

TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

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10-1-1: ADMINISTRATIVE REGULATIONS:

10-1-1-1: SHORT TITLE: This Title shall be known as the "Zoning Ordinance of the City of Florence", and the map herein referred to shall be known as the "Zoning Map of the City of Florence". Said Map and all explanatory matter thereon are hereby adopted and made a part of this Title.

10-1-1-2: SCOPE: No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided herein. No permit for the construction or alteration of any building shall be issued unless the plan, specifications and intended uses of such building conform in all respects with the provisions of this Title. The zoning regulations are not intended to abrogate, annul or impair easement, covenant or other agreements between parties, except that where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control.

10-1-1-3:

A. PURPOSE OF THIS TITLE: The purpose of this Title is to establish for the City a Comprehensive Zoning Plan designed to protect and promote the public health, safety and welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

- A1.** To fulfill the goals of Florence's Comprehensive Plan.
- B2.** To advance the position of Florence as a regional center of commerce, industry, recreation and culture.

- E3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.
- D4. Protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
- E5. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
- F6. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.
- G7. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
- H8. To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.

B. **PURPOSE OF THIS CHAPTER:** The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way. Table 10-1-1 provides a tool for determining the review procedure and the decision-making body for particular approvals.

10-1-1-4: APPLICATION:

- A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.
- B. **Applicability of Review Procedures:** All land use and development permit applications, petitions, and approvals shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.
 - 1. **Type I (Ministerial) Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards):
 - 2. **Type II (Administrative) Review Procedure (Administrative/Staff Review with Notice).** Administrative decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer an Administrative application to the Planning Commission for its review and decision in a public meeting;
 - 3. **Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.
 - 4. **Type IV (Legislative) Procedure (Legislative Review).** Type IV procedures apply to legislative matters. The Legislative procedure applies to the creation or revision, or large-

scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Legislative reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

BC. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:

1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements ~~and fees paid. When an application or petition is incomplete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking. The application shall be deemed complete by the Director upon receipt of all of the missing information, forms and fees, or upon receipt of a written notice from the applicant that no other information will be provided. The Director shall mail written notice to the applicant when the application is accepted. Completeness review and final action on an application shall be in accordance with ORS 227.178.~~
2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.
3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)
4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.
5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.
6. Shall be accompanied by any other information deemed necessary by the City Planning Department.
7. Shall be accompanied by the required, non-refundable fee.

GD. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-~~56~~. (Amd. by Ord. No. 30 Series 1990)

DE. Traffic Impact Studies:

1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:
 - a. The capacity and safety impacts a particular development will have on the City's transportation system;
 - b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;

- c. Mitigating measures necessary to alleviate the capacity and safety impacts so that minimum transportation standards are met; and
 - d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.
2. Criteria for Warranting a Traffic Impact Study: All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:
- a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.
 - b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.
 - c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.
 - d. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day
 - e. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.
 - f. A change in internal traffic patterns that may cause safety problems, such as backed up onto a street or greater potential for traffic accidents.
 - g. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:
 - i. If there exists any current traffic problems, such as high accident location, poor roadway alignment, or capacity deficiency that are likely to be compounded as a result of the proposed development.
 - ii. If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.
 - iii. If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.
 - h. A road authority with jurisdiction within the City may also require a TIS under their own regulations and requirements.
3. Traffic Study Requirements: In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.

F. Initiation of applications:

1. Applications for approval under this Chapter may be initiated by:

a. Order of City Council

b. Resolution of the Planning Commission

c. The City Planning Official or designee

d. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.

2. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

G. Changes in the law: Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

Table 10-1-1 – Summary of Approvals by Review Procedure****Not a comprehensive list of City procedures**

Approvals**	Review Procedures	Applicable Regulations
<u>Zoning Checklist Review</u>	<u>Type I</u>	Applicants are required to complete a <u>Zoning Checklist</u> before applying for any other permit or approval. See <u>FCC 10-1-1-6</u> .
<u>Access to a Street</u>	<u>Type I</u>	<u>FCC 10-35</u> and the standards of the applicable roadway authority (City/County/ODOT).
<u>Adjustment</u>	<u>Type II</u>	See <u>FCC 10-1-1-6</u>
<u>Annexation</u>	<u>Type IV</u>	See Oregon Revised Statute 222 & <u>FCC 10-1-3</u>
<u>Code Interpretation</u>	<u>Type I or II</u>	See <u>FCC 10-1-1-6</u> . Routine interpretations that <u>do not involve discretion & do not require a permit</u> .
<u>Code Text Amendment</u>	<u>Type IV</u>	See <u>FCC 10-1-1-6</u> and <u>10-1-3</u>
<u>Comprehensive Plan Amendment</u>	<u>Type IV</u>	See <u>FCC 10-1-1-6</u> and <u>10-1-3</u>
<u>Conditional Use Permit</u>	<u>Type III</u>	See <u>FCC 10-1-1-6</u> and <u>10-4</u>
<u>DMV Review Form</u>	<u>Type I</u>	See <u>FCC 10-1-4</u> and <u>FCC 10-1-1-6</u>
<u>Flood Plain Permit</u>	<u>Type I</u>	See <u>FCC 10-1-4</u> and <u>FCC 10-1-1-6</u>
<u>Home Occupation</u>	<u>Type I</u>	See <u>FCC 10-1-4</u> and <u>FCC 10-1-1-6</u>
<u>Legal Lot Determination</u>	<u>Type I</u>	See <u>FCC 10-1-1-6</u>
<u>Planned Unit Development</u> <u> Preliminary Plan</u> <u> Final Plan</u>	<u>Type III</u>	See <u>FCC 10-1-1-6</u>
<u>Modification to Approval or Condition of Approval</u>	<u>Type I, II, or III</u>	See <u>FCC 10-1-1-6</u>
<u>Non-Conforming Use or Structure, Expansion of</u>	<u>Type I, II, or III</u>	See <u>FCC 10-1-1-6</u>
<u>Partition or Re-plat of 2-3 lots</u> <u> Tentative Plan</u> <u> Final Plat or Map</u>	<u>Type III</u> <u>Type I or II</u>	See <u>FCC Title 11</u> See <u>FCC Title 11, FCC 10-1-1-6</u>
<u>Property Line Adjustments, including Lot Consolidations</u>	<u>Type I</u>	See <u>FCC Title 11</u>
<u>Site Design Review</u>	<u>Type II or III</u>	See <u>FCC 10-1-1-6</u> and <u>FCC 10-6</u>
<u>Subdivision or Replat of >3 lots</u> <u> Tentative Plan</u> <u> Final Plat or Map</u>	<u>Type III</u> <u>Type I or III</u>	See <u>FCC Title 11</u> See <u>FCC Title 11</u> and <u>FCC 10-1-1-6</u>
<u>Variance</u> <u>Zoning District Map Change</u>	<u>Type III</u> <u>Type III or IV</u>	See <u>FCC 10-5</u> See <u>FCC 10-1-1-6</u> and <u>10-1-3</u>

** The applicant may be required to obtain building permits and other approvals from other agencies, such as a road authority or natural resource regulatory agency. The City's failure to notify the applicant of any requirement or procedure of another agency shall not invalidate a permit or other decision made by the City under this Code.

~~10-1-1-5: LAND USE HEARINGS:~~

~~A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.~~

~~B. Notification of Hearing:~~

~~1. At least twenty (20) days prior to a quasi-judicial hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.~~

~~a. Notice shall also be provided to the airport as required by ORS 227.175 and FCG 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.~~

~~b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.~~

~~c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).~~

~~2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.~~

~~C. Notice Mailed to Surrounding Property Owners - Information provided:~~

~~1. The notice shall:~~

~~a. Explain the nature of the application and the proposed use or uses which could be authorized;~~

~~b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;~~

~~c. Set forth the street address or other easily understood geographical reference to the subject property;~~

~~d. State the date, time and location of the hearing;~~

~~e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;~~

~~f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;~~

~~g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;~~

- ~~h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.~~
- ~~i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.~~
- ~~D. Hearing Procedure: All quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 10.~~
- ~~E. Action by the Planning Commission:~~
- ~~1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.~~
- ~~2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.~~
- ~~3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.~~
- ~~4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.~~
- ~~F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.~~
- ~~G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.~~
- ~~H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2014)~~

10-1-1-5: GENERAL PROVISIONS

- A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)
- B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having

original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.

2. When proceedings are consolidated:

- a. The notice shall identify each application to be decided.
- b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.
- c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.

C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:

1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.

- a. The required forms.
- b. The required, non-refundable fee.
- c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.

2. Completeness.

- a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information, or 14 days to submit a refusal statement. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181st day after original submittal.
- b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planning Official or designee no later than 14 days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the 31st day after the City Planning Official or designee first accepted the application.
- c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.

d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

D. Changes or additions to the application during the review period. Once an application is deemed complete:

1. All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days prior to the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation.

2. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application.

3. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see 4, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change.

4. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:

a. Continue to process the existing application and allow the applicant to submit a second application with the proposed significant changes. Both the old and new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates.

b. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 10-1-1-5-A, above) on the existing application. If the applicant does not consent, the City shall not select this option.

c. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence.

5. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. City Planning Official's Duties. The City Planning Official (Director) or designee shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions.

2. Accept all development applications that comply with the requirements of this Chapter.
3. Prepare a staff report that summarizes the application(s) and applicable decision criteria, and provides findings of conformance and/or non-conformance with the criteria. The staff report and findings may also provide a recommended decision of: approval, denial; or approval with specific conditions that ensure conformance with the approval criteria.
4. Prepare a notice of the proposal decision:
 - a. In the case of an application subject to a Type I or II review process, the City Planning Official or designee shall make the staff report and all case-file materials available at the time that the notice of decision is issued.
 - b. In the case of an application subject to a hearing (Type III or IV process), the City Planning Official or designee shall make the staff report available to the public at least seven (7) days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 10-1-1-6-1 (Type I), 10-1-1-6-2 (Type II), 10-1-1-6-3 (Type III), or 10-1-1-6-4 (Type IV).
5. Administer the hearings process.
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law.
7. Maintain and preserve the file for each application for the time period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and condition, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information, or documentation that was considered by the decision-maker(s) on the application.
8. Administer the appeals and review process.

