title 10.

RECREATION AND PARK AREAS, FACILITIES, AND OPPORTUNITIES. Provide for human development and enrichment, and include but are not limited to; open space and scenic landscapes that provide a place for people to exercise and

interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seating areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities.

RECREATION NEEDS. Existing and future demand by citizens and visitors for recreation areas, facilities and opportunities.

RESTING AND PASSING SPACE. A turnout from a trail or path, wheelchair rest spots, trash containers, landscape and/or shelter facilities, or interpretive displays.

Chapter 13: MULTI-FAMILY RESIDENTIAL DISTRICT

- I. Open Space: Refer to section 10-36 of this Title for requirements. Those multi-family developments not subject to 10-36 or who provide payment in lieu shall at a minimum provide the following which shall be credited towards payment in lieu requirements:

Each multiple-family development shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

1. Not less than twenty feet (10') in width or depth at any point.
2. Located on land with less than a five percent (5%) slope.
3. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.
4. Not used for temporary or regular parking of automobiles or other vehicles.
5. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)

Chapter 23: PLANNED UNIT DEVELOPMENT (PUD)

10-23-2: DEFINITIONS:

~~COMMON OPEN SPACE: An area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.~~

NET DEVELOPMENT AREA: Area of property exclusive of public or private roads, or parkland.

PUBLIC IMPROVEMENTS: Include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.

10-23-3: DEVELOPMENT OPTIONS: A PUD may include any of the following land uses, either singly or in combinations when they are compatible with each other and blend harmoniously with adjacent uses:

A. For the Restricted Residential District:

1. Residential units at the density of one unit for every nine thousand (9,000) square feet of building site, exclusive of private and public roadway and dedicated parkland:
 - a. Single-family dwellings.
 - b. Duplexes.
 - c. Multiple-family dwellings.
 - d. ~~Common public or private open space.~~
 - e. Open Space and Recreation and Park Areas, ~~public and private nonprofit parks, playgrounds, community centers, recreational facilities, lakes and waterways.~~

B. For all other districts:

- a. All uses normal to the designated zoning district.
- b. Open Space and Recreation and Park Areas ~~Recreational uses, such as a golf course, private park, recreational building, club house or social hall.~~
- c. Commercial uses.
- d. Temporary use of vacant lots for RV use. (Ord 12, 1998)

10-23-5: DEVELOPMENT STANDARDS: To insure that a PUD fulfills the intent of this Chapter, the following standards shall apply.

G. Open Space, Recreation and Park Areas shall be provided and suitably improved for their intended use. Area provided shall be at least 20% of the net development area or the parkland dedication required in FCC 10-36-9, whichever is greater. The standards for dedicated parkland in FCC 10-36-9 shall apply to PUDs. Open Space: 20% of the net development area shall be open space, shown as either public easement area or common open space.

- ~~1. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the common open space.~~
- ~~2. The development schedule which is part of the development plan shall coordinate the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the planned unit development.~~
- ~~3. If buildings, structures or other improvements are to be made in the common open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. In this case, the City Council shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.~~

10-23-11: APPROVAL OF THE FINAL DEVELOPMENT PLAN:

2. Final development plans shall include plans for proposed:
 - a. Storm drainage.
 - b. Sewer and water utilities.
 - c. Streets and pedestrian ways.
 - d. Preliminary subdivision plan, if property is proposed to be divided.
 - e. [Open Space and Recreation and Park Areas to be dedicated to the public or held in Homeowner Association ownership.](#)

Chapter 36: PUBLIC FACILITIES

Add a new Section 9, as follows:

10-36-9: PARKLAND DEDICATION AND IN-LIEU PARK FEES:

A. Purpose:

For the purpose of promoting health, safety, and the general welfare of City residents, this section provides for the provision of parkland for recreational opportunities and/or open space for passive recreational use for Florence residents. The required parkland provision serves the following specific purpose:

1. To address the Community Needs identified in the 2010 Florence Parks and Recreation Master Plan (Master Plan) and to ensure that park land and open space are provided to meet the needs of residents of new residential developments consistent with the standards in the Master Plan.

B. Applicability:

The provisions of this section apply to the following:

1. Land divisions that result in 3 or more lots or parcels; and
2. Residential developments on a single lot that contain four or more dwellings.

