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City of Florence
Community Development
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TITLE 10
CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-1: Administrative Regulations
10-1-1-1: Short Title
10-1-1-2 Scope
10-1-1-3: Purpose
10-1-1-4: Application
10-1-1: Table: Summary of Approvals by Review Procedure
10-1-1-5: General Provisions
10-1-1-6: Types of Review Procedures
10-1-1-6-1: Type I Reviews
10-1-1-6-2: Type II Reviews
10-1-1-6-3: Type III Reviews
10-1-1-6-4: Type IV Reviews
10-1-1-7: Appeals
10-1-1-8: Enforcement
10-1-2: Use Districts and Boundaries
10-1-2-1: Districts Established
10-1-2-2: Change of Boundaries on Zoning Map
10-1-2-3: Zoning of Annexed Areas
10-1-3: Amendments and Changes
~~10-1-4: Definitions~~
~~10-1-5 Land Use Category Definitions~~

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:

~~A~~1. To fulfill the goals of Florence's Comprehensive Plan.

~~B~~2. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.

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~~C~~3. 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.

~~D~~4. 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.

~~E~~5. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.

~~F~~6. 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.

~~G~~7. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.

~~H~~8. 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.

~~B~~C. 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.

~~C~~D. 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-~~5~~6. (Amd. by Ord. No. 30 Series 1990)

~~D~~E. 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

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

** 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 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).~~

~~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 2011)~~

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. Modification to an Approval or Condition of Approval
7. Legal Lot Determination
8. Home Occupations
9. Hazard Tree Removal
10. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
11. 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)
12. 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.
13. Modification to an approved Design Review of a conforming use or structure up to and including 1,500 square feet or up to and including 25% of the building square footage, whichever is less.
14. 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.
15. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.

16. 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-~~1~~2: 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 and including 1,500 square feet or ~~less than~~up to and including 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 greater than 1,500 square feet or greater 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-~~5~~6.

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.~~
~~CEMETERY~~	~~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 STABLIZED~~	~~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.[1]~~

~~[1] 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 of 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:~~ ~~A. No employment of help other than the members of the resident family.~~ ~~B. No use of material of 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~~

~~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.~~

~~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.~~

~~C. Side: Any property line which is not a front of rear lot line.~~

~~LOT MEASUREMENTS~~

~~A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.~~

~~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.~~

~~LOT TYPES~~

~~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.~~

~~B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.~~

~~C. Interior Lot: A lot or development site other than a corner having frontage only on one street.~~

~~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 191; existed from 1971 to 1975. Its work is continued by LCDC.~~
~~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 jetted 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.~~ ~~Coastal Recreation 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.~~ ~~Low-Intensity Recreation 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.~~ ~~High-Intensity Recreation 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 if 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~~	~~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:~~ ~~"Access" means physical contact with or use of the water;~~ ~~"Requires" 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;~~ ~~"Water-borne transportation" means use of water access:~~

1) Which are themselves transportation (e.g., navigation);
2) Which require the receipt of 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 2

GENERAL ZONING PROVISIONS

SECTION:

10-2-1: Conformance and Permits
10-2-2: Similar Uses
10-2-3: Building Setback Requirements
10-2-4: Height
10-2-5: Completion of Buildings
10-2-6: Who May Apply
10-2-7: Contract Purchasers Deemed Owners
10-2-8: Guarantee of Performance
10-2-9: Siting Emergency Housing
10-2-10: Public Uses
10-2-11: Exemption From Partitioning Requirements
10-2-12: Uses and Activities Permitted in All Zones
10-2-13: Definitions
10-2-14: Land Use Category Definitions

10-2-1: CONFORMANCE AND PERMITS: No building or structure shall be erected, reconstructed, structurally altered, enlarged, moved or maintained, nor shall any building, structure or land be used or designed to be used for any use other than is permitted in the district in which such building, structure or land is located and there only after applying for and securing all permits and licenses required by all laws and ordinances of the City.

10-2-2: SIMILAR USES: When the term "other uses similar to the above" is mentioned, it shall be deemed to mean other uses which, in the judgment of the Planning Commission, are similar to and not more objectionable to the general welfare than the uses listed in the same section.

10-2-3: BUILDING SETBACK REQUIREMENTS: When the Master Road Plan or Zoning Plan indicate that a right of way will be widened, the setbacks required (front, side and rear yards) shall be measured from the proposed expanded right of way.

A. Front Yard: Where front yards are required, no buildings or structures shall be hereafter erected or altered so that any portion thereof shall extend into the required front yard; except that eaves, cornices, steps, terraces, platforms and porches having no roof covering and being not over three and one-half feet (3 1/2') high may be built within a front yard.

B. Side Yards:

1. No building or structure shall be hereafter erected or altered so that any portion thereof shall be nearer to the side lot line than the distance indicated under the district or zone classification, except that eaves or cornices may extend over the required side yard for a distance of not more than two feet (2').

2. The Planning Commission may, upon the joint request of the owners of the adjoining property, permit the erection of private garages, or other buildings, except buildings housing animals, upon or immediately adjacent to the division line between the two (2) properties after an examination of the location and findings have revealed that the granting of such permission will not be unduly detrimental to adjacent and surrounding property nor the district in which such permission is granted. The foregoing provision shall be limited to the life of the structure or structures for which the permit is issued.

10-2-4: HEIGHT:

~~A.~~ Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

10-2-5: COMPLETION OF BUILDINGS: Nothing in this Title shall require any change of plans, construction, alteration or designated use of a building upon which construction has actually begun any time previous to the effective date hereof and the ground story framework of which, including the second tier of beams, shall have been completed. However, such entire building must be completed in accordance with the original plans within one year from the date of commencing construction, to be in compliance with this Title.

10-2-6: WHO MAY APPLY: In general, only the owner of a subject property may apply for action by the Planning Commission under the provisions of this Title. Others may also apply for action as long as the owner has indicated consent with the application by either signing the application or by submitting a letter or lease to that effect. An individual who has entered into an earnest money agreement to buy a property is considered to have an ownership interest for the purposes of this Title.

10-2-7: CONTRACT PURCHASERS DEEMED OWNERS: A person or persons purchasing property under contract, for the purpose of this Title, shall be deemed to be the owner or owners of the property covered by the contract. The City may require satisfactory evidence of such contract of purchase.

10-2-8: GUARANTEE OF PERFORMANCE: The City may require that a cash deposit, surety bond or other such guarantee be posted to insure that full and faithful performance by the parties involved.

10-2-9: SITING EMERGENCY HOUSING: In the event of a disaster situation, the City Council may designate sites or allow the siting of RVs, motorhomes, park models, and similar self-contained mobile structures in areas in which these uses were previously excluded, to provide housing on a temporary basis for disaster victims and relief workers until said conditions have been alleviated as determined by the City Manager.

10-2-10: PUBLIC USES: Land within any zoning district which is designated public in the Florence Comprehensive Plan shall be limited to uses which are consistent with that land use designation. Where public uses are designated in the plan and are implemented as a conditional use, such uses shall be permitted with the requirement of development standards by the City as provided for in the conditional use section of this Title.[3] (Ord. 669, 5-17-82)

10-2-11: EXEMPTION FROM PARTITIONING REQUIREMENTS: Public road and highway right-of-way acquisitions are exempt from the minor land partition regulations of this ordinance, providing the remainder of the property meets minimum lot size and setback requirements.*

10-2-12: USES AND ACTIVITIES PERMITTED IN ALL ZONES: The following uses and activities are permitted in all zones without review unless specifically required otherwise:

A. Operation, maintenance, repair or preservation of public roads and highway facilities, including, but not limited to sewer, water line, electrical power, or telephone or television cable system;

B. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan, such as bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;

C. Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and

D. Changes to the frequency of transit or airport service.

E. Exceptions: The following uses and activities require land use approval:

1. Reconstruction or modification of an historic building or other historic structure.

2. Development that requires acquisition of additional property other than the following widening of a public road or highway right-of-way.

(a) Right-of-way identified for acquisition on an official map or that is consistent with an

established special setback.

* Oregon Attorney General OP-5715, August 23, 1984 states that a county may exempt highway right-of-way acquisitions from the county's land partition regulations except those that partition land located in "exclusive farm use zones" established under ORS 215.203 to 215.263.

(b) A minor right-of-way acquisition to permit public road or highway safety improvement or modernization that complies with Section 10-2-12.

3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.

4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

10-2-13: 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.
CEMETERY	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 HEIGHT (DBH)	Diameter of the trunk of a tree measured at 4.5 feet above the ground
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 STABLIZED	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, either permanently or temporarily by one or more families, but excluding Coast Village, hotels, motels, and tourist courts, with

	permanent provision for living, sleeping, eating, food preparation, and sanitation.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) families living independently from each other and having separate facilities for each family as defined under “DWELLING” above.
DWELLING, MULTIPLE	A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate facilities for each family as defined under “DWELLING” above.
DWELLING, SINGLE	A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having separate facilities for only one family as defined under “DWELLING” above; or B. A manufactured home designed and used exclusively for the occupancy of one family as defined under “DWELLING” above and which is located and maintained in compliance with Section 10-12 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 or 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.[a]
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 may 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

[a] 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.