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the application shall follow the procedures outlined in section 10-1-1-6. All other changes to decisions that are not modifications under 10-1-1-6 follow the appeal process.

G. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts,

may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 6 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

10-1-1-6: TYPES OF REVIEW PROCEDURES:

10-1-1-6-1 TYPE I REVIEWS - MINISTERIAL/STAFF REVIEW AND ZONING CHECKLIST:

A. Type I (Ministerial/Staff Review): The City Planning Director or designee, without public notice and without a public hearing, makes Type I decisions through the staff review (over-the-counter) procedure. Type I decisions are those where City standards and criteria do not require the exercise of discretion (i.e., clear and objective standards). Decisions which require the exercise of discretion must be reviewed as part of procedure which includes public notice. Type I decisions include:

1. Access to a Street
2. Parking Lot Improvements
3. Building fascia changes to include but not limited to additions, substitutions, changes of windows, doors, fascia material, building, roof, and trim colors, awnings,
4. Property Line Adjustments, including lot consolidations
5. Final Plat (Partition or Subdivision)
6. Expansion of a Non-Conforming Use or Structure, less than 25% of the building square footage. Does not include accumulations of percentage.
7. Modification to an Approval or Condition of Approval
8. Legal Lot Determination
9. Home Occupations
10. Hazard Tree Removal
11. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
12. Landscape Plan Modifications that exclusively include one or more of the following:
 - a. Plant or tree substitutions (e.g. shrub for shrub, tree for tree),
 - b. Ground cover substitutions,
 - c. Trading plant locations if planting beds remain the same, or
 - d. Change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)
13. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.
14. Modification to an approved Design Review of a conforming use or structure up to than 1,500 square feet or up to 25% of the building square footage, whichever is less.
15. Within the Limited Industrial District and Pacific View Business Park District: A change in setbacks or lot coverage by less than 10 percent provided the resulting setback or lot coverage does not exceed that allowed by the land use district.

16. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.

17. Other proposals that do not require the exercise of discretion.

B. Zoning Checklist: The City Planning Official reviews proposals requiring a staff review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Title 10 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.

C. Application Requirements: Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.

D. Requirements: The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.

E. Criteria and Decision: The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.

F. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. A Type I decision is the final decision of the City. It cannot be appealed to City officials through a Type I process.

10-1-1-6-12: TYPE II REVIEWS – ADMINISTRATIVE REVIEWS:

A. The Planning Director, or designated planning staff may make administrative decisions (limited land use). The ~~administrative-Type II~~ procedure is used when there are clear and objective approval criteria and applying City standards requires ~~no limited~~ use of discretion.

B. Type II (Administrative) Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:

1. Vegetation clearing permits.

2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.

3. Modification of a non-conforming use or structure less than up to 1,500 square feet or ~~less than up to~~ 25% of the building square footage, whichever is less.

4. An increase in residential density by less than 10 percent, provided the resulting density does not exceed that allowed by the land use district.

5. A change in setbacks or lot coverage by less than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district.

6. ~~A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.~~

7. ~~Type II Administrative~~ review is required for ~~all~~ modifications to an approved landscaping plan except those changes permitted under the ministerial process. city staff may approve the following changes without going through the administrative review process, provided the proposed landscaping plan is consistent with the intent and character of the original approval.

- ~~a. plant or tree substitutions (e.g. shrub for shrub, tree for tree);~~
- ~~b. ground cover substitutions;~~
- ~~c. trading plant locations if planting beds remain the same, or~~
- ~~d. change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)~~

8. Special Use Permit

9. ~~Type II Administrative~~ Review is required for all new construction, expansions, change of use and remodels within the Limited Industrial District and Pacific View Business Park District, except ~~city staff may approve certain changes may be approved as indicated under the ministerial process. the following changes without going through the administrative review process:~~

- ~~a. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.~~
- ~~b. Modification to an approved Design Review of less than 1,500 square feet or less than 25% of the building square footage, whichever is less.~~
- ~~c. A change in setbacks or lot coverage by less than 10 percent provided the resulting setback or lot coverage does not exceed that allowed by the land use district.~~
- ~~d. A change in the type and/or location of access ways, drives or parking areas not affecting off-site traffic.~~

C. The Director may refer a request for administrative review to the Planning Commission/Design Review Board for decision. If such a referral is made, the request shall be scheduled on the next available Planning Commission agenda, providing that time allows and subject to proper notice requirements.

D. Notice - Information:

1. ~~Type II Administrative~~ Decisions: The City will post a notice on the subject property and provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made. The list of property owners will be compiled from the most recent property tax assessment roll.

a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the application shall be sent to the Oregon Department of Transportation.

2. Property Owner Notice shall:

- a. Provide a 14 day period of submission of written comments prior to the decision;
- b. List applicable criteria for the decision;
- c. Set forth the street address or other easily understood geographical reference to the subject property;
- d. State the place, date and time that comments are due, and the person to whom the comments should be addressed;

- e. State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at a reasonable cost;
 - f. Include the name and phone number of local government representative to contact and the telephone number where additional information may be obtained.
- E. Request for referral by the Planning Commission Chair: The Chair of the Planning Commission may, within the 14 days notice period, request that staff refer any application to the Planning Commission for review and decision.
- F. ~~Type II Administrative~~ decision requirements: The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve with or without conditions or deny the request, permit or action.
- G. Notice of Decision: A notice of the action or decision and right of appeal shall be given in writing to the applicant. Any party who submitted written testimony must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.
- H. Appeal process: As set forth in 10-1-1-7 or appealed by the Planning Commission.
- I. Fee: A fee shall be established to cover at least direct costs of the application. (Ord. No. 15, 2002)

10-1-1-6-3: TYPE III REVIEWS – QUASI-JUDICIAL LAND USE HEARINGS:

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:
1. Limited land use decisions made by staff, for which a request for referral to Planning Commission by the Planning Commission Chairperson or Planning Director has been made.
 2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage, but requires more than five additional parking spaces.
 3. Modification of more than 1,500 square feet or more than 25% of the building square footage, whichever is less.
 4. An increase in residential density by more than 10 percent, or where the resulting density exceeds that allowed by the land use district.
 5. New construction requiring Design Review.
 6. Planned Unit Developments, preliminary and final plans.
 7. Conditional Use Permits.
 8. Variances.
 9. Partitions, tentative plans.
 10. Subdivisions.
 11. Replats.
 12. Quasi-Judicial Zone Changes.

13. Other applications similar to those above which require notice to surrounding property owners and a public hearing.

B. Notification of Hearing:

1. At least twenty (20) days prior to a Type III (quasi-judicial) hearing, notice of hearing shall be posted on the subject property and shall be provided to the applicant and to all owners of record of property within 100 feet of the subject property, except in the case of hearings for Conditional Use Permits, Variance, Planned Unit Development and Zone Change, which notice shall be sent to all owners of record of property within 300 feet of the subject property.
- a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the hearing shall be sent to the Oregon Department of Transportation.
- b. For a zone change application with two or more evidentiary hearings, notice of hearing shall be mailed no less than ten (10) days prior to the date of the Planning Commission hearing and no less than ten (10) days prior to the date of the City Council hearing.
- c. For an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and ORS 227.175(8).
- d. Notice shall be mailed to any person who submits a written request to receive notice.
- e. For appeals, the appellant and all persons who provided testimony in the original decision.
2. Prior to a Type III (quasi-judicial) hearing, notice shall be published one (1) time in a newspaper of general circulation. The newspaper's affidavit of publication of the notice shall be made part of the administrative record.

C. Notice Mailed to Surrounding Property Owners - Information provided:

1. The notice shall:
- a. Explain the nature of the application and the proposed use or uses which could be authorized;
- b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
- c. Set forth the street address or other easily understood geographical reference to the subject property;
- d. State the date, time and location of the hearing;
- e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
- f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;

- g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
 - h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
 - i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.
- D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.
- E. Action by the Planning Commission:
- 1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.
 - 2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.
 - 3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.
 - 4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.
- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.
- G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.
- H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

10-1-1-6-4: TYPE IV PROCEDURE (LEGISLATIVE)

- A. A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
- B. Pre-Application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City of Florence.

C. Timing of Requests: The City Council may establish a calendar for the purpose of accepting Type IV requests only at designated times. The City Council may initiate its own legislative proposals at any time.

D. Notice of Hearing:

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).
2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:
 - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:
 1. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.
 2. Any affected government agency.
 3. Any person who requests notice in writing.
 4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
 5. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
 - b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
 - c. The City Planning Official or designee shall:
 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection.
 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
 - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
3. Content of notices. The mailed and published notices shall include the following information:
 - a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained.
 - b. The proposed site location, if any.

- c. A description of the proposed site and the proposal and the place where all relevant materials and information may be obtained or reviewed.
 - d. The time(s), place(s), and date(s) of the public hearing(s).
 - e. A statement that public oral or written testimony is invited.
 - f. Each mailed notice required by this section shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Florence Zoning Code requires that if you receive this notice that it shall be promptly forwarded to the purchaser.
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service.
 - b. Published notice is deemed given on the date it is published.
5. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development. The City shall also provide notice to all persons as required by other applicable laws. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- E. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

10-1-1-7: APPEALS: Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission/Design Review Board. Planning Commission/Design Review Board decisions may be appealed to the City Council.