C. Parkland Required:

1. As a condition of approval for a tentative plan or design review, the developer, partitioner, or subdivider shall provide land, pay a fee in lieu thereof, or both, for neighborhood park purposes at the time and according to the standards and formula contained in Section 9 of this Chapter. In the case of payment of fees, the fees shall be paid prior to building permit issuance and, in the case of a subdivision, prior to plat recording.
2. Areas smaller than one acre for new public parkland is impractical. If less than one acre of public parkland is proposed, unless the dedication will add on to an existing park area within or adjacent to the development site, the developer shall be required to pay the applicable In Lieu of Park Fees provided by subsection E, rather than to dedicate any land area.

3. Credit for private parklands.
 - a. Where parks and playgrounds, including improvements, are to be provided in a proposed subdivision, and are to be privately owned and maintained by the future residents of the subdivision, such areas and improvements shall be credited towards the requirements set forth in FCC 10-36-9.
 - b. Private parklands shall be subject to the same formula and standards as parklands dedicated to the City, except that the formula for PUDs shall meet the requirements in FCC 10-23.

D. Formula and Standards for Providing Parkland

1. The partitioner, subdivider or developer shall provide parkland sufficient in size and topography that bears a reasonable relationship to serve the present and future recreation needs of the future residents of the subdivision or development.
2. The amount of land to be provided shall be calculated using the following formula:

$$\text{PDU} \times \text{Level of Service Standard} \times \text{DUs} = \text{Parkland Acres}$$

Where:

- PDU is the Average Number of Persons per Dwelling Unit in the Florence city limits reported in the most recent Decennial US Census
 - Level of Service Standard is the number of acres of parkland per person specified in the Florence Parks and Recreation Master Plan (Parks Plan); and
 - DUs is the Number of Dwelling Units that will be built as a result of the land division or residential development
3. Ownership and Maintenance Requirements. Land provided for parkland shall be owned and maintained in one or more of the following ways:
 - a. Dedicated to, and accepted by, the City;
 - b. Privately owned, developed, and maintained by the property owner or Home Owners Association. Private parkland will be shown as a parkland easement on the final plat or plan ;
 - c. Owned and maintained by a land conversation entity, such as The Nature Conservancy;
 4. Parkland provided shall include one or more of the following:
 - a. Open Space that preserves a natural, historic, scenic, archeological, or cultural resource identified in a City planning document including but not limited to the Comprehensive Plan, Parks and Recreation Plan, Wetland and Riparian Area Plan, Stormwater Management

Plan, Source Water Protection Plan, Transportation System Plan, or Visual Management Plan. Open Space shall be managed to achieve the following:

- 1) remain in a near natural state;
 - 2) preserve areas of sensitive habitat and significant wetlands;
 - 3) control for noxious weeds and hazards such as wildland fire and hazard trees;
 - 4) incorporate a combination of public trails, trail connections, seating, picnicking and interpretive areas, including trails or paths connecting open space to public or private streets.
- b. Neighborhood Park as defined in Comprehensive Plan Chapter 8, which shall conform to the following standards:
- 1) Three (3) acres or greater in size unless the opportunity for this size is not feasible or required (size requirement can be achieved through adjacent site dedication anticipated to be developed at a future date)
 - 2) Centrally located within the proposed subdivision or adjacent to other planned or existing park or open space;
 - 3) Access to at least one existing or proposed street is provided;
 - 4) Accessible to bicycle and pedestrian trails where possible; and
 - 5) At least fifty (50) percent of the park shall have two (2) percent or less slope to accommodate playing fields.
- c. Multi-use path corridor if such a corridor is determined by the Public Works Department and approved by Planning Commission to have a recreational, educational, aesthetic, experiential and transportation purposes; such facility shall be provided as twenty (20) foot wide dedications or easements. Provide 10' setbacks for structures other than fences adjacent to the corridor shall be a minimum of ten (10) feet. reflect the character of the surrounding area, incorporate methods to provide buffering, including trail location and physical buffers such as plants, distance, grade separation or other means, as deemed appropriate by the Planning Commission.
- d. For multiple family developments a courtyard of less than one-half (1/2) acre can be created provided the courtyard shall be part of a common area dedicated to a private homeowners' association or owned and maintained by the owner; or
- e. Open Space that provides a golf course or other similar recreation resource. This parkland shall provide access to the residents through a combination of adjacent trails or paths and trail connections and provide for seating, picnicking, and trails or paths connecting open space to public or private streets
- f. Provides for other parks, open space, or recreation needs or designs which meet the intent of this section and meet the goals of the Florence Parks and Recreation Master Plan and the Florence 2020 Realization Comprehensive Plan, and other applicable area plans.