	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 of 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: A. No employment of help other than the members of the resident family. B. No use of material of 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	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. 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. C. Side: Any property line which is not a front of rear lot line.
LOT MEASUREMENTS	A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines. 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.
LOT TYPES	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.

B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.

C. Interior Lot: A lot or development site other than a corner having frontage only on one street.

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	Alterations necessary to provide water access to existing or permitted uses in Conservation Management units, including dredging for access

IMPROVEMENTS	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
MODULAR BUILDING	A building constructed off-site which does not have axles or a frame, but which conforms to all local building codes.
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 191; existed from 1971 to 1975. Its work is continued by LCDC.
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 jetted 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 AND SERVICES	Projects, activities and facilities which the City of Florence determines to be 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. Coastal Recreation 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. Low-Intensity Recreation 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. High-Intensity Recreation 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 if 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	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: "Access" means physical contact with or use of the water; "Requires" 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; "Water-borne transportation" means use of water access: 1) Which are themselves transportation (e.g., navigation); 2) Which require the receipt of 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 MATERIALS	Any premises used for the storage, and dismantling or sale of either used motor vehicles, trailers, machinery or building materials or parts thereof.
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)

10-2-14: 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 Ordinance No. 15, Series 1988
Amended by Ordinance No. 2, Series 2000
Amended by Ordinance No. 12, Series 2002
Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009
Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11
Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12
Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13
Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Sections 10-2-13 and 10-2-14 amended 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 space~~s~~(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 Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250)	1 space per classroom, or as determined by the Design Review Board 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)	Retail: 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.
	Restaurants and Bars: 1 spaces per 125 sq. ft. floor area
	Health Clubs, Gyms, Continuous Entertainment (e.g., bowling alleys): 1 space per 333 sq. ft.
	Theaters and Cinemas: 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
	Column A		
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-~~6~~7.

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.

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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.

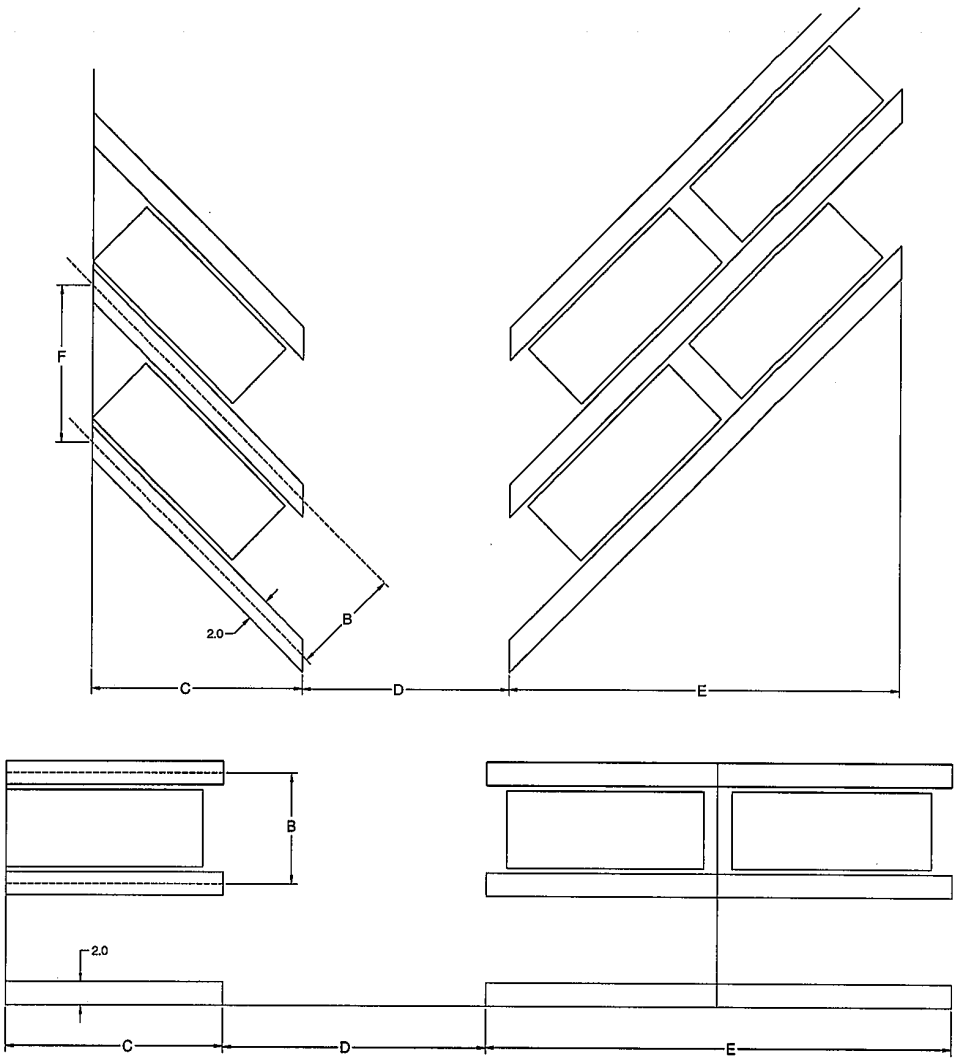


FIGURE 10-3 (1)

Table 10-3-3 – Parking Area Layout							
	Parking Angle <°	Stall Depth		Aisle Width		Stall width (B)	Curb Length (F)
		Single (C)	Double (E)	One Way (D)	Two Way (D)		
Space Dimensions in feet	30°	15.6	26.7	12	18	9.5	19.0
	45°	18.4	334	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 4

CONDITIONAL USES

SECTION:

10-4-1: Description and Purpose
10-4-2: General Applicability
10-4-3: Use Permit Prerequisite to Construction
10-4-4: Applications
10-4-5: Public Hearing and Notice
10-4-6: Action
10-4-7: Effective Date
10-4-8: Expiration of Conditional Use Permit
10-4-9: Revocation
10-4-10: General Criteria
10-4-11: General Conditions
10-4-12: Additional Conditions

10-4-1: DESCRIPTION AND PURPOSE: Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special considerations involve, among other things:

A. The size of the area required for development of such uses;

B. The effect such uses have on the public utility systems;

C. The nature of traffic problems incidental to operation of the use;

D. The effect such uses have on any adjoining land uses; and

E. The effect such uses have on the growth and development of the community as a whole.

All uses permitted conditionally are declared to be in possession of such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts created by this Title. The authority for the location and operation of certain uses shall be subject to Type III review by the Planning Commission and issuance of a conditional use permit. The purpose of review shall be to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of this Title shall be served. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82).

10-4-2: GENERAL APPLICABILITY: Remodels and expansions of up to 25% of the floor area are allowed without a new conditional use permit as long as the remodel or expansion is consistent with the original approval.

10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION: When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

10-4-4: APPLICATIONS: The application for a conditional use permit shall be made in writing to the Planning Commission by the owner of the land in consideration or his agent, duly authorized in writing. The application shall include the following information:

A. Site and building plans and elevations.

B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.

C. Existing and proposed utility lines and easements.

D. Operational data explaining how the buildings and uses will function.

E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.

F. Other information and format as required by FCC 10-1-1-4.

10-4-5: PUBLIC HEARING AND NOTICE: The Planning Commission shall hold at least one public hearing on each conditional use permit application.

10-4-6: ACTION: The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

10-4-7: EFFECTIVE DATE: A conditional use permit shall become effective at the close of the appeal period.

10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:

A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

1. The request for an extension is made in writing prior to expiration of the original approval.
2. There are special or unusual circumstances that exist which warrant an extension.
3. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a conditional use if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

10-4-9: REVOCATION: The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

A. Failure to comply with any prescribed requirement of the conditional use permit.

B. Violation of any of the provisions of this Title.

C. The use for which the permit was granted has ceased to exist or has been suspended for six (6) consecutive months or for eighteen (18) months during any three (3) year period.

D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance. (Ord. 625, 6-30-80).

10-4-10: GENERAL CRITERIA: A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

A. Conformity with the Florence Comprehensive Plan.

B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may

be determined through projections contained in the Florence Comprehensive Plan or other special studies.

D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.

E. Adequacy of public facilities, public services and utilities to service the proposed development.

F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

10-4-11: GENERAL CONDITIONS: The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Design Review Board. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).

A. Regulation of uses, special yard setbacks, coverage and height.

B. Requiring fences, walls, screens and landscaping plus their maintenance.

C. Regulation and control of points of vehicular ingress and egress.

D. Regulation of noise, vibration, odors, and sightliness.

E. Requiring surfacing of parking areas.

F. Requiring rehabilitation plans.

G. Regulation of hours of operation and duration of use or operation.

H. Requiring a time period within which the proposed use shall be developed.

I. Requiring bonds to insure performance of special conditions.

J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.