- A. A notice of intent to appeal must be filed by an affected party, which includes persons testifying orally or in written form at the hearing held on the matter.
- B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12th day after the notice of decision is mailed, the decision shall be final.
- C. If the applicant has signed an "Agreement of Acceptance" and there is no other party who could appeal the decision, the appeal period is waived.
- D. The written petition on appeal shall include:
 - 1. A statement of the interest of the petitioner to determine standing as an affected party.
 - 2. The date of the decision of the initial action.
 - 3. The specific errors, if any, made in the decision of the initial action and the grounds therefore.

4. The action requested of the Planning Commission/Design Review Board or Council and the grounds therefore.
 5. A certification of the date that a copy of the written petition on appeal was delivered or mailed by first class mail postage prepaid to all affected parties.
- E. Unless otherwise provided by the Planning Commission/Design Review Board or City Council, the review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:
1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence.
 2. All materials submitted by the City staff with respect to the application.
 3. The minutes of the hearing (if applicable).
 4. The Findings on which the decision is based.
 5. The notice of intent to appeal or the requests for review and the written petitions on appeal.
 6. Argument by the parties or their legal representatives.
- F. The Body hearing the appeal may affirm, reverse or amend the decision and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to the Planning Commission/Design Review Board for additional information. When rendering its decision, the Body hearing the appeal shall make findings based on the record before it and any testimony or other evidence received by it.
- G. Whenever two members of the City Council submit to the Community Development Department a written request for review within twelve (12) days of the date of the mailing of the Planning Commission or Design Review Board decision, the Council shall review the decision of the Planning Commission or Design Review Board. Each request for review shall identify the issues that the affected parties are to address. The Community Development Department shall deliver or mail by first class mail a copy of the requests for review to all affected parties and to the other members of the Council. Such requests for review shall be considered an appeal, with all affected parties allowed an opportunity to submit written petitions on appeal within the time specified in paragraph A of this subsection. Each person filing a written petition on appeal shall be heard by the Council. The Council shall review the record to determine whether there is sufficient evidence to support the findings, whether the finds are sufficient to support the Planning Commission or Design Review Board decision, and where appropriate, whether the decision of the Commission or Board is a proper interpretation of the applicable ordinances.
- H. Any action or decision by the City Council arising from an appeal, except a referral back to the Planning Commission or Design Review Board, shall be final and conclusive.
- I. The Council, by resolution shall establish a schedule of filing fees for all appeals from final decisions of the Planning Commission or Design Review Board. Council shall use the following criteria in establishing such a fee schedule; that the fee charged bear some relation to the City's cost in processing the appeal; and that the fee or fees charged be consistent in amount with fees charged by similar municipalities or agencies. (Amd. by Ord. No. 30, Series 1990).

10-1-1-8: ENFORCEMENT:

- A. Enforcement Responsibility: It shall be the duty of the City Manager and/or Building Official to see that this Title is enforced through the proper legal channels. There shall be no permit issued for the

construction or alteration of any building, or part thereof, unless the plans, specifications and intended use of such building conforms in all respects to the provisions of this Title.

- B. Abatement: Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations shall be, and is hereby declared to be unlawful and a public nuisance and may be abated as such. (Ord. 625, 6-30-80).
- C. Final Action on Permits: Final action on permit applications and zone changes shall take place within 120 days of filing a complete application, except where the applicant requests a longer time, in compliance with ORS 227.178. (Amd. by Ord. No. 30, Series 1990).

10-1-2: ———USE DISTRICTS AND BOUNDARIES:

10-1-2-1: DISTRICTS ESTABLISHED: For the purpose of this Title, the City is hereby divided into the zoning districts, as established within this Title 10.

10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP: The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity. (Amd. by Ord. 30, 1990).

10-1-2-3: ZONING OF ANNEXED AREAS: The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning district shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).

10-1-3: AMENDMENTS AND CHANGES:

A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.

B. Type III (Quasi-Judicial) Changes:

1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.
2. Application Fees: When proceedings are initiated by a property owner, filing fees shall be collected. The schedule of application fees shall be established by the City Council by resolution. The fee charged shall be no more than the average cost of providing service.
3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-~~56~~.
4. Planning Commission Review: The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public

interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

C. Type IV (Legislative) Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

~~**10-1-4: DEFINITIONS:** For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.~~

~~ABUT Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.~~

~~ACCESS The place, means or way by which pedestrians or vehicles shall have safe, adequate and useable ingress and egress to a property, use or parking space.~~

~~ACCESS EASEMENT An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. **Cross access** is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.~~

~~ACCESSORY BUILDING Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.~~

~~ACCESSWAYS A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right of way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).~~

~~AGED PERSON An individual 65 years of age or older. (Ord. 711, 1-24-84)~~

~~ALLEY A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.~~

~~ALTER Any change, addition or modification of construction or occupancy of a building or structure.~~

~~ALTER THE ESTUARY Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.~~

ALTERATION	For the purpose of administering Chapters 7, 18, 19, and 24, alteration shall mean any human-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.
ALTERED SHORELANDS	Include shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.
AMENDMENT	A change in the wording, context or substance of this Title, or a change in the zone boundaries or area district boundaries upon the zoning map.
APARTMENT	See "Dwelling, Multiple"
ARTERIAL STREET	The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.
AREAS MANAGED FOR WATER DEPENDENT ACTIVITIES	The Federal Navigation channel, the north jetty, and the estuary where it is adjacent to Water Dependent Sites.
AWNING	Any stationary structure, permanent or demountable, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.
BASE ZONING DISTRICT	The zoning district applied to individual properties as depicted on the City of Florence Zoning Map. The base zoning district may underlie an Overlay Zoning District, as described in the definition for Overlay District. "Single-family Residential" is an example of a base zoning district.
BASEMENT	A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) its height is above the average level of the adjoining ground.
BED AND BREAKFAST	A Bed and Breakfast facility means a single-family dwelling containing rooms for rent in accordance with Title 10, Chapter 4 (Conditional Uses).
BICYCLE FACILITY	There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.
BOARD	The "Florence Design Review Board".
BOARDING HOUSE	A building where lodging, with or without meals, is provided for compensation, but shall not include group care homes, homes for the aged or nursing homes.
BRIDGE CROSSINGS	The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.
BRIDGE CROSSING SUPPORT STRUCTURES	Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.
BUFFER ZONE	A physical setback from a sensitive area used to protect the water quality, the

aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/rivers, delineated wetland boundary, delineated spring boundary, or average high water for lakes.

BUILDABLE AREA	The portion of a development site not required by this Title or specific conditions, as a yard, open space or easement.
BUILDING	Any temporary or permanent structure constructed and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattels or personal or real property of any kind. The words "building" and "structure" shall be synonymous.
BUILDING HEIGHT	The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.
BULKHEAD	A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action.
BURN TO LEARN	A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.
CALIPER	Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).
CARPORT	A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.
CARRYING CAPACITY	Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.
GEMETERY	Land uses or intended to be used for the burial of the dead or dedicated for such purposes, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.
CHURCH	A building together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship.
CITY	The City of Florence, Oregon, and its officials or authorized agents.
CITY RECORDER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
CLINIC	Single or multiple offices of physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists and other members of the healing arts, including a dispensary in each such building to handle merchandise of a nature customarily prescribed by the occupants in connection with their practices.
CLINIC, SMALL ANIMAL	A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed.

CLUB	Any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business.
COASTAL LAKES	Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.
COASTAL SHORELANDS	Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.
COASTAL STREAM	Any stream within the coastal zone.
COLLECTOR	A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system.
COMMISSION	The Florence Planning Commission
COMPREHENSIVE PLAN	The current adopted Comprehensive Plan for the City of Florence.
CONSERVE	To manage in a manner which avoids wasteful or destructive uses and provides for future availability.
CORNER LOT	See "Lot Types"
COURT OR COURTYARD	An open unoccupied space, other than a yard, on the same lot with a building.
CROSSWALK	A path marked off on a street to indicate where pedestrians should cross.
CUTBANKS	River terraces possessing steep slopes and subject to erosion and sloughing. Very active erosion usually occurs where the active flow of the main channel is directed toward the bank.
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. (Ord. 2, Series 2011)
DAY NURSERY	An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage, under the age of six (6) years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.
DEFLATION PLAIN	The broad interdune area which is wind-scoured to the level of the summer water table.
DEVELOP	To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.
DEVELOPMENT	The act, process or result of developing.
DIAMETER-BREAST	Diameter of the trunk of a tree measured at 4.5 feet above the ground

HEIGHT (DBH)	
DIVERSITY	The variety of natural, environmental, economic, and social resources, values, benefits, and activities.
DOCK	A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.
DOLPHIN	A cluster of piles.
DRAINAGEWAY	The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.
DRIVEWAY	Unless otherwise specified in this Title, driveway means the area that provides vehicle access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas.
DUNE	A hill or ridge of sand built up by the wind along sandy coasts.
DUNE, ACTIVE	A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.
DUNE, CONDITIONALLY STABLE	A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.
DUNE, OLDER STABILIZED	A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.
DUNE, OPEN SAND	A collective term for active, un-vegetated dune landforms.
DUNE, RECENTLY STABILIZED	A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes.
DUNES, YOUNGER STABILIZED	A wind stable dune with weakly developed soils and vegetation.
DUNE COMPLEX	Various patterns of small dunes with partially stabilized intervening areas.
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence of sleeping place, either permanently or temporarily by one or more families, but excluding Coast Village, hotels, motels, and tourist courts.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) families living independently from each other and having separate housekeeping facilities for each family.
DWELLING, MULTIPLE	A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate housekeeping facilities for each family.