5. The following areas will not count toward the parkland dedication:
 - a. Hillside over twenty-five (25) percent slope;
 - b. Land in the floodway, floodplain, or required riparian or wetland buffer, unless elements of 4a above are incorporated;
 - c. Roadside ditches;
 - d. Monument entry areas and central landscaped boulevards;
 - e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events; and
 - f. Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland.
 - g. Yards, court areas, setbacks, and other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.

6. The location and type of parkland shall meet a need identified in the Florence Parks and Recreation Master Plan.

7. Required Improvements. On parklands to be provided or dedicated the applicant shall provide the following without credit:
 - a. Full street improvements and utility connections including but not limited to curbs, gutters, street paving, traffic-control devices, street trees and sidewalks to parkland;
 - b. Fencing along the property line of that portion of the subdivision or residential development contiguous to the parkland.
 - c. Improved drainage through the parkland site;
 - d. Other minimal improvements which the Planning Commission determines to be essential to the acceptance of the land for recreation purposes.
 - e. For PUD parkland: the open space for which credit is given shall include a combination of recreation improvements that will meet the specific recreation park needs of the future residents of the area. At a minimum in addition to open space and trails one or more of the following shall be provided:
 1. Recreational open spaces, which are generally defined as park areas for active recreation pursuits such as soccer, golf, baseball, softball, with less than two percent slope;
 2. Court areas, which are generally defined as tennis courts, badminton courts, shuffleboard courts, or similar hard-surfaced areas especially designed and exclusively used for court games;
 3. Recreational swimming areas, which are defined generally as fenced areas devoted primarily to swimming, diving, or both, including decks, lawned area, bathhouses, or other facilities developed and used exclusively for swimming and diving and consisting of no less than fifteen square feet of water surface area for each three percent of the population of the subdivision;
 4. Recreation buildings and facilities designed and primarily used for the recreational needs of the residents of the development;

E. Formula for Fee in Lieu

1. General Formula. Where there is no park or recreation facility designated in the Florence Park and Recreation Master Plan in whole or in part within the proposed subdivision or dwelling unit project, or in subdivisions of fifty parcels or less, the subdivider shall, in lieu of dedicating land, pay a fee equal to the value of the land prescribed for dedication, plus twenty percent towards off-site improvements. However, nothing in this section shall prohibit the dedication and acceptance of land for park and recreation purposes in subdivisions of fifty parcels or less, where the subdivider proposes such dedication voluntarily and the land is acceptable to the city. The amount of the in-lieu fee shall be determined for a local park which bears a reasonable relationship to serve the present and future residents of the area being subdivided.
2. Fee in-lieu of land dedication shall be equal to the fair market value of the amount of land that would have been required to be dedicated. For the purpose of these regulations, the fair market value is the value of the unsubdivided, unimproved land based upon the zoning designation that will apply to the proposed subdivision (i.e. the existing zoning, if the subdivision application is not accompanied by a rezoning request or the new proposed zoning if the subdivision application is accompanied by a rezoning request). Fair market value shall be determined by a Oregon State certified general real estate appraiser hired and paid for by the subdivider. The appraiser shall consider, but not necessarily be limited to, the following: approval of and conditions of the tentative subdivision map, zoning, property location, off-site improvements facilitating use of the property, site characteristics of the property. A copy of the appraisal shall be provided to the governing body for calculating the fee-in-lieu donation prior to final plat approval. For purposes of this Regulation, appraisals are valid if prepared within six (6) months of the date of the governing body's preliminary plat approval.
3. Use of Money. The money collected shall be used only for the purpose of acquiring necessary land and developing new or rehabilitating existing park or recreational facilities in the area serving the subdivision. Fees required under this chapter shall be conveyed or paid directly to the city. The fees shall be deposited into a subdivision park trust fund, or other similar fund. Moneys in said fund, including accrued interest, shall be expended solely for the acquisition or development of park land or improvements related thereto.
4. When a major part of the local park or recreation site has already been acquired by the city or any other governmental agency and only a portion of land is needed from the subdivision or project to complete the site, such remaining portion shall be dedicated for local park purposes. Additionally, a fee shall be paid in an amount equal to the value of the land, plus twenty percent toward costs of off-site improvements, which would otherwise have been required to be dedicated. Such fees are to be used for the improvement of the existing park and recreation facility.

F. Credit for Parkland Dedication towards meeting Multi-family landscaping Standards

Projects that are subject to the landscaping requirements under Chapter 34 will receive credit for any parkland dedication approved on-site towards the fulfilling the landscaping requirement. Parkland must meet the design standards above and projects must still meet the standards required under Chapter 34 which include parking lot and street frontage landscaping, buffering and screening requirements.