K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

10-4-12: ADDITIONAL CONDITIONS: Some land uses by the nature of the activity associated with them require separate and intense consideration by the Planning Commission prior to their establishment. Such uses and additional conditions are as follows:

A. Churches: Any building used for church purposes in a residential district, except freestanding parsonages, shall provide and maintain a minimum setback of twenty feet (20') from any property line which is under a different ownership and is zoned for residential use.

B. Hospitals: Any building used for hospital purposes shall provide and maintain a minimum setback of fifty feet (50') from rear and side property lines, except on the street side of a corner lot. Alleys contiguous to or within the property being used for hospital purposes may be included as part of the required setback.

C. Public or ~~Parochial~~ Private Schools: Any building used for school purposes shall provide and maintain a minimum setback of fifty feet (50') from rear and side property lines, except on the street side of a corner lot. Alleys contiguous to or within the property being used for school purposes may be included as part of the required setback.

D. Service Stations: as used herein, service station means a facility designed to provide fuel and automotive services for passenger-type vehicles. Truck stops or service centers will be treated separately and distinctly from service stations.

1. Location: Service stations shall be located adjacent to and integrated with other commercial uses, but not allowed in "spot" locations. They shall be located adjacent to an arterial street.

2. Site Dimensions: The minimum size for a service station shall be one hundred fifty foot (150') frontage and one hundred foot (100') depth. They shall not abut existing residential districts and there shall be a minimum distance of four hundred feet (400') between service stations except at intersections. No more than two (2) service stations will be allowed at any intersection.

3. Landscaping: Shall be installed in accordance with the standards set forth in FCC 10-34 Landscaping.

4. Curb Cuts: No more than two (2) curb cuts will be allowed off any arterial street and these shall be located a distance no less than thirty feet (30') from any point of intersection with a public right of way.

5. Signs: Signs shall be in accordance with the sign regulations of Title 4 Chapter 7 of this code.

6. Hazards and Nuisances: Noise shall be controlled so as not to exceed the normal ground level of adjacent uses. Lighting shall be in accordance with Section 10-37 of this Title.

7. Operations:

a. Only vehicles awaiting service will be stored on the premises.

b. Operations outside permanent structures shall be limited to dispensing gasoline, oil and water, changing tires, adjusting tire pressure, attaching and detaching trailers and washing vehicles.

c. Rental vehicles or utility trailer, not exceeding ten (10) in number, may be stored for rental, provided that any screening required by the City is in place and maintained.

d. No merchandise shall be displayed or stored outside, except for oil in racks adjacent to the pumps.

8. Discontinuance of Operations:

a. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the conditional use permit for the service station may be revoked.

b. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the buildings and structures may be removed at the expense of the property owner(s).

c. If the property owner fails to remove the buildings and structures within six (6) months of the revocation of the conditional use permit, the City may remove such buildings and structures at the expense of the owner(s).

9. Design: An architectural rendering of the proposed service station shall be submitted in addition to the other information required for a conditional use permit. (Ord. 625, 6-30-80)

E. Temporary Mobile Building Space:

1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:

a. Temporary offices accessible to the general public for use during construction or remodeling.

b. Temporary building space for education, nonprofit and government agencies.

2. Conditional Use Permits for Mobile Homes: A conditional use permit may be issued to an applicant showing an undue medical hardship. The applicant must demonstrate to the Commission with supporting factual information that this action is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile home is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permit shall be submitted to the Planning Commission and shall contain:

a. A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;

b. A property plan showing in detail the proposed location and site of the mobile home with respect to the surrounding area, setbacks, existing structures and improvements to be made.

c. Conditions of approval:

1. There shall be no change in occupancy under the permit.

2. The mobile home shall not be expanded or attached to a permanent structure.

3. The mobile home shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.

4. The mobile home shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.

5. The owner agrees that the mobile home shall be removed from the property when the temporary need allowed by this permit ceases. (Ord. 8, Series 1985, 5-28-85).

F. Bed and Breakfast Facility:

1. A bed and breakfast facility must be in a one-family dwelling.

2. A maximum of three bedrooms shall be rented.

3. The bed and breakfast shall be an owner occupied residence. No separate structures shall be utilized.

4. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.

5. The exterior of the building and the yard shall maintain a residential appearance.

6. A morning meal must be served on premise and included within the room charge for guests of the facility and shall be the only meal provided.

7. The facility must meet applicable county and state health, safety (including but not limited

to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.

8. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.

9. One sign shall be permitted on the premises with a maximum area of four (4) square feet.

10. The city, upon receipt of a citizen complaint, will review a conditional use permit approved for a bed and breakfast facility. The planning commission may withdraw the permit, at any time if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the planning commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.

11. An increase in the number of rooms rented, over those previously permitted and not to exceed 3 rooms, will require a new conditional use permit with the conditional use fee reduced to one-half.

12. The applicant must have written approval from the Board of Directors of any applicable Homeowner's Association. (Amended by Ord. No. 13, Series 2002)

G. Waste Related Industrial Use:

1. Any waste related industrial use shall provide and maintain a minimum vegetated buffer of twenty feet (20') from any property line which is under a different ownership and/or zoned for residential use.

2. A solid fence and/or wall a minimum of six feet (6') to a maximum of eight feet (8') in height shall be provided and located along side and rear property lines (except corner lots), behind the front yard landscaped setback and behind the side yard landscaped setback on corner lots.

3. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

4. All necessary State and County permits shall be obtained to ensure the environmental health and safety of the public.

H. Residential Caretaker Unit;

1. Residential caretaker unit must be located a minimum of twenty feet (20') from any property line abutting a street.

2. Provision of a residential caretaker unit must be necessary to ensure adequate security and monitoring of the site and/or viable business operations (e.g. on-call persons, emergency maintenance).

I. All Medical and Recreational Marijuana Uses requiring licensing or registration by the Oregon Liquor Control Commission or the Oregon Health Authority.

1. Medical marijuana dispensaries, recreational marijuana retailers, medical and recreational marijuana processing sites, recreational producers, and marijuana wholesalers are permitted conditionally except as specifically provided for in the Pacific View Business Park District and Limited Industrial District and where permitted as a home occupation. Where a licensed marijuana use is not listed among the uses permitted conditionally or outright in a particular zoning district, the marijuana use is not permitted in that zoning district.

2. Prior to submitting an application for a medical marijuana or recreational marijuana conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed development site complies with the necessary separation requirements for a medical marijuana or recreational use.

3. Medical marijuana dispensaries and marijuana retailers must be separated from the following by a minimum of the listed distance:

   a. 175 feet from residential zones

   b. 200 feet from public libraries.

   c. 200 feet from public parks, except Miller Park which shall be 400 feet.

   d. 200 feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).

   e. 1,000 feet from:

      1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020.

      2. Private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

   School buffers listed in "3.e." above shall be measured in accordance with state methodology. For all other buffers, distance is measured in a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for marijuana facility use. The distance limitations are based upon the uses surrounding the proposed marijuana facility location at the time the facility's conditional use application is deemed complete.

4. A medical marijuana facility shall:

   a. Not be a home occupation, except Medical Marijuana Production and Processing and Recreational Marijuana Producers and Processors in a permanent building as discussed in 'c' below.

   b. Not locate in a building that also contains a dwelling or caretaker facility.

   c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a high tunnel, greenhouse, trailer, cargo container or motor vehicle, except as provided in 'i'. Medical and Recreational Production not in a residential zone and not a home occupation may conduct outdoor grow operations, excepting in the Highway District.

   d. Not have a drive-up window or walk-up window.

   e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.

   f. Provide overhead lighting after sunset during business hours for any on-site parking area.

g. Have only one public entrance and the single public entrance shall face a public street.

h. Not share an air circulation system with another use.

i. Not locate in greenhouses or high tunnels, except for producers and production sites that are not home occupations may use those structures in non-residential districts where the business use is permitted.

j. Provide effective odor control system such as by carbon filtration.

k. Not use artificial lighting after sunset and before sunrise with outdoor grow sites and production or those operating in greenhouses or high-tunnels.

~~i~~l. Position security cameras in such a way as to only show the licensee's property and surrounding public right-of-way.

5. All medical marijuana and recreational marijuana uses must have a current and active registration and/or license to conduct business as a facility from the Oregon Health Authority and from the Oregon Liquor Control Commission, as applicable and must have a current City business license.

6. All medical marijuana grow sites and recreational producers must provide the city a 'will serve' letter or equivalent from Florence Public Works, Central Lincoln PUD and Heceta Water PUD (as applicable) prior to submission of a land use permit application or business license, whichever application is made first.