DWELLING, SINGLE	A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family; or B. A manufactured home designed and used exclusively for the occupancy of one family which is located and maintained in compliance with Section 10-11-7 of this Title. C. Except as authorized in B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home, manufactured home, is not considered a single family dwelling. (Ord. No. 7, Series 1994)
EASEMENT, PUBLIC	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. (Ord. No. 2, Series 2011)
ECOSYSTEM	The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.
ENCOURAGE	Stimulate; give help to; foster.
ENHANCEMENT	An action which results in a long-term improvement of existing functional characteristics and processes that is not the results of a creation or restoration action.
ESTUARY	The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.
ESTUARINE IMPACT ASSESSMENT	An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
FAMILY	One of more persons occupying a single housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than five (5) persons; ore provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than a total of five (5) physically or mentally handicapped persons or aged persons including their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711)
FILL	For the purposes of this Code and the Comprehensive Plan, the definition of fill shall be the definition used in the Statewide Planning Goals: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.[†]

[†]Note that the Army Corps of Engineers' (ACOE) and the Department of State Lands' (DSL) definitions are different from this Statewide Planning Goals definition and the definitions of this federal and other state agency have been interpreted to include pilings and riprap in the estuary.

FINANCE OFFICER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
FLOODFRINGE	The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.
FLOODPLAIN	The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.
FLOOD, REGIONAL (100-YEAR)	A standard statistical calculation used by engineers to determine the probability of server flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.
FLOODWAY	The normal stream channel and that adjoining areas of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.
FOREDUNE, ACTIVE	An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.
FOREDUNE, CONDITIONALLY STABLE	An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.
FOREDUNE, OLDER	A conditionally stable foredune that has become wind-stabilized by diverse vegetation and soil development.
FOREST LANDS	See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal.
GARAGE, PRIVATE	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Title and are not open for use by the general public.
GARAGE, PUBLIC PARKING	A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages ay include parking spaces for customers, patrons or clients as required by this Title, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.
GARAGE, REPAIR	A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.
GEOLOGIC	Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.

GRADE (ADJOINING GROUND LEVEL)	The average of the finished ground level at the center of all walls of a building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
GROIN	A small structure extending from a shore to protect a beach against erosion or to trap shifting sands.
GROUNDWATER	Water in the zone of saturation beneath the surface of the earth.
GROUP CARE HOME	Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84)
HALF STORY	That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.
HARDPAN	A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate.
HEADLANDS	Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.
HISTORICAL RESOURCES	Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition).
HOME OF THE AGED	Any home or institution that provides board and domiciliary care for compensation to three (3) or more persons who are of the age of sixty-five (65) years or more, or persons of less than sixty-five (65) years who, by reasons of infirmity, require domiciliary care.
HOME OCCUPATION	Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria: <ul style="list-style-type: none"> A. No employment of help other than the members of the resident family. B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood. C. No sales of products or services not produced on the premises. D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located. E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises. F. No storage of materials/supplies outdoors. G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part. H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations). I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

HOSPITAL	Any building or institution providing healing, curing and nursing care, and which maintains and operates facilities for the diagnoses, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.
HOTEL	Any building or group of buildings used for transient residential purposes containing four (4) or more guest units with or without housekeeping facilities.
HUMMOCK, ACTIVE	Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.
HYDRAULIC	Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.
HYDRAULIC PROCESSES	Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).
HYDROGRAPHY	The study, description and mapping of oceans, estuaries, rivers and lakes.
HYDROLOGIC	Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.
IMPACT	The consequences of a course of action; effect of a goal, guideline, plan or decision.
INSURE	Guarantee; make sure or certain something will happen.
INTEGRITY	The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.
INTERDUNE AREA	Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)
INTERTIDAL	Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).
JETTY	A structure extending seaward from the mouth of a river designed to stabilize the rivermouth by preventing the buildup of material at the river's mouth, and to direct or confine the stream or tidal flow
KEY FACILITIES	Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.
LCDC	The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.
LEVEL OF SERVICE	A quantitative standard for transportation facilities describing operational ("LOS") conditions. Level of Service may be described for intersections

	(signalized or unsignalized) or street segments (between signalized intersections).
LIGHTING	Refer to Chapter 37 of this Title for all definitions relating to lighting regulations.
LITTORAL DRIFT	The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.
LOADING SPACE	An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access on a street or alley, or other appropriate means of access.
LOCAL STREET	A street primarily for access of abutting properties.
LOT	Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Title and having frontage upon a street.
LOT AREA	The total area within the lot lines of a lot measured on a horizontal plane.
LOT COVERAGE	That portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.
LOT LINE	 <p>A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.</p> <p>B. Rear: The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.</p> <p>C. Side: Any property line which is not a front or rear lot line.</p>
LOT MEASUREMENTS	 <p>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</p> <p>B. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.</p>
LOT TYPES	 <p>A. Corner: A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.</p> <p>B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.</p> <p>C. Interior Lot: A lot or development site other than a corner having frontage only on one street.</p>
MAIN BUILDING	A building within which is conducted the principal use permitted on the lot, as provided by this Title.

MAIN CHANNEL	That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.
MAINTAIN	Support, keep, and continue in an existing state or condition without decline.
MANAGEMENT UNIT	A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.
MANUFACTURED HOME	A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty or more body feet in length, or when erected on site is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems herein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974
MEDICAL MARIJUANA FACILITY	A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.
MINING	All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.
MINOR NAVIGATIONAL IMPROVEMENTS	Alterations necessary to provide water access to existing or permitted uses in Conservation Management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.
MITIGATION	The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.
MOBILE HOME	A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.
MOBILE HOME/ MANUFACTURED HOME PARK	A place where four (4) or more mobile homes/manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership.
MOBILE HOME SPACE	A plot of ground within a mobile home park that is designed for the accommodation of one mobile home

MOTEL	See "Hotel".
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. (Ord. No. 2, Series 2011)
MULTI-USE PATHWAY	A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage.
MULTI-USE TRAIL	An unpaved path that accommodates pedestrians; shared with other non-motorized users. (Ord. No. 2, Series 2011)
NATURAL AREAS	Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.
NATURAL HAZARDS	Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.
NATURAL RESOURCES	Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.
NEIGHBORHOOD COMMERCIAL	The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required.
NONCONFORMING USE	A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.
NON-STRUCTURAL EROSION CONTROL SOLUTIONS	Alternatives to erosion control structures, including, but not limited to, a combination of soils, sands, gravels and stone in conjunction with biodegradable protective materials and live plant materials.
OCCDC	Oregon Coastal Conservation and Development Commission created by ORS 491; existed from 1971 to 1975. Its work is continued by LGDC.
OCEAN FLOODING	The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding. Ocean flooding is more specifically defined in the individual Chapters of this Plan as it pertains to the policies and objectives in the respective chapters.

OPEN SPACE	Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas. (Ord. No. 2, 2011)
OVERLAY ZONING DISTRICT	A zoning district that applies to property in addition to a “Base Zoning District.” In Title 10 of the Florence City Code, “Natural Resources Conservation Overlay District” is an example of an overlay zoning district and “Single-family Residential” is an example of a base zoning district.
PARKING AREA PRIVATE	Private or publicly owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Title for retail customers, patrons and clients. (Ord. 625, 6-30-80).
PARKING SPACE	A permanently maintained space with proper access for one automobile. (Ord. 669, 5-17-82).
PARKLANDS	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 seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011)
PIER	A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.
PILE	A long, heavy timber or section of concrete or metal to be driven or jettied into the earth or seabed to serve as a support or protection.
PILING	A group of piles
PLANNING DIRECTOR OR DIRECTOR	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. by Ord. 30, Series 1990).
PUBLIC ACCESS EASEMENT	A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.
POLLUTION	The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.
PRESERVE	To save from change or loss and reserve for a special purpose.
PROTECT	Save or shield from loss, destruction, or injury or for future intended use.
PROVIDE	Prepare, plan for, and supply what is needed.
PUBLIC FACILITIES	Projects, activities and facilities which the City of Florence determines to be

AND SERVICES	necessary for the public health, safety and welfare.
PUBLIC GAIN	The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.
QUALITY	The degree of excellence or relative goodness.
RECREATION	Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.
	<u>Coastal Recreation</u> occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.
	<u>Low-Intensity Recreation</u> does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.
	<u>High-Intensity Recreation</u> uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
RECREATIONAL VEHICLE	A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes (except as permitted in Coast Village District) and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.
RECREATION NEEDS	Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011)
RESOURCE CAPABILITIES ASSESSMENT	An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment is required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.
RESTING AND PASSING SPACE	A turnout from a trail or path, wheelchair rest spots, trash containers, landscape and/or shelter facilities or interpretive displays. (Ord. No. 2, Series 2011)
RESTORE	Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the

~~purposes of Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began. The following are more specific definitions of active and passive restoration:~~

~~Active Restoration involves the use of specific positive remedial actions, such as removing fills, installing water treatment facilities, planting vegetation, or rebuilding deteriorated urban waterfront areas.~~

~~Passive Restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses without other specific positive remedial action.~~

RIGHT OF WAY	A public use area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency.
RIPARIAN	Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
RIPRAP	A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.
ROOMING HOUSE	See "Boarding House".
ROOT GUARDS	Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.
SALT MARSH	A tidal wetland supporting salt-tolerant vegetation.
SEAWALL	A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. See also BULKHEAD.
SEDENTARY	Attached firmly to the bottom, generally incapable of movement.
SEDIMENT	Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.
SEDIMENTATION	The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.
SENSITIVE AREA	Natural streams (perennial or intermittent), rivers, including the estuary, lakes, or wetlands hydraulically connected by surface water to streams, rivers, or lakes and areas defined by the City of Florence's Local Wetlands and Riparian Inventory.