FLORENCE CITY ZONING MAP AMENDMENTS

Amend the Zoning Map to change the Zoning Classification for the following properties to achieve consistency with the current use of the property. In most cases, these changes result in a Zoning classification of “Open Space” for publicly-owned lands. These changes are shown in Map C-1 of this Exhibit C and are described as follows:

- Area #1:** Rezone the Meares Street right-of-way from Commercial to Public Open Space.
- Area # 2:** Rezone Hurd Memorial Park from Restricted Residential to Open Space.
- Area # 3:** Rezone Rolling Dunes Park from Mobile Home / Manufactured Home to Open Space.
- Area # 4:** Rezone the property containing the City owned water towers located near Sandpines Golf Course & the northern portion of Pepperoaks Park from Multiple Family Residential to Open Space. Rezone the southern portion of Pepperoaks Park from Mobile Home to Open Space.
- Area # 5:** Rezone Pacific Pines Greenway and the parcel south of Pacific Pines Greenway owned by Lane County from Single Family Residential to Open Space.
- Area # 6:** Rezone Munsel Creek Road Pocket Park from Restricted Residential to Open Space.
- Area # 7:** Rezone the northwest parcel of Munsel Creek Greenway and the 29th Street trailway from Single Family Residential to Open Space. Rezone Willow Dunes Greenway from Restricted Residential to Open Space.
- Area # 8:** Rezone the northern parcel of Miller Park from Mobile Home/Manufactured Home to Public Open Space. Rezone the central parcel of Miller Park from Commercial to Public Open Space.
- Area # 9:** Rezone 18th Street Pocket Park from Restricted Residential to Public Open Space. Rezone the southern portion of Munsel Creek Bike Path, South Munsel Creek Park Lands, and the eastern portion of

Gallaghers Park from Multiple-Family Residential to Public Open Space. Rezone the northwest portion of Gallagher's Park from Commercial to Public

- Area # 10:** Rezone the northern half of the 12th Street right-of-way from Single Family Residential to Public Open Space. Rezone the southern half of the 12th Street right-of-way and the western half of the Ivy Street right-of-way from Professional Office / Institutional to Public Open Space. Rezone the eastern half of the Ivy Street right-of-way from Single Family Residential to Public Open Space.
- Area # 11:** Rezone the South Rhododendron Beach Access and 1st and Ivy Park Lands from Restricted Residential to Open Space.
- Area # 12:** Rezone the Veteran's Memorial Park and Old Town Park from Old Town to Open Space.

City of Florence

Exhibit C - Map 1

Parks and Recreation Master Plan

Proposed Zoning Changes

Area # 1
Commercial to
Open Space

Area # 2
Restricted Residential to
Open Space

Area # 3
Mobile Home
to Open Space

Area # 4
Multiple Family Residential
& Mobile Home
to Open Space

Area # 5
Single Family Residential
to Open Space

Area # 6
Restricted Residential
to Open Space

Area # 7
Single Family Residential,
& Restricted Residential
to Open Space

Area # 8
Mobile Home &
Commercial
to Open Space



























Area # 9
Restricted Residential,
Multiple Family
Residential, &
Commercial
to Open Space

Area # 10
Single Family Residential,
Professional Office/Institutional, &
Multiple Family Residential
to Open Space


Area # 11
Restricted Residential
to Open Space

Area # 12
Old Town
to Open Space


Zoning Districts

Residential  Restricted  Single-Family  Mobile Home/ Manufactured Home  Multi-Family	Commercial  Neighborhood  Mainstreet Area A  Mainstreet Area B  North Commercial  Commercial  Highway Mixed Use  Old Town Area A  Old Town Area B  Old Town Area C  Waterfront Marine  Professional Office/ Institutional	Industrial  Marine  Pacific View Buisness Park  Limited Industrial  Service Industrial Other  Open Space  Public Use Airport  City Limits  UGB Estuaries  Development Estuary  Conservation Estuary  Natural Estuary
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Other Overlays (See Separate Maps)
 Public Use Airport Safety & Compatability
 Telecommunications Facilities
 Coastal Overlay Zoning Map



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 May 2010



0 0.25 0.5
 Miles

Financial assistance for this map and the data contained was provided in part by the Coastal Zone Management act of 1972, as amended, administered by the Office of Ocean and Coastal Management Program, Department of Land Conservation and Development.

Property lines shown on this map have been gathered from various sources and generally reflect tax lot lines. These lines do not necessarily correspond to legal, buildable lots. Prior to making any decisions about a property, it is advised that you check with the City regarding the status of the lot.