Sections: 10-4-4; 10-4-6; 10-4-7 Amended by Ord. 26, 2008
Section: 10-4-11-F: July, 2009 (housekeeping)
Section 10-4-11 amended by Ord. No. 9, Series 2009
Section 10-4-11 amended by Ord. No. 4, Series 2010 (effective 4/5/10)
Sections 10-4-3-B, 10-4-11-D-3, and 10-4-11-D-5 amended, AND Section 10-4-10-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section10-7-7 amended; sections 10-4-2 and 10-4-7-B added; and subsequent sections renumbered by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Section 10-4-12-D-6 amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-4-12-I added by Ord. No. 1, Series 2015 (effective 3-15-14)
Section 10-4-12-I amended by Ord. No. 12, Series 2015 (effective 1-1-16)
Sections 10-4-1, 10-4-4, and 10-4-12-C and -I amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 5

ZONING VARIANCES

SECTION:

10-5-1: Purpose
10-5-2: Limitations
10-5-3: Application
10-5-4: Conditions
10-5-5: Public Hearing
10-5-6: Effective Date
10-5-7: Expiration of Variance

10-5-1: PURPOSE: The purpose of a variance shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of this Title. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions on the site or in the immediate vicinity.

10-5-2: LIMITATIONS: A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to use regulations. The Planning Commission may grant a variance to a regulation prescribed by this Title with respect to the following:

A. Fences, hedges, walls or landscaping.

B. Site area, width, depth, square footage, frontage and building coverage.

C. Front, side or rear yards.

D. Height of structures.

E. Distance between structures.

F. Accessory buildings.

G. Parking requirements.

H. Width of rights of way and roadways.

I. Grant only the minimum variance necessary to meet the hardship or practical difficulties.

J. Attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter.

10-5-3: APPLICATION: The application for variance shall be made in writing to the Planning Commission by the owner(s) of the land in consideration or their agent(s), duly authorized in writing. The applicant shall set forth in detail:

A. The practical difficulties and physical hardships involved.

B. Existing conditions on the site.

C. Reasons for a variance being the most practicable solution to the problem.

D. Any other pertinent information requested by the Planning Commission.

10-5-4: CONDITIONS: The Planning Commission may grant a variance to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A. Strict or literal interpretation and enforcement of the specified regulations would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Title.

B. There are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties classified in the same zoning district, or

C. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district, and

D. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

10-5-5: PUBLIC HEARING: Upon receipt of a complete application for a variance, a public hearing will be scheduled in accordance with the requirements of Section 10-1-1-6~~5~~ of this Title. (Ord 26, 2008)

10-5-6: EFFECTIVE DATE: A variance shall become effective at the close of the appeal period.

10-5-7: EXPIRATION OF VARIANCE: Authorization of a variance shall be void one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval
B. There are special or unusual circumstances that exist which warrant an extension
C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a variance if new land use regulations have been adopted that affect the applicant's proposal. (Ord. 26, 2008)

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 8, Series 1997
Sections 10-5-5; 10-5-6; 10-5-7 Amended by Ordinance No. 26, Series 2008
Sections 10-5-2-I and 10-5-4-E deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Sections 10-5-7 amended by Ordinance No. 3, Series 2013, see Exhibit B (effective 7-31-13)
Section 10-5-5 amended by Ordinance No.11, Series 2016 (effective XX/XX/XX)

TITLE 10
CHAPTER 6

DESIGN REVIEW

SECTION:

10-6-1: Purpose
10-6-2: Design Review Board
10-6-3: General Applicability
10-6-4: Drawings to be Approved
10-6-5: General Criteria
10-6-6: Architectural Design
10-6-~~6~~7: Drawing Submittal
10-6-~~7~~8: Drawings Submitted to Design Review Board
10-6-~~8~~9: Appeal
10-6-~~9~~10: Lapse of Design Review Approval

10-6-1: PURPOSE: The design review process is intended to:

A. Create an attractive appearance that will enhance the City and promote the general welfare of its citizens.

B. Provide property owner the means to protect and conserve the architectural tone of their neighborhood.

C. Recognize areas of existing or potential scenic value.

D. Protect and preserve buildings and sites that are of significant architectural or historic merit. (Ord. 625, 6- 30-80)

10-6-2: DESIGN REVIEW BOARD: The Planning Commission shall act as the Design Review Board. Planning Commission and Design Review action may take place simultaneously.

10-6-3: GENERAL APPLICABILITY:

A. Planning Commission/The Design Review Board shall:
~~A.~~

1. ~~When~~ Unless otherwise ~~required~~ directed by the underlying zoning district, review new construction, alterations to the exterior of structures or additions involving twenty-five percent (25%) or more of the floor area of a building, and changes of use from less intensive to greater intensive use not eligible for ~~administrative~~ Type I or Type II review (see ~~Chapter~~FCC 10-1-1-6-~~B~~1 and 10-1-1-6-2). This review shall be completed prior to the issuance of a building permit;

2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5 and, when applicable, 10-6-6;

3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,

4. The Design Review Board shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Board may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure. (Ord. 680, 1-11-83)

B. The requirements of individual zoning districts shall prevail where the applicability of this chapter and individual zoning districts conflict.

10-6-4: DRAWINGS TO BE APPROVED: No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall be issued until the drawings required by this Chapter have been approved by the Planning Commission/Design Review Board. (Ord. 625, 6-30-80)

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following: (Ord. 680, 1-11-83)

A. Setbacks, yards, height, density and similar design features according to the underlying zoning district.

B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.

C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.

D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.

E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.

F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.

G. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.

H. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.

I. Exterior lighting and security.

J. Public health, safety and general welfare.

K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

L. Requiring a time period within which the proposed use or portions thereof shall be developed.

M. Requiring bonds to insure performance of special conditions. (Ord. 625, 6-30-80)

N. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan. (Ord. 680, 1- 11-83)

10-6-6: ARCHITECTURAL DESIGN: The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built

environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

In applicable zoning districts such as Old Town and Mainstreet, the City Planning Official, the City Planning Official's designee, or the Planning Commission/Design Review Board may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission/Design Review Board may approve adjustments or variances to the standards as part of a site Design Review approval, pursuant with FCC 10-5 and 10-6, respectively.

10-6-6-1: BUILDING TYPE: These types of buildings currently exist within the applicable zoning districts and are compatible with each other, despite being different in their massing and form. The following building types are permitted in future development and infill. Other building types not listed which are compatible with the surrounding area and buildings and are compatible with the historic nature of the zoning district are also permitted. Not all types may be permitted or regulated in all zoning districts.

A. Residential Type, single-family, duplex (attached & detached), or multi-family

B. Commercial Storefront Type

C. Mixed-Use House Type

D. Community Building Type

10-6-6-2: BUILDING STYLE:

A. Context: Each building or addition shall be designed within the context of its larger surroundings and environment in terms of overall street massing, scale and configuration.

B. Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are: Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.

1. Existing buildings: Maintain and restore significant historic details.

2. New Buildings: Design shall be compatible with adjacent historic buildings.

10-6-6-3: BUILDING FAÇADES:

A. Horizontal Design Elements: Multi-story commercial storefront buildings shall have a distinctive horizontal base; second floor; and eave, cornice and/or parapet line; creating visual interest and relief. Horizontal articulations shall be made with features such as awnings, overhanging eaves, symmetrical gable roofs, material changes, or applied facia detail. New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.

B. Vertical Design Elements: Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied facia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.

C. Articulation and Detailing: All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:

1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:

   a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;

   b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or

   c. Offsets or breaks in roof elevation of 2 feet or greater in height.

   d. A "break," for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.

2. The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.

3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.

4. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plan standard, but should complement the overall building design.

10-6-6-4: PERMITTED VISIBLE BUILDING MATERIALS: Building materials which have the same or better performance may be substituted for the materials below provided that they have the same appearance as the listed materials.

A. Exterior Building Walls:

1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.

2. Brick or stone masonry with a minimum 2 ½" deep solid veneer material.

3. Cement-based stucco.

4. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval.

B. Roofs, Awnings, Gutters, and Visible Roofing Components:

1. Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.

2. Standing seam roofing: copper, terne metal or coated metal.

3. Gutters and downspouts: copper, terne metal, or coated metal.

4. Single or multi-ply roofing, where visibly concealed.

5. Glass, steel, wood or canvas fabric awnings.

6. Skylights: metal and wood framed glass and translucent polymer.

C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.

D. Windows, Entrances, and Accessories:

1. Wood, vinyl or pre-finished metal frames and sashes.

2. Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.

3. Solid wood or fiberglass shutters.

4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.

E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies

1. Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.

2. Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.

3. Solid wood, painted welded steel or iron trellises.

4. Railings, balustrades, and related components shall be solid wood, painted welded steel or iron.

F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:

1. Brick and stone masonry or precast concrete.

2. Architecturally finished exposed concrete.

3. Cement-based stucco over masonry or concrete substrate.

4. Solid wood pickets, lattice and boards.

5. Painted welded metal or iron.

G. Building and Site Material Colors: Color finishes on all building exteriors shall be approved by the City and be of a muted earth-tone coastal Pacific Northwest palette. Reflective, luminescent, sparkling, and “day-glow” colors and finishes are prohibited. The Planning Commission/Design Review Board may approve adjustments to the standards as part of a site Design Review approval.