~~Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.~~

SERVICE STATION	A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.
SHOAL	A sandbank or reef creating shallow water, especially where it forms a hazard to shipping. A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.
SHOALING	A decrease in water depth, especially near a shoreline.
SHORELINE	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.
SIGNIFICANT HABITAT AREAS	A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.
SOCIAL CONSEQUENCES	The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.
SPECIAL USE PERMIT	The administrative approval of a use or activity based on criteria and standards set forth in the Florence City Code (as differentiated from a Conditional Use Permit, which requires public hearings and Planning Commission approval).
STORY	That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling above.
STREET	A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right of way lines, whether improved or unimproved.
STRUCTURE	See "Building." For the purposes of administering Code Chapters 7, 18, 19, and 24, the definition shall also mean anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.
SUBSTRATE	The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.
SUBTIDAL	Below the level of mean lower low tide (MLLT).
TEMPORARY ESTUARY ALTERATION	Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the Florence Comprehensive Plan. Temporary alterations may not be for more than three

~~years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.~~

TERRITORIAL SEA	The ocean and seafloor area from mean low water seaward three nautical miles.
TIDAL MARSH	Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.
TOURIST COURT	See "Hotel".
TRADITIONAL CULTURAL PROPERTY	A place which is culturally significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and that are important in maintaining the continuing cultural identity of the community.
TYPE III BARRICADE	A portable or fixed device having three rails with appropriate markings that is used to control road users by closing, restricting, or delineating all or a portion of the right-of-way. The reflective sheeting shall be a minimum of High Intensity Prismatic or Diamond grade with a base color of orange. Design specifications for a Type III Barricade is provided in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA).
USE	The habitual or customary activity occurring on the land or in a building thereon.
VISION CLEARANCE	A triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet (2 1/2') above the street grade to a height of eight feet (8').
WALKWAYS	A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.
WATER-DEPENDENT SITES	Sites designated in the Florence Comprehensive Plan and zoned to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the Shallow Draft Development Oregon Estuary Classification. Two sites in the Florence UGB have been designated Water Dependent: the site zoned Marine along the estuary near the west edge of the UGB and the site zoned Waterfront Marine in Old Town.
WATER-DEPENDENT USE	<p>A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water, where:</p> <p><u>"Access"</u> means physical contact with or use of the water;</p> <p><u>"Requires"</u> means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;</p> <p><u>"Water-borne transportation"</u> means use of water access:</p>

- ~~1) Which are themselves transportation (e.g., navigation);~~
- ~~2) Which require the receipt or shipment of goods by water; or~~
- ~~3) Which are necessary to support water-borne transportation (e.g. moorage fueling, servicing of watercraft, ships boats, etc. terminal and transfer facilities;~~

~~"Recreation" means water access for fishing, swimming, boating, etc. Recreation uses are water dependent only if use of the water is an integral part of the activity.~~

~~"Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);~~

~~"Source of water" means facilities for the appropriation of quantities of water for cooling, processing or other integral functions.~~

~~Typical examples of "water dependent uses" include the following:~~

- ~~1) "Industrial" — e.g. manufacturing to include boat building and repair; water-borne transportation, terminals, and support; energy production which needs quantities of water to produce energy directly; water intake structures for facilities needing quantities of water for cooling, processing, or more integral functions.~~
- ~~2) "Commercial" — e.g., commercial fishing marinas and support; fish processing and sales; boat sales, rentals, and supplies.~~
- ~~3) "Recreational", e.g., recreational marinas, boat ramps and support.~~
- ~~4) Aquaculture~~
- ~~5) Certain scientific and educational activities which, by their nature, require access to coastal waters — estuarine research activities and equipment mooring and support.~~

~~Examples of uses that are not "water dependent uses" include restaurants, hotels, motels, bed and breakfasts, residences, parking lots not associated with water dependent uses; and boardwalks~~

WATER-ORIENTED

~~A use whose attraction to the public is enhanced by a view of or access to coastal waters.~~

WATER-RELATED

~~Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and trailer parks are not generally considered dependent on or related to water location needs.~~

WETLANDS

~~Land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities living at the soil surface. Wetland soils retain sufficient moisture to support aquatic or semi-aquatic plant life. In marine and estuarine areas, wetlands are bounded at the lower extreme by extreme low water; in freshwater areas, by a depth of six feet. The areas below wetlands are submerged lands."~~

**WRECKING YARD,
MOTOR VEHICLES
BUILDING**

~~Any premises used for the storage, and dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.~~

MATERIALS

YARD An open space on the same lot with a building, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT An area lying between side lot lines, the depth of which is a specified horizontal distance between the street line and a line parallel thereto on the lot.

YARD, REAR An area lying between side lot lines, the depth of which is a specified horizontal distance between the rear property line and a line parallel thereto on the lot.

YARD, SIDE An area adjacent to any side lot line the depth of which is a specified horizontal distance measured at right angles to the side lot line and being parallel with said lot line. (Ord. 625, 6-30-80) (Amended Ord. No. 9, Series 2009)

10-1-5: LAND USE CATEGORY DEFINITIONS: The following are land uses and activities grouped into use categories on the basis of common functional, product, or physical characteristics and defined as follows.

Industrial Use Categories

INDUSTRIAL SERVICE Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

MANUFACTURING AND PRODUCTION Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

WAREHOUSE, FREIGHT MOVEMENT, AND DISTRIBUTION Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

WATER-RELATED INDUSTRIAL USE Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Municipal waste-related industrial uses are those solely owned by, or in partnership with the City of Florence.

WHOLESALE SALES Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer.

Commercial Use Categories

EDUCATIONAL SERVICES	Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental training, education, and/or tutoring. Some examples are nursing and medical training centers accessory to a hospital or college or an after school math and reading center. Educational service uses are distinct from college and school land use categories.
OFFICE	Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services.
PARKING FACILITY	Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility may be a surface parking lot or structured parking garage. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking facility.
QUICK VEHICLE SERVICING	Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (different than Vehicle Repair). Some examples are car washes, quick lubrication services and gas stations.
RETAIL SALES	Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.
RETAIL ENTERTAINMENT	Retail Entertainment firms provide consumer-oriented entertainment, activities or games to the general public. Some examples are game arcades, theaters and health clubs.
RETAIL SERVICE AND REPAIR	Retail Service firms provide personal services and/or provide product repair for consumer and business goods. Some examples are photographic studios, dance classes, locksmith and upholsterer (different than Quick Vehicle Servicing and Vehicle Repair).
VEHICLE REPAIR	Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed (different than Quick Vehicle Servicing). Some examples are auto repair or body shop, auto detailing and auto tire sales and mounting.

Institutional and Civic Use Categories

BASIC UTILITIES	Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. Some examples are electrical substations, water storage facilities, sewer pump stations and bus stops.
COMMUNITY SERVICES	Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service

~~is ongoing, not just for special events. Community centers or facilities that have membership provisions but are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Some examples are libraries, museums and social service facilities.~~

~~DAYCARE Daycare use includes day or evening care of two or more children outside of the children's homes, for a fee. Daycare uses also include the daytime care of teenagers or adults who need assistance or supervision.~~

~~PARKS AND OPEN AREAS Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.~~

Other Use Categories

~~OUTDOOR DISPLAY The keeping, in an outdoor area, of merchandise or goods for purposes of sale or exhibit.~~

~~OUTDOOR STORAGE The keeping, in an outdoor area, of material, supplies, or vehicles for purposes of storing or holding.~~

~~RADIO FREQUENCY TRANSMISSION FACILITIES Radio Frequency Transmission Facilities includes all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 KHz to 300 GHz and operating as a discrete unit to produce a signal or message. Towers may be self-supporting, guyed, or mounted on poles or buildings.~~

~~REGIONAL UTILITY CORRIDORS AND RAIL LINES This category includes public or private passageways, including easements, for the express purpose of transmitting or transporting electricity, oil, water, sewage, communication signals, or other similar services on a regional level; utilities and easements for on-site infrastructure to serve development is not considered regional utility corridors. This category also includes railroad tracks and lines for the movement of trains. The land may be owned or leased by the railroad.~~

Amended by Ord. No. 15, Series 1988

Amended by Ord. No. 18, Series 1990

Amended by Ord. No. 30, Series 1990

Amended by Ord. No. 7, Series 1994

Amended by Ord. No. 13, Series 2002

Amended by Ord. No. 15, Series 2002

Amended by Ord. No. 26, Series 2008 – See Exhibit B

Amended by Ord. No. 10, Series 2009 – See Exhibit C

Amended by Ord. No. 9, Series 2009 – See Exhibit G

Amended by Ord. No. 4, Series 2010 – See Exhibit C (effective 4-5-10)

Amended by Ord. No. 2, Series 2011 (effective 3-11-11)

Sections 10-1-1-4, 10-1-1-5, and 10-1-4 Amended by Ord. No. 4, Series 2011 – See Exhibit 4E (effective 4-22-11)

Section 10-1-4 “Dwelling” & “Recreational Vehicle” Amended by Ord. No. 21, Series 2011 – See Exhibit C (effective 1-5-12)

Section 10-1-1-4-D, 10-1-1-5-B-1-a and 10-1-1-6-D-1-a Amended by Ord. No. 5, Series 2012 – See Exhibit C (effective 1-16-13)

Section 10-1-1-6, 10-1-1-7, and 10-1-5 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

Section 10-1-4 “Lighting” added by Ord. No. 12, Series 2014

Section 10-1-4 amended by Ord. No. 1, Series 2015 (effective 3-17-15)

Sections 10-1-1-3, -1-1-4, -1-1-5, -1-1-6, and 10-1-3 amended by Ord. 11, Series 2016 (effective XX/XX/XX)

Sections 10-1-4 and 10-1-5 deleted by Ord. No. 11, Series 2016 (effective XX/XX/XX)

TITLE 10
CHAPTER 3

OFF-STREET PARKING AND LOADING

SECTION:

- 10-3-1: Purpose
- 10-3-2: General Provisions
- 10-3-3: Minimum Standards by Use
- 10-3-4: Minimum Required Parking by Use
- 10-3-1: Table: Minimum Required Parking By Use
- 10-3-5: Vehicle Parking - Minimum Accessible Parking
- 10-3-2: Table: Minimum Number of Accessible Parking Spaces
- 10-3-6: Common Facilities for Mixed Uses
- 10-3-7: Off-site parking
- 10-3-8: Parking Area Improvement Standards
- 10-3-9: Parking Stall Design and Minimum Dimensions
- 10-3-3: Table: Parking Area Layout
- 10-3-10: Bicycle Parking Requirements
- 10-3-11: Loading Areas

10-3-1: PURPOSE: The purpose of Chapter 3 is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

10-3-2: GENERAL PROVISIONS:

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.
- B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.
- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.
- E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.
- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.