10-6-6-5: MATERIAL APPLICATIONS AND CONFIGURATIONS:

A. Building Walls:

1. For each building, there shall be one single, clearly dominant exterior wall material and finish.

2. Brick and stone front façades shall return at least 18" around side walls.

3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.

4. Heavier-appearing materials, such as stone, shall only be used below lighter-appearing materials, such as siding.

5. Siding and shingles shall have a maximum 6" to the weather.

6. 4" minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.

7. Board and batten siding: battens shall be spaced a maximum of 8" on center.

B. Roofs, Awnings, Gutters and Roofing Accessories:

1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.

2. Eaves shall be continuous except at sheds and dormers.

3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.

4. Flat roofs shall be concealed by cornices or parapets.

5. Gutters shall be round or ogee profile. Leaders shall be round or square.

6. All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.

7. Sloped roof eaves shall overhang exterior wall planes at least 12" and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.

C. Towers:

1. Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.

2. Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.

3. Commercial signage may not be placed on towers.

4. Tower separation shall be minimum of 100 feet.

D. Visible Windows, Glazing, and Entrances:

1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.

2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.

3. Bay windows shall have visible bracket support.

4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.

5. Door and window shutters shall be sized to cover the entire window.

6. Exterior shutters shall be solid wood or fiberglass.

7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.

8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.

9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.

10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.

E. Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.

F. Visible Landscape/Retaining Walls and Fences:

1. Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.

2. Site wall materials should generally match or provide compatibility with the adjoining building materials.

3. Metal and iron fencing shall be configured in predominately vertical elements.

G. Mechanical Equipment:

1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.

2. Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

3. Ground-Mounted. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings per FCC 10-34-3-7. The City may require additional setbacks and/or noise attenuating equipment for compatibility with adjacent uses.

10-6-6-6: STOREFRONTS: This section applies specifically to pedestrian-oriented storefront-type buildings.

A. Glazing & Materials:

1. Windows or storefront glazing along the primary public façade shall comprise at least 70% of the main floor's exterior surface area.

2. Clerestory or transom windows above storefronts are recommended.

3. Window openings shall comprise a maximum of 50%, minimum of 30% of the front building façade above the first floor.

B. Storefront Height: Minimum 10 ft., maximum 16 ft. finished interior floor to ceiling height.

C. Storefront Bay Widths: Visible first floor vertical elements such as columns and pilasters shall be spaced center-to-center a maximum of 25 ft. and a minimum of 8 ft. apart.

D. Window Glazing Materials:

1. Clear or "Low E" glazing. Tinted or reflective glass and glass block shall not be visible from public rights-of-way.

2. Glass shall be recessed at least 1 ½" from the surrounding exterior wall surface.

3. Windows shall have true divided-lites with mullions or no divided lites. Butt joint glass is not recommended.

E. Awnings and Canopies: Fixed awnings and canopies attached to a building façade a minimum of 8 ft. above the sidewalk may encroach a maximum of 8 ft. into the public sidewalk right-of-way. Awnings shall extend at least 25% of the storefront length.

F. Building Primary Entries:

1. The entry enclosure shall project out from or be recessed in from the surrounding building façade 3 ft. in order to articulate the building's access and also to ensure that out-swinging doors do not project into sidewalks.

2. Primary store entrances shall open directly onto the primary public street and be unlocked during business hours.

3. Additional entrances to rear or side parking areas are permitted.

G. Pedestrian Shelters: The following standards apply to new buildings and building additions that are subject to site Design Review.

1. Minimum Pedestrian Shelter Coverage. Permanent awnings, canopies, recesses or similar pedestrian shelters shall be provided along 75 percent of the ground floor elevation(s) of a storefront-type building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area; except that the Planning Commission may, through site Design Review, reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above

standards to not apply where a building has a ground floor dwelling, as in a mixed-use development and the dwelling entrance has a covered entrance.

2. Pedestrian Shelter Design. Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs) while maintaining required vertical clearance.

H. Defined Upper Story (ies): Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, and/or fenestration. Upper floors may have less window area than ground floors, but shall follow the vertical lines of the lower level piers and the horizontal definition of spandrels and any cornices. Upper floor window orientation shall primarily be vertical, or have a width that is no greater than height. Paired or grouped windows that, together, are wider than they are tall, shall be visually divided to express the vertical orientation of individual windows.

10-6-6-7: OTHER DISTRICTS: ARCHITECTURAL REQUIREMENTS: In districts other than Mainstreet and Old Town, the architectural design requirements of this section shall apply to all commercial buildings.

A. All commercial buildings shall meet the standards of FCC 10-6-6-3 and 10-6-6-4-G above.

B. All commercial buildings shall incorporate not fewer than three types of architectural features from 1 through 6 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.

1. Covered front entrance. Not less than six feet in depth and not less than 10 percent the width of the building, excluding the landing for entrance.

2. Windows: not less than 30 percent of surface area of all street-facing elevation(s) with the following features:

a. Trim, reveals, recesses, or similar detailing of not less than four-inches in width or depth as applicable.

b. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features).

3. Pedestrian Shelters: as described in FCC 10-6-6-6-G.

4. Eaves (where applicable): overhang of not less than 12 inches.

5. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof. Towers may be included where building height limitations and surrounding structures deem them appropriate.

6. Awnings and canopies: extending not less than 30% of the elevation where applied.

10-6-~~6~~7: DRAWING SUBMITTAL: ~~The~~ In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exi~~s~~ts, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.

B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.

C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.

D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.

10-6-~~7~~8: DRAWINGS SUBMITTED TO THE PLANNING COMMISSION/DESIGN REVIEW BOARD: The City shall record and check all drawings submitted. If it is found that the plans meet all the other requirements of this Chapter, the drawings shall be submitted to the appropriate City staff departments for comments prior to submittal to the Design Review Board. If the City determines that a permit could not be issued without the granting of a conditional use permit, the granting of a variance, or the enactment of an amendment to this Chapter, the applicant shall be informed and the drawings shall not be submitted to the Board. (Ord. 625, 6-30-80; amd. Ord. 625-A, 10- 28-80)

10-6-~~8~~9: APPEALS: See Code Section 10-1-1-7.

10-6-~~9~~10: LAPSE OF DESIGN REVIEW APPROVAL: Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval.
B. There are special or unusual circumstances that exist which warrant an extension.
C. No material changes of surrounding land uses or zoning has occurred.

The Planning Commission may deny the request for an extension of a design review permit if new land use regulations have been adopted that affect the applicant's proposal. (Ord 26, 2008)

Amended by Ordinance No. 15, Series 1988
Section 10-6-9, Amended by Ordinance No. 26, Series 2008
Section 10-6-5 and 10-6-6 Amended by Ord. No. 9, Series 2009
Section 10-6-3 amended by Ordinance No. 4, Series 2010 (effective 4/5/10)
Sections 10-6-3-A, and 10-6-3-D amended, AND Sections 10-6-5-G, and 10-6-6-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)
Sections10-6-3 and 10-6-6 amended by Ordinance No. 3, Series 2013, Exhibit B (effective 7/31/13)
Sections 10-6-3, 10-6-4, and 10-6-6 through 10-6-10 amended by Ordinance No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 7

SPECIAL DEVELOPMENT STANDARDS

SECTION:

10-7-1: Purpose
10-7-2: Identification of Wetlands and Riparian Areas and Potential Problem Areas
10-7-3: Development Standards for Potential Problem Areas
10-7-4: Development Standards for Wetlands and Riparian Areas
10-7-5: Site Investigation
10-7-6: Review and Use of Site Investigation Reports (Amended Ord. 10, Series 2009)

10-7-1: PURPOSE: The purpose of this Chapter is to apply additional development standards to areas with wetlands or riparian areas and potential problem areas, such as natural hazards or soils which are particularly subject to erosion, landslide or seasonal surface water. Compliance with these standards is required in order to obtain a permit. The standards are intended to eliminate the danger to the health, safety or property of those who would live in potential problem areas and the general public and to protect areas of critical environmental concern; areas having scenic, scientific, cultural, or biological importance; and significant fish and wildlife habitat as identified through Goal 5: Open Spaces and Scenic, Historic, and Natural Resources, and Goal 17: Coastal Shorelands. (Amended Ord. No. 10, Series 2009)

10-7-2: IDENTIFICATION OF WETLANDS AND RIPARIAN AREAS AND POTENTIAL PROBLEM AREAS: At minimum, the following maps shall be used to identify wetlands and riparian areas and potential problem areas:

A. "Hazards Map", Florence Comprehensive Plan Appendix 7.

B. "Soils Map", Florence Comprehensive Plan Appendix 7. (Ord. 625, 6-30-80)

C. "Beaches and Dunes Overlay Zone." See Chapter 19 for overlay zone requirements. Where conflicts exist between that chapter and this one, the more restrictive requirements shall apply.

D. 2013 City of Florence Significant Wetlands Map and 2013 City of Florence Significant Riparian Reaches Map in Appendix A of the 2013 Florence Area Wetlands and Riparian Inventory (2013 Inventory) and in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), in Comprehensive Plan Appendix 5.

E. Other information contained in the plan or adopted by reference into the plan, or more detailed inventory data made available after adoption of the plan may also be used to identify potential problem areas. (Amended Ord. No. 10, Series 2009)

10-7-3: DEVELOPMENT STANDARDS FOR POTENTIAL PROBLEM AREAS: The following standards shall be applied to development in potential problem areas unless an approved Phase I Site Investigation Report or an on-site examination shows that the condition which was identified in the Comprehensive Plan or Overlay Zoning Map does not in fact exist on the subject property. These standards shall be applied in addition to any standards required in the Zoning Districts, Comprehensive Plan, and to any requirements shown to be necessary as a result of site investigation. Where conflicts or inconsistencies exist between these Development Standards, City Code, and the Comprehensive Plan, the strictest provisions shall apply unless stated otherwise.

A. Special Flood Hazard Area: All uses proposed in the flood area shall conform to the provisions of the National Flood Insurance Programs.

B. River Cutbanks: No building shall be permitted within fifty feet (50') from the top of a river cutbank.

C. Active Dune Advancing Edge: No building shall be permitted within one hundred feet (100') of the leading edge of an active dune, except by Planning Commission approval where it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to

nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. (Ord. 24, Series 2008)

D~~E~~. Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).

E~~F~~. Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.

F~~G~~. Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.

G~~H~~. Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.

H~~I~~. Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82) (Amended Ord. 10, Series 2009)

10-7-4: DEVELOPMENT STANDARDS FOR WETLANDS AND RIPARAIN AREAS:

A. Purpose: Significant wetlands, and their related wetland buffer zones, and significant riparian corridors provide hydrologic control of floodwaters; protect groundwater and surface water quality; provide valuable fish and wildlife habitat, including habitat for andromous salmonids; improve water quality by regulating stream temperatures, trapping sediment, and stabilizing streambanks and shorelines; and provide educational and recreational opportunities. It is recognized that not all resources will exhibit all of these functions and conditions.

The purpose of this Subsection (FCC 10-7-4) is to protect significant wetlands, wetland buffer zones, and significant riparian corridors in order to:

1. Implement the goals and policies of the Comprehensive Plan;

2. Satisfy the requirements of Statewide Planning Goal 5 and ensure consistency with adopted City Stormwater requirements in Florence City Code Title 9 Chapter 5;

3. Safeguard the City's locally significant wetland and riparian areas, especially the flood control and water quality functions these areas provide for the community;

4. Safeguard fish and wildlife habitat;

5. Safeguard water quality and natural hydrology, to control erosion and sedimentation, and to reduce the adverse effects of flooding;

6. Safeguard the amenity values and educational opportunities for City's wetlands and riparian areas for the community; and

7. Improve and promote coordination among Federal, State, and local agencies regarding development activities near wetlands and riparian areas.

B. Applicability:

1. Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:

   a. Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 2~~1~~. Significant Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive Plan Appendix 5, which is adopted into this Code by reference.

   b. Apply in addition to the stormwater standards in FCC 9-5-3-3-F (incorporated herein) and the standards of the property's zoning district, except that the required setbacks in this subsection are not in addition to the required setbacks in the underlying zone. Where conflicts exist between this subsection and the underlying zoning district, this subsection shall apply.

2. Applicability to properties adjacent to the side channel of Munsel Creek (Reach RMC-Cs in the 2013 Inventory). These properties are subject to special setback reductions and provisions, as set out below, due to the unique development patterns and history of the area. These special provisions are supported by, and explained in, the Economic, Social, Environmental, and Energy (ESEE) Analysis and Limited Protection Program (ESEE Analysis) in Chapter 3 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan in Appendix 5 of the Comprehensive Plan. The ESEE Analysis is adopted as part of the Comprehensive Plan and is incorporated herein by reference.

3. Applicability to public facilities in significant wetlands. Public facilities (transportation, water, wastewater, and stormwater) that are included in the City's Public Facility Plan, as amended, are exempt from the requirements of this subsection provided that permitted uses are designed and constructed to minimize intrusion into the riparian area; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained. This exemption is authorized by the ESEE Analysis in Appendix 5 of the Comprehensive Plan. See Section, "Exemptions," below.

C. Activities Subject to Standards and Requirements: Activities subject to the Special Development Standards in this subsection shall include the following, unless specifically exempted by Code:

1. Partitioning and subdividing of land;
2.. New structural development;
3. Exterior expansion of any building or structure, or increase in impervious surfaces or storage areas;

4. Site modifications including grading, excavation or fill (as regulated by the Oregon Department of State Lands and the Army Corps of Engineers), installation of new above or below ground utilities, construction of roads, driveways, or paths, except as specifically exempted in the section "exemptions" below;

5. The cutting of trees and the clearing of any native vegetation within a Significant Wetland, Wetland Buffer Zone, or Riparian Corridor beyond that required to maintain landscaping on individual lots existing on the effective date of this title.

D. Exemptions:

1. Only the following uses and activities in significant riparian corridors or wetland buffer zones are exempt from these Significant Wetland and Riparian Area Standards, provided: the uses and activities are designed and constructed to minimize intrusion into the buffer zone; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained:

   a. Replacement of lawfully created existing structures with structures in the same location that do not disturb additional wetland buffer zone or significant riparian surface area. All Coast Village structures existing on September 5, 2013 are grandfathered and qualify as "lawfully created existing structures" for purposes of this subsection. This provision supersedes the provisions for non-conforming structures in FCC 10-8.

   b. Installation or maintenance of public and private facilities and utilities (such as transportation, water, wastewater, and stormwater, electric, gas, etc.) in riparian areas.

   c. The sale of property.

   d. Temporary emergency procedures necessary for the safety or protection of property.

   e. All water-related and water-dependent uses as defined in the Definitions in the Florence Code Title 10 Chapter 2.

   f. Removal of non-native vegetation and replacement with native plant species.

   g. Removal of vegetation necessary for the development of water-related or water-dependent uses.

   h. Public facilities identified in the City's Public Facility Plan, in Appendix 11 of the Comprehensive Plan, as amended, that are installed in significant wetlands, provided that the facilities are designed and constructed to minimize intrusion into the wetland; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

E. Agency Review: Decisions made by the City of Florence under this title do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question. It is the responsibility of the land owner to ensure that any other necessary state or federal permits or clearances are obtained. In particular, state and federal mitigation requirements for impacts associated with approved water-related or water-dependent uses may still be required.

F. General Development Standards and Requirements: When development is proposed that is subject to these standards, the property owner is responsible for the following. Figure 1 below is a cross section illustrating terms used in the discussion of wetland and riparian setbacks defined in Oregon Statewide Planning Goal 5.

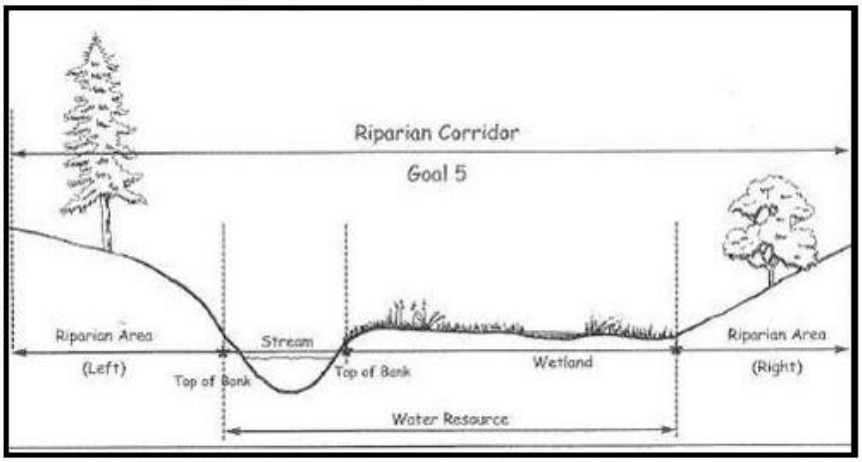


Figure 1: Downstream cross section illustrating terms used in Statewide Planning Goal 5. Source: ***Urban Riparian Inventory and Assessment Guide,*** Oregon Department of State Lands, 1998.