- G. Parking and Loading standards that are listed under specific zoning districts supersede the general requirements of this chapter.
- H. Provisions of this Chapter shall not apply to any parking located in an organized parking district.
- I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.

10-3-3: MINIMUM STANDARDS BY USE: The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

- A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.
- B. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Design Review Board/Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:
 - 1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:
 - a. The proposal is located within a ¼ mile of an existing or planned transit route, and;
 - b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

10-3-4: MINIMUM REQUIRED PARKING BY USE: During the largest shift at peak season, fractional space requirements shall be counted as the next lower whole space (rounded down). Square footages will be taken from the gross floor area (measurements taken from exterior of building). Applicants may ask the Design Review Board a reduction for parking spaces as part of their land use application. The applicant will have to provide the burden of evidence to justify the reduction proposed. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer. Table 10-3-1 lists the minimum parking spaces required by use, with a minimum no less than two (2) spaces, plus additional spaces(s) as needed to meet the minimum accessible parking requirement.

Table 10-3-1, Minimum Required Parking By Use:

A. Residential and Commercial Dwelling Types:

Single Family Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
Multiple-family dwelling (except senior citizen & student housing) Studio & one bedroom units Two-bedroom units Three-bedroom units or larger	1 space per unit 1 1/2 spaces per unit 2 spaces per unit

Mobile home parks	2 spaces per each mobile home, plus 1 space per each 4 mobile homes
Student housing (fraternities, sororities, & dormitories)	1 space for each 2 students of capacity
Lodging: Motels, hotels (see also Bed and Breakfast Inns)	1 space per rental unit, hotels, etc. plus additional spaces as required for restaurants, gift shops, bars, public assembly rooms and other activities.
Bed and Breakfast Inns	1 space per Bedroom
Boarding and rooming houses, excluding group home facilities	1 space per each 2 occupants at capacity.

B. Institutions and Public Assembly Types:

Elementary, middle school and other children's day schools	1 space per classroom, or as determined by the Design Review Board
Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250))	1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Design Review Board
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 500 sq. ft. floor area
Libraries, reading rooms, museums, art galleries and Community Service Facilities	1 space per 200 sq. ft. of floor area
Churches and other places of worship	1 space per 50 sq. ft. of main assembly area; or as determined by the Design Review Board, as applicable
Stadiums, grandstands, coliseums, auditoriums	1 space for each 4 persons of seating capacity, except that on-street parking in non-residential and theaters areas, within 1,000 feet of the main assembly area may be used toward fulfilling this requirement.
Parks and Open Space	Determined as determined by the Design Review Board for active recreation areas, or no standard
Meeting rooms, private clubs and lodges	10 spaces plus 1 space per each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.
Commercial outdoor recreation, golf courses	as determined by the Design Review Board
Swimming pools, for pool only	10 spaces plus 1 space per each 150 square feet of pool surface area.
Public and semi-public buildings	1 for every 400 square feet of floor area. Special review may be given by the Design Review Board.
Hospitals	1 space per each 2 beds plus 1 space for each staff doctor plus 1 space for each 2 full-time employees.
Medical and dental clinics	1 space per each 200 square feet of floor area.
Animal hospitals and clinics	1 space per each 400 square feet of floor area.
Radio and television stations and studios	1 space for each 2 employees, plus 1 space per each 300 square feet over 2,000 square feet of floor area.
Radio Frequency Transmission Facilities	None
Airports	Special review by the Design Review Board.

Rail and bus passenger terminals	5 spaces plus 1 space per each 100 square feet of waiting area.
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None

C. Commercial and Retail Trade Types:

Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)	None
Offices Call centers, data centers, and other similar telecommunications or internet businesses	1 space per 400 sq. ft. floor area
Parking Lot (when not an accessory use)	as determined by the Design Review Board
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Design Review Board
Retail Sales and Service (See also Drive-Up Uses)	<u>Retail</u> : 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	<u>Restaurants and Bars</u> : 1 spaces per 125 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys)</u> : 1 space per 333 sq. ft.
	<u>Theaters and Cinemas</u> : 1 per 6 seats
Self-Service Storage	None

D. Manufacturing, Storage and Wholesale Types:

Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area
Wholesale Sales -fully enclosed -not enclosed	1 space per 1,000 sq. ft. as determined by the Design Review Board

10-3-5: VEHICLE PARKING - MINIMUM ACCESSIBLE PARKING:

- A. Accessible parking shall be provided for all uses in accordance the standards in Table 10-3-2; parking spaces used to meet the standards in Table 10-3-2 shall be counted toward meeting off-street parking requirements in Table 10-3-1;
- B. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway;
- C. Accessible spaces shall be grouped in pairs where possible;
- D. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;
- E. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 10-3-2 - Minimum Number of Accessible Parking Spaces Source: ADA Standards for Accessible Design 4.1.2(5)			
Total Number of Parking Spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (with 60" access aisle, or 96" aisle for vans*)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
	<i>Column A</i>		
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A**	7/8 of Column A***
1001	20 plus 1 for each 100 over 1000	1/8 of Column A**	7/8 of Column A***
*vans and cars may share access aisles **one out of every 8 accessible spaces ***7 out of every 8 accessible parking spaces			

10-3-6: COMMON FACILITIES FOR MIXED USES:

- A. In the case of mixed uses, the total requirement of off- street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Design Review Board where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand.

Requests for parking reductions shall be made to the Design Review Board by filing an application for Design Review. The applicant(s) shall provide the information that is outlined below based upon the document "Shared Parking" authored by the Urban Land Institute. The Design Review Board and/or staff may require the information be prepared by a registered traffic engineer.

1. **Step One:** Initial Project Review.
Document and quantify the proposed land uses and anticipated functional interrelationships between differing uses. The initial phase also must include data gathered regarding general location of parking facilities, surrounding land uses, land use mix and other variables which affect parking.
2. **Step Two:** Adjustment for Peak Parking Factor.
Calculate the number of off-street parking spaces required for each land use within the study area.
3. **Step Three:** Analysis of Hourly Accumulation.
Estimate the hourly parking accumulations for each land use during a typical weekday and weekend day.

4. **Step Four: Estimate of Shared Parking.**
Combine the hourly parking demand for each land use to determine the overall parking to be required within the planning area.
- B. In granting parking reductions, the Design Review Board shall make one or more of the following findings:
 1. The traffic report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities.
 2. ~~The traffic report indicates the presence of public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking.~~
 3. The traffic report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in questions.
 - C. As a condition of approval to the granting of a parking reduction, the City may require the recording of reciprocal access and parking agreements between affected property owners.
 - D. The parking facility for which shared parking or off-site parking is proposed shall meet the criteria listed in 10-3-7.
 - E. ~~Any decision of the Design Review Board~~Decisions may be appealed ~~to the City Council~~ in accordance with the procedures specified in Code Section 10-1-1-~~67~~.

10-3-7: OFF-SITE PARKING: Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Design Review Board may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

- A. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,
- B. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,
- C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,
- D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

10-3-8: PARKING AREA IMPROVEMENT STANDARDS: All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

- A. Parking for new single family dwellings and duplexes shall be provided as a carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.
- B. ~~All~~ parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.
- C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.
- D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:
 - 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.
 - 2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Design Review Board may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.
- E. No parking area shall extend into the public way except by agreement with the City.
- F. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.
- G. Lighting: Refer to Section 10-37 of this Title for requirements.
- H. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.
- I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.
- J. ~~Building permits are~~Planning review is required for all parking lot construction or resurfacing.
- K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:

1. Individual parking and loading spaces.
 2. Circulation area.
 3. Access to streets and property to be served.
 4. Curb cut dimensions.
 5. Dimensions, continuity and substance of screening, if any.
 6. Grading, drainage, surfacing and subgrading details.
 7. Obstacles, if any, to parking and traffic circulation in finished parking areas.
 8. Specifications for signs, bumper guards and curbs.
 9. Landscaping and lighting.
- L. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:
1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.
 2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)

10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS: All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.

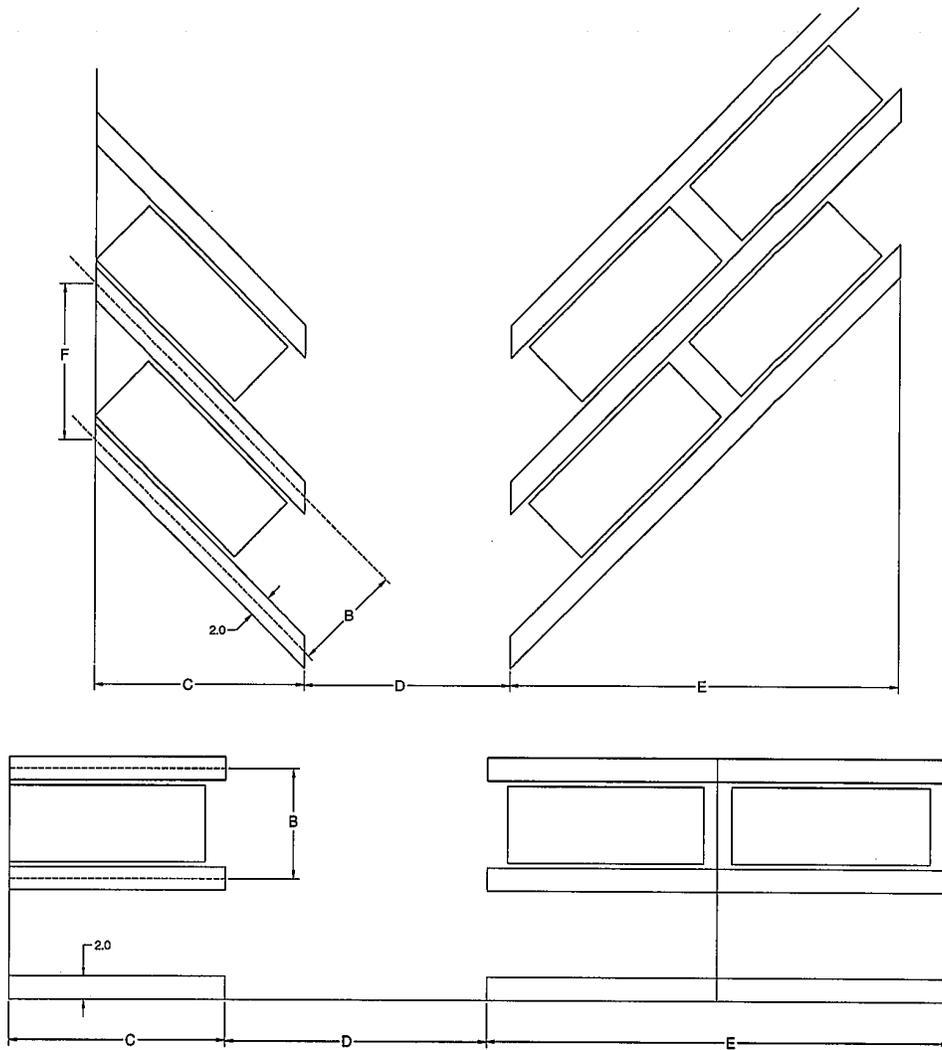


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
Space Dimensions in feet	Parking Angle \angle	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	33.4	13	18	9.5	13.4
	60°	20	38.8	17	18	9.5	11.0
	70°	20.3	40.6	18	19	9.5	10.1
	80°	20	41.2	22	22	9.5	9.6
	90°	19	40.5	23	23	9.5	9.5

10-3-10: BICYCLE PARKING REQUIREMENTS: All new development that is subject to Site Design Review, shall provide bicycle parking, in conformance with the standards and subsections A-H, below.

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- C. **Long Term Parking.** Long term bicycle parking requirements are only for new development of group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Design Review Board or Community Development Director may waive or modify the bicycle parking requirements.

10-3-11: LOADING AREAS:

- A. **Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- B. **Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.
- C. **Location.**
 - 1. All necessary loading spaces for commercial and industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces.
 - 2. Vehicles in the berth shall not protrude into a public right of way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
 - 3. A school having a capacity greater than twenty five (25) students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

D. Number of Loading Spaces.

1. **Residential buildings.** Buildings where all of the floor area is in residential use shall meet the following standards:

- a. Fewer than fifty (50) dwelling units on a site that abuts a local street: No loading spaces are required.
- b. All other buildings: One (1) space.

2. **Non-residential and mixed-use buildings.** Buildings where any floor area is in non-residential uses shall meet the following standards:

- a. Less than 20,000 square feet total floor area: No loading spaces required.
- b. 20,000 to 50,000 square feet of total floor area: One (1) loading space.
- c. More than 50,000 square feet of total floor area: Two (2) loading spaces.

E. **Size of Spaces.** Required loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

F. **Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

-The following ordinances were repealed and replaced by:
Ord. No. 7, Series 2008 – effective 4/3/2008
Ord. No. 9, Series 2008 – effective 5/9/2008 - lighting

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 12, Series 1994
Amended by Ordinance No. 19, Series 1994
Amended by Ordinance No. 14, Series 1995
Amended by Ordinance No. 2, Series 2000
Section 10-3-8 amended by Ordinance No. 9, Series 2009
Sections 10-3-4-C, and 10-3-11-F amended by Ordinance No. 4, Series 2011 effective 4-22-11
Section 10-3-2-I added, and Section 10-3-9 amended by Ordinance No. 18, Series 2011 effective 9-16-11
Section 10-3-3 and 10-3-10 amended by Ordinance No. 5, Series 2012 effective 1-16-13
Section 10-3-8 and 10-3-9 amended by Ordinance No. 3, Series 2013 effective 7-31-13
Section 10-3-8-G and 10-3-10-F amended by Ord. No. 12, Series 2014, effective 12-31-14
Section 10-3-4 amended by Ord. No. 12, Series 2015, effective 1-1-15
Section 10-3-6 amended by Ord. No. 11, Series 2016, effective XX/XX/XX

**TITLE 10
CHAPTER 35**

ACCESS AND CIRCULATION

SECTION:

- 10-35-1: Purpose
- 10-35-2: Vehicular Access and Circulation
 - 10-35-2-1: Intent and Purpose
 - 10-35-2-2: Applicability
 - 10-35-2-3: Access Approval Required
 - 10-35-2-4: State and County Access Permits
 - 10-35-2-5: Traffic Study Requirements
 - 10-35-2-6: Conditions of Approval
 - 10-35-2-7: Intersection Separation; Backing onto Public Streets
 - 10-35-2-8: Access Standards
 - 10-35-2-9: Site Circulation
 - 10-35-2-10: Joint and Cross Access – Requirement
 - 10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement:
 - 10-35-2-12: Driveway Design
 - 10-35-2-13: Vertical Clearances
 - 10-35-2-14: Vision Clearance
- 10-35-3: Pedestrian Access and Circulation
 - 10-35-3-1: Sidewalk Requirements
 - 10-25-3-2: Site Layout and Design
 - 10-35-3-3: Walkway and Multi-Use Path Design and Construction
- 10-35-4: Transit Facilities

10-35-1: PURPOSE: The purpose of this Chapter is to ensure that developments provide safe, adequate, cost effective and efficient access and circulation for pedestrians, bicycles and vehicles. Section 10-35-2 provides standards for vehicular access and circulation. Section 10-35-3 provides standards for pedestrian access and circulation. Standards for street improvements are provided in Chapter 36 of this Title.

10-35-2: VEHICULAR ACCESS AND CIRCULATION:

10-35-2-1: Intent and Purpose: This Section implements the access management policies of the City of Florence Transportation System Plan. The intent of this Section is to manage vehicular and bicycle access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system in a cost effective manner.

10-35-2-2: Applicability: Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

10-35-2-3: Access Approval Required: Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

10-35-2-4: State and County Access Permits: ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County

upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

10-35-2-5: Traffic Study Requirements: The City may require a traffic study prepared by an Oregon registered professional engineer with transportation expertise to determine access, circulation, and other transportation requirements in conformance with FCC 10-1-1-4-~~DE~~, Traffic Impact Studies.

- A. The Traffic Impact Study shall:
1. Evaluate all streets where direct access is proposed, including proposed access points, nearby intersections, and impacted intersections with the state highway system.
 2. Utilize the analysis procedures of the Highway Capacity Manual, latest edition.
 3. Document compliance with Florence City Code, the goals and policies of the Transportation System Plan, and any other applicable standards.
 4. Be coordinated with other affected jurisdictions and agencies such as Lane County, the Port of Siuslaw, and the Oregon Department of Transportation.
 5. Identify mitigation measures that resolve the identified traffic safety problems, address the anticipated impacts from the proposed land use, and meet the city's adopted Level-of-Service standards. The study shall also propose funding for the proposed mitigation measures.
- B. The applicant shall consult with City staff to determine the content and level of analysis that must be included in the TIS. A pre-application conference is encouraged.
- C. Conditions of Approval: The City may deny, approve, or approve a development proposal with appropriate conditions needed to meet operations and safety standards and provide the necessary right-of-way and improvements to develop the future planned transportation system. Conditions of approval should be evaluated as part of the land division and site development reviews, and may include but are not limited to:
1. Crossover or reciprocal easement agreements for all adjoining parcels to facilitate future access between parcels.
 2. Access adjustments, where proposed access points do not meet the designated access spacing standards and/or have the ability to align with opposing access driveways.
 3. Right-of-way dedications for future improvements.
 4. Street improvements.
 5. Turn restrictions such as "right in right out".

10-35-2-6: Conditions of Approval: The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

10-35-2-7: Intersection Separation; Backing onto Public Streets: New and modified accesses shall conform to the following standards:

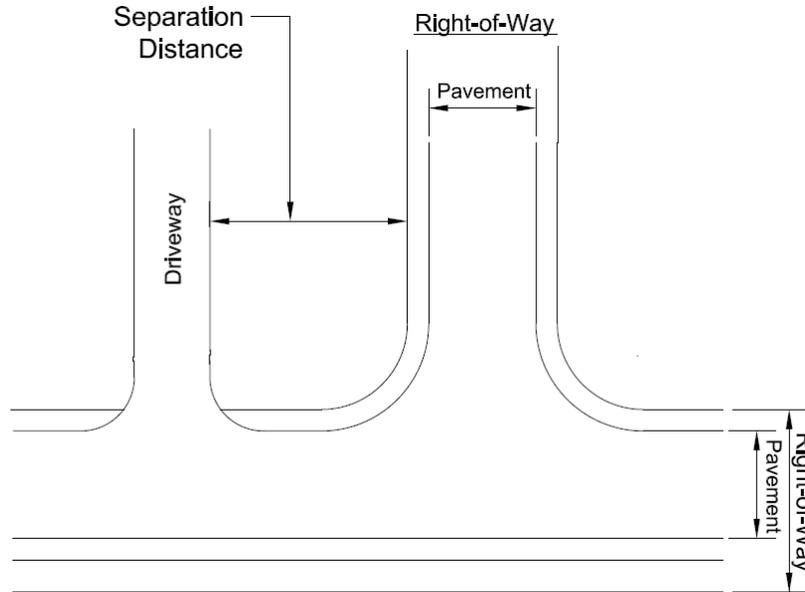
- A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as

measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

Alley	15 feet
Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet

Figure 10-35(1): Separation Distance from Driveway to Street



- B. Where the City finds that reducing the separation distance is warranted, such as:
- no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or
 - planned improvements or traffic circulation patterns show a different location to be efficient and safe,

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

- C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt.