1. Determination of Significant Wetland and Riparian Area Boundaries.

   a. For the purpose of showing the boundary of a significant wetland on a site plan, property owners may choose one of the following options:

      i. Hire a Qualified Professional to do the delineation and have the delineation approved by the Oregon Department of State Lands (DSL); or

      ii. Hire a Qualified Professional to do the delineation but do not request DSL approval of the delineation. The Qualified Professional must have performed prior wetland delineations that were approved by DSL; or

      iii. If the site plan shows the proposed development is outside the 50 foot Stormwater Buffer Zone, the wetland boundaries shown on the adopted Local Wetland Inventory (LWI) Map can be used to determine the wetland boundary for this purpose.

   b. For significant riparian corridors, the width of the corridor boundary is the "significant riparian width" in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridor Plan in Comprehensive Appendix 5.

   c. For significant riparian corridors, the boundaries of the riparian corridor will be measured and shown on an approved site plan. The City shall maintain maps of regulated riparian areas, and make them available to the public. These maps will be used to identify the extent of the riparian area unless the applicant can demonstrate through detailed inventory information (including maps, photos, and Lane County aerial photos showing the location and species of vegetation growing in the disputed area) that the city's maps are in error. For purposes of making these measurements, the following shall apply:

      i. Riparian buffer zones are measured horizontally from the top of bank. The top of the bank is the highest point at which the bank meets the grade of the surrounding topography, characterized by an abrupt or noticeable change from a steeper grade to a less steep grade, and, where natural conditions prevail, by a noticeable change from topography or vegetation primarily shaped by the presence and/or movement of the water to topography not primarily shaped by the presence of water. Where there is more than one such break in the grade, the uppermost shall be considered the top of bank.

ii. If the top of bank is not identifiable, the riparian buffer zones are measured horizontally from the line of ordinary high water. In a given stream, the line of ordinary high water is the line on the bank or shore to which seasonal high water rises annually and identified in the field by physical characteristics that include one or more of the following:

a. A clear, natural line impressed on the bank

b. Changes in the characteristics of soils

c. The presence of water-borne litter and debris

d. Destruction of terrestrial vegetation

If reliable water level data are available for 3 or more consecutive previous years, the line of ordinary high water can be considered the mean of the highest water level for all years for which data are available.

2. Preparation and submission of a site plan (vegetation clearing permits are also subject to the submission requirements in FCC Title 4 Chapter 6) that shows:

a. The wetland boundary or the top of bank of the riparian corridor,

b. The significant riparian corridor width or the wetland buffer zone,

c. The footprint of the proposed structure measured from the riparian corridor boundary or wetland buffer zone edges,

d. Any requested setback adjustments as measured from the edge of the wetland or riparian corridor boundary,

e. The type and location of dominant existing native plants that would be displaced, and

f. The type of native plants to be planted and the location where they will be replanted.

3. It is prohibited to permanently alter a significant wetland by: the placement of structures or impervious surfaces; or by the removal of native vegetation; or by grading, excavation, placement of fill, or vegetation removal (other than perimeter mowing and other cutting necessary for hazard prevention), except as follows:

a. Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter ~~1~~ 2 of this Code; or

b. Public facilities identified in the City's Public Facility Plan, Appendix 11 of the Comprehensive Plan, as amended, may be installed in significant wetlands or riparian areas, provided that the facilities are designed and constructed to minimize intrusion into the wetland or riparian are; disturbed areas are replanted with native vegetation; and all required federal and state permits are obtained.

G. Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-~~1~~2, significant wetlands over ½ acre and significant streams are "sensitive areas" that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-feet setback from the edge of the significant

wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory and 2013 City of Florence Significant Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

No land disturbing activities, structures, development and construction activities, gardens, lawns, application of chemicals, pet wastes, dumping of any kind of materials shall be permitted within the buffer zone, except as noted below:

1. Roads, pedestrian, or bike paths crossing the buffer from one side to the other in order to provide access to or across the sensitive area.

2. A pedestrian or bike path constructed within a buffer and parallel to a sensitive area shall have the buffer widened by the width of the path if the path is constructed of impervious material.

3. Pedestrian or bike paths shall not exceed 10-feet in width.

4. Utility/service infrastructure construction (i.e., storm, sanitary sewer, water, phone, gas, cable, etc.) If approved by the City Manager or his/her designee.

5. Measures to remove or abate hazards, nuisance, or fire and life safety violations as approved by the City.

6. Enhancement of the riparian corridor for water quality or quantity benefits, fish, or wildlife habitat as approved by the City and other appropriate regulatory authorities.

7. Water quality facilities planted with appropriate native vegetation may encroach into the buffer area as approved by the City and other appropriate authorities.

H. Additional Statewide Planning Goal 5 exceptions: The following exceptions are in addition to the exceptions in G, above. Consistent with Statewide Planning Goal 5 [OAR 660-023-0090 (8) (a)], the permanent alteration of significant riparian areas by grading or the placement of structures or impervious surfaces is prohibited, except for the following uses, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Water-related and water-dependent uses and removal of vegetation necessary for the development of water-related or water-dependent uses;

2. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

3. Removal of non-native vegetation and replacement with native plant species.

I. Removal of native vegetation: In accordance with Goal 5, removal of vegetation from a significant riparian corridor is prohibited, except as otherwise provided in these Wetland and Riparian Standards and in FCC 4-6-3 and for the following:

1. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, shall maintain or exceed the density of the removed vegetation, and shall maintain or improve the shade provided by the vegetation.

2. Removal of vegetation necessary for the development of approved water-related or water-dependent uses or for the continued maintenance of dikes, drainage ditches, or other stormwater or flood control facilities. Vegetation removal shall be kept to the minimum necessary.

3. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the Planning Director. If no hazard will be created, the Planning Department may require these trees, once felled, to be left in place in the Significant Wetland or Riparian Area.

4. The control or removal of nuisance plants should primarily be by mechanical means (e.g. hand-pulling). If mechanical means fail to adequately control nuisance plant populations, a federally approved herbicide technology for use in or near open water is the only type of herbicide that can be used in a Significant Riparian Corridor. Pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water shall not be used. Herbicide applications are preferred to be made early in the morning or during wind-less periods at least 4 hours before probable rainfall. Any herbicide use must follow the label restrictions, especially the cautions against use in or near open water.

J. Special Provisions for the Munsel Creek Side Channel: The following special provisions apply to properties in the significant riparian corridor of the Munsel Creek Side Channel (Reach RMC-Cs in Table 2.2 of the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan). These provisions are in addition to, or provide relief from, the other standards in this subsection, and where conflicts exist, this section shall prevail.

1. In addition to the other setback adjustments and Variances allowed by this subsection, a 50% setback adjustment to the required 50-foot significant riparian width for properties along the Munsel Creek Side Channel will be permitted in order to allow new or expanded development to build up to 25 feet from the top of bank of the creek, as long as any native plants disturbed by the development are replaced elsewhere in the buffer zone, subject to the following exceptions and procedures:

   a. Properties in Florentine Estates PUD that were granted a reduced setback by the Planning Commission prior to October 5, 2013 are deemed to comply with the standards in this subsection and do not need to apply for this setback adjustment.

   b. The setback adjustment for other affected properties shall be granted through the ~~Administrative~~ Type II Review process in 10-1-1-6-2.

   c. The applicant shall be granted the setback reduction upon demonstration that any native vegetation displaced by the development shall be replanted in the remaining buffer zone (shrub for shrub, tree for tree, etc.)

   d. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide. Staff from the Siuslaw Watershed Council and Soil and Water Conservation District are available to provide property owners with technical assistance with native plant identification and guidance on replanting.

K. Setback Adjustments: The following reductions in setbacks shall be allowed for properties affected by the significant wetland and riparian area standards as set out below:

1. Eligibility for setback adjustment. Property owners affected by these significant wetland and riparian corridor standards shall be eligible for setback adjustments as follows:

   a. Single family dwellings: when the significant wetland or significant riparian corridor standard or requirement is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet.

b. For the Munsel Creek side channel: the "required setback" for the purpose of eligibility for the setback adjustment is the reduced setback allowed in subsection "J" above.

2. If the required setback or standard for the significant wetland or riparian corridor is such that no contiguous space exists outside the setback that allows for a dwelling unit at least 50 feet by 27 feet, then a primary dwelling, this size or less, shall be permitted to intrude into the setback area in accordance with the standards of this subsection. Any Code requirements of the applicable zoning district (such as required garages) that would necessitate intrusion into additional riparian area shall not apply.

3. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the ~~Administrative~~ Type II Review process in FCC 10-1-1-6-2.

4. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter ~~4~~5.

L. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter ~~4~~5 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.

1. Eligibility. An application for a hardship variance from the provisions of this subsection shall be available upon demonstration of the following conditions:

a. Siting of a primary dwelling 50 feet by 27 feet or less requires intrusion into the significant wetland buffer zone or significant riparian corridor within 20 feet of a significant wetland or stream; or

b. Strict adherence to the applicable standards or requirements of this subsection would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

c. Due to unique circumstances and historic development patterns outside the control of the property owners, the Variance fee for this application shall be waived for affected Coast Village properties.