10-35-2-8: Access Standards: New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections and possible lower level street alternatives. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

10-35-2-9: Site Circulation: New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 10-35-3.

10-35-2-10: Joint and Cross Access – Requirement: When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

- A. For shared parking areas;
- B. For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;
- C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - 1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority’s access management classification system and standards;
 - 2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;
 - 3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.

10-35-2-11: Joint and Cross Access – Easement and Use and Maintenance Agreement: Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

- A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- C. A joint maintenance agreement defining maintenance responsibilities of property owners.

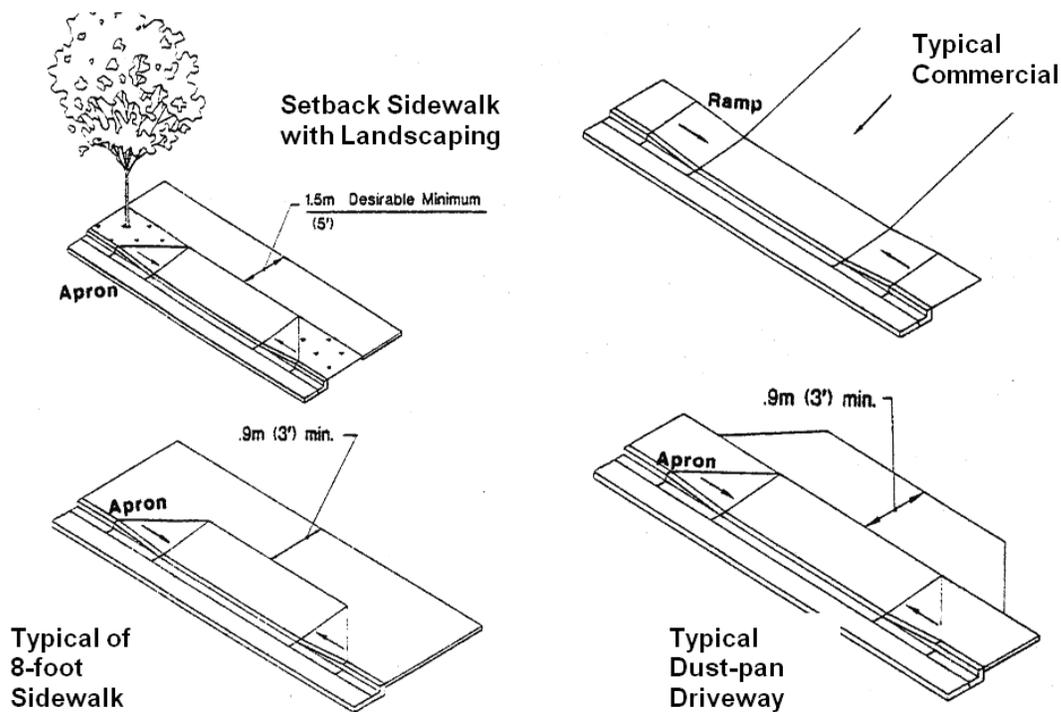
10-35-2-12: Driveway Design: All openings onto a public right-of-way and driveways shall conform to the following:

- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.
- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
 - 1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet. Driveways leading to covered parking should be not less than 20 feet in depth from the property line to the structure.
 - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.
 - 3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
 - 4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).

5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

C. **Driveway Apron Construction.** Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways



D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as "No Stopping/No Parking." See figure 10-35(3) for examples of fire lane turnarounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

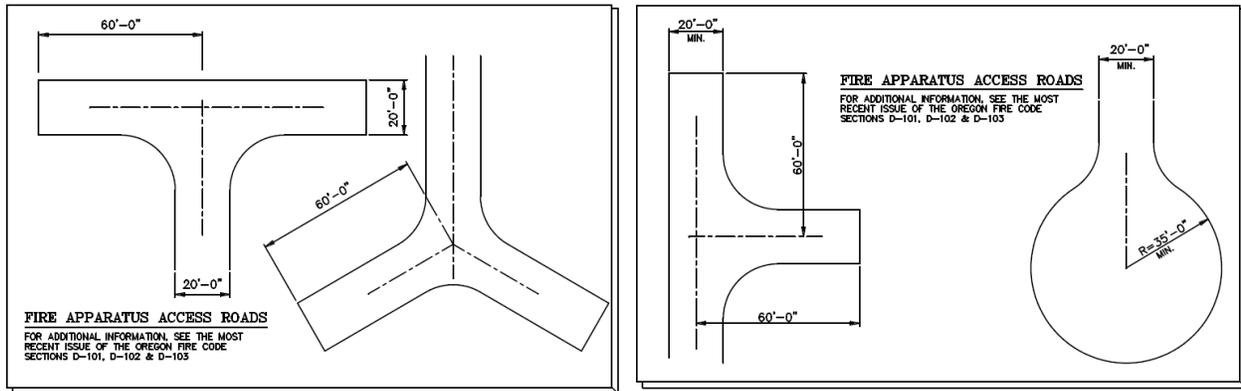


Figure 10-35(3): Examples of Fire Lane Turn-Around

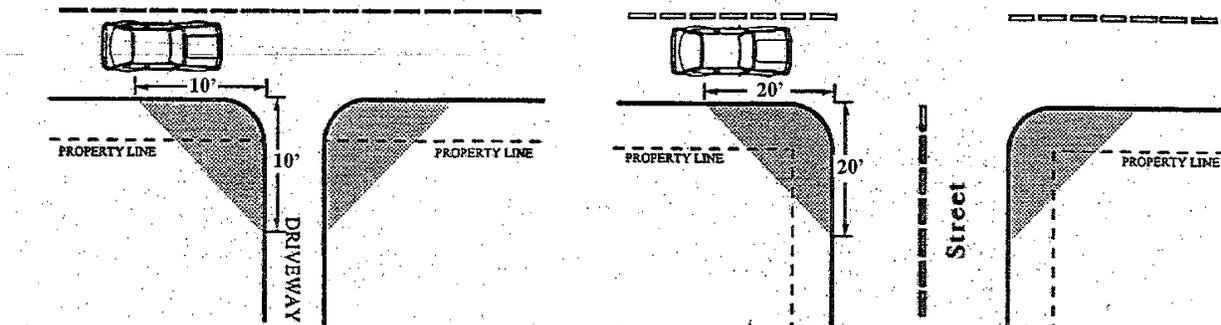
10-35-2-13: Vertical Clearances: Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

10-35-2-14: Vision Clearance: No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
- B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').
- C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section ~~10-1-42-13~~ of this Title for definition.

Figure 10-35(4): Vision Clearance Areas



(solid lines indicate curbs or edge of pavement)

10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

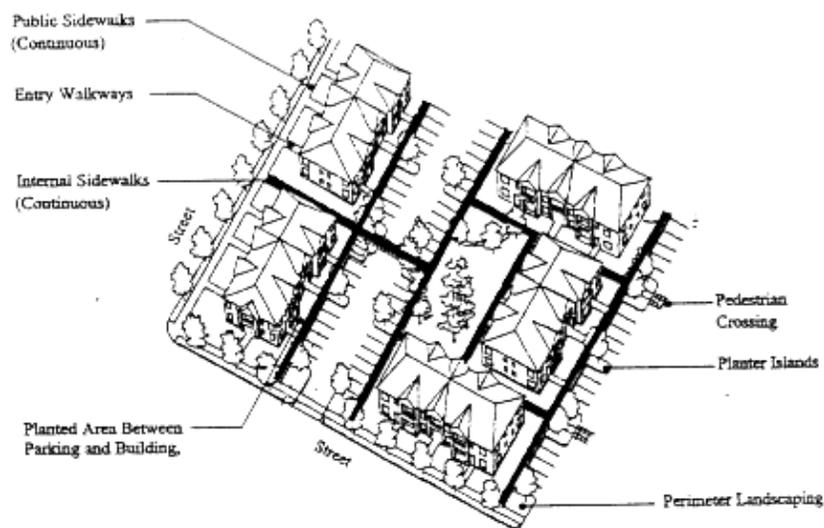
10-35-3-1: Sidewalk Requirements:

- A. Requirements: Sidewalks shall be newly constructed or brought up to current standards concurrently with development under any of the following conditions:
1. Upon any new development of property.
 2. Upon any redevelopment of property that expands the building square footage by 25% or more.
 3. Upon any change of use that requires more than five additional parking spaces.
- B. Exceptions: The Public Works Director may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements when, in the Public Works Director's determination, the construction of a sidewalk is impractical for one or more of the following reasons:
1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
 2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
 3. Topography or contours make the construction of a sidewalk impractical.
 4. Physical improvements are present along the existing street that prevents a reasonable installation within the right-of-way or adjacent property.
 5. If the proposed development is in a residential zoning district and there are no sidewalks within 400 linear feet.
- C. Appeals: If the owner, builder or contractor considers any of the requirements impractical for any reason, s/he may appeal the decision to the Planning Commission.
- D. Timing: Sidewalks shall be constructed and approved by the Public Works Department prior to final inspection for the associated building permit. No certificate of occupancy may be issued until the required sidewalks are constructed or financially secured.

10-35-3-2: Site Layout and Design: To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

- A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:
1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
- C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:
1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
 2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
 3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.



**Figure 10-35(5):
Pedestrian
Pathway
System
(Typical)**

10-35-3-3: Walkway and Multi-Use Path Design and Construction: Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

- A. Vehicle/Walkway Separation. Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to

Section 10-35-4-B-3 amended by Ord. No. 12, Series 2014, effective 12-31-14
Section 10-35-2-14 amended by Ord. No. 11, Series 2016, effective xx/xx/xx