2. The following additional standards shall apply:

a. Demonstration that the intrusion into the setback must be the minimum necessary;

b. Demonstration that any native vegetation displaced by the development will be replanted in the remaining significant wetland buffer zone or riparian corridor. The applicant is not required to retain a professional for this application but a qualified professional may help a property owner identify displaced native plants and show how they will be replanted. To provide technical assistance, the City will provide the applicant with a native plant guide; staff from the Siuslaw Watershed Council and Soil and Water Conservation Service are also available to provide property owners with technical assistance with native plant identification and guidance on replanting.

c. Permanent alteration of the Significant Wetland or Riparian Area by an action requiring a variance is subject any mitigation requirements imposed by federal and state permitting authorities.

d. In granting a Variance, the Planning Commission shall impose conditions of approval that address all of the following criteria:

i. The site plan and application shall document the location of the impact, the existing conditions of the resource prior to the impact, and detailed planting plan for the approved setback area with dominant native plant species and density, and a narrative describing how the impacted resource will be replaced and approved setback area restored.

ii. Invasive vegetation shall be removed from, and native vegetation planted in, the approved setback area, with a minimum replacement ratio of 1:1 for the impacted area.

iii. Herbicides and pesticides not approved for use in buffer zones or riparian areas is prohibited in the approved setback area.

iv. All vegetation planted within the approved setback area shall be native to the region. In general, species to be planted shall replace those impacted by the development activity, i.e. trees must replace trees, brush must replace brush, and, within reason, like plants must replace like plants (i.e., dominant plant species).

v. Trees shall be planted at a density not less than the density in place prior to development.

vi. The property owners will work with available federal, state, and local agencies, such as the Siuslaw Watershed Council, the Siuslaw Soil and Water Conservation District, Oregon Department of Fish and Wildlife (ODFW), Department of State Lands (DSL), Salmon Trout Enhancement Program (STEP) to implement practices and programs to restore and protect the riparian area.

M. Significant wetland and riparian corridor enhancement incentives:

1. Enhancement of Significant Wetland Buffer Zones or Riparian Corridors is encouraged, including: riparian or in-channel habitat improvements, non-native plant control, and similar projects which propose to improve or maintain the quality of a Significant Wetland or Riparian Area; however, no enhancement activity requiring the excavation or filling of material in a wetland or jurisdictional stream shall be allowed unless all applicable State and Federal permits have been granted.

2. Incentives shall be provided to improve the continuity of Significant Riparian Corridors in situations where lots would be rendered unbuildable by the setback, as defined in the Definitions in FCC Title 10 Chapter ~~1~~2. Such incentives may include: reducing the required front yard setback, alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights (if feasible), and density bonuses, among others. The resulting development will conform, to the maximum extent practical, to the general development patterns in the vicinity of the affected lot.

3. These incentives may also be provided to properties that are severely impacted by the setback when doing so will result in enhancement of the significant wetland, wetland buffer zone, or significant riparian corridor.

N. Inventory Map Corrections: The Planning Director may correct the location of a wetland or riparian boundary shown on the Local Wetland and Riparian Areas Inventory Maps when it has been demonstrated by a property owner or applicant that a mapping error has occurred and the error has been verified by DSL. Wetland delineations verified by DSL shall be used to automatically update and replace the City's Local Wetland Inventory mapping. No variance application shall be required for map corrections where approved delineations are provided.

10-7-5: SITE INVESTIGATION REPORTS (SIR):

A. Areas identified in Section 2 and 3 above, are subject to the site investigation requirements as presented in "Beach and Dune Techniques: Site Investigation Reports by Wilbur Ternyik" from the Oregon Coastal Zone Management Association's *Beaches and Dunes Handbook for the Oregon Coast* (OCZMA Handbook), Appendix 18 of the Florence Comprehensive Plan as modified by the City of Florence. No development permit (such as building permit or land use permit) subject to the provisions of this Title may be issued except with affirmative findings that:

1. Upon specific examination of the site utilizing a Phase I Site Investigation Report (the checklist from the OCZMA Handbook, as modified by the City of Florence), it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; or

2. As demonstrated by the Phase II Site Investigation Report that harmful effects could be mitigated or eliminated through, for example, foundation of structural engineering, setbacks or dedication of protected natural areas. (Amended by Ord. No. 10, Series 2009)

Site investigation requirements may be waived where specific standards, adequate to eliminate the danger to health, safety and property, have been adopted by the City. This exception would apply to flood-prone areas, which are subject to requirements of the National Flood Insurance Program and other problem areas which may be adequately protected through provisions of the Building Code. (Ord. 669, 5-17-82)

B. Permit Fee: A fee to offset the cost of time required to investigate and prepare Findings may be set by Council Resolution.

C. General Requirements for Phase II Site Investigation Reports shall include at least the following information. Additional information, commensurate with the level of hazard and site conditions shall be submitted.

1. Identification of potential hazards to life, proposed development, adjacent property, and the natural environment which may be caused by the proposed development.

2. Mitigation methods for protecting the subject property and surrounding areas from each potential hazard.

3. Acceptable development density.

4. Identification of soils and bedrock types.

5. Identification of soil depth.

6. Water drainage patterns.

7. Identification of visible landslide activity in the immediate area.

8. History of mud and debris flow.

9. In areas prone to landslide, mudflow and where slopes exceed 25%, reports shall

identify the orientation of bedding planes in relation to the dip of the surface slope.

10. Recommendations for removal, retention, and placement of trees and vegetation.

11. Recommendations for placement of all structures, on site drives, and roads.

12. Recommendations for protecting the surrounding area from any adverse effects of the development. (Amended by Ord. No. 10, Series 2009)

D. Specific Standards for Phase II Site Investigation Reports will be determined on the basis of the information provided in the Phase I Site Investigation Report. At a minimum, specific standards shall address the following (may include more than one category listed below):

1. The SIR Phase II - Geologic Report shall follow the "Guidelines for Preparing Engineering Geologic Reports in Oregon" as adopted by the Oregon State Board of Geologist Examiners or shall meet the requirements for Site Investigation Reports as required by the Oregon State Board of Examiners for Engineering and Land Surveying (OSBEELS). The SIR Phase II – Geologic Report shall address the following:

   a. An explanation of the site and scope of the study area (e.g. subdivision, by lot specific, or for public improvements)

   b. An explanation of the degree the condition affects the property use in question;

   c. An explanation of the measures to be employed to minimize detrimental impacts associated with the condition;

   d. An explanation of the condition-associated consequences the development and the loss-minimizing measures will have on the surrounding properties.

2. SIR Phase II dealing with Beach or Dune areas shall include the items as listed in the OCZMA Handbook, Implementation Techniques, Section III that begins on page 7.

   a. Due to the sandy soils and the fragile nature of the vegetative covering, care shall be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other native vegetation in order to insure the stability of the soils.

   b. All open sand area (pre-existing or newly created) shall be planted or stabilized as soon as practicable after construction is completed.

   c. Using accepted re-vegetation techniques, sand areas shall be returned to their previous level of stability or to at least a conditionally stable level, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

   d. During extended construction periods, temporary sand stabilization measures shall be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

3. Slopes in the 12% to 25% range: Determine the presence of soil creep, fills, or signs of past instability. If hazards are present, engineering recommendations shall be provided. If conditions require recommendations for foundation construction outside of the Building Code (IBC), those recommendations shall be provided by an appropriately qualified professional engineer. If thorough examination of the site determines that no hazards are present, documentation by an appropriately qualified professional.

4. Slopes greater than 25%:

   a. Subsurface exploration of areas above, below, and alongside known or suspected slides

   b. Accurate identification and measurement of the limits of the slide mass

   c. Identification of the stability of the slide mass and the mechanics of slide movement.

   d. Identification of the orientation of bedding planes in relation to the dip of the surface slope

   e. A site specific grading and erosion control plan for site stabilization and construction

   f. The methodology for determining the site stabilization plan

   g. Recommendation of suitable setbacks, keeping in mind the anticipated life of the structure or development.

5. Foredunes:

   a. Identification of a surveyed mean high tide line

   b. Determination of the ocean shore vegetation line

   c. Average annual rate that the shoreline is projected to migrate landward due to climate change (sea level rise, feet/year and increased storm intensity) and methodology used.

   d. Historic stability of beaches in the general area

   e. Life expectance of the structure

   f. Elevation of the structure

   g. Projected dune stabilization to protect site from wave action and methodology

   h. History and projection of ocean flooding and methodology

6. Properties along the Siuslaw River Estuary:

   a. Angle of repose for bluff material

   b. Mean high tide, and highest measured tide

   c. Extent of recent and historical cutbank, length of area and height of cut

   d. Area of wave overtopping and furnishing photographs or other evidence

   e. Current and historic stability of riverbank and rates of erosion in general area

   f. Projected rate of erosion and methodology

   g. Environmental resources present

   h. Impacts to be expected

   i. Description and photographs of current vegetation

7. Riprap or other Shoreland protective structures:

   a. Signed certification by the engineer or geologist that the protective structure shall withstand the life of the development that it is protecting; or with the property maintenance plan, the structure shall withstand the life of the development.

   b. Once the protective structure is competed the engineer or geologist shall provide a final summary that the protective structure was built according to the submitted plan.

8. Soils: The Site Investigation Report shall address the following development constraints for the soil types.

   a. Brallier - These are wetlands which should not be developed due to their resource value and severe development constraints.

   b. Dune Land - Development limitations on sand dunes can be slight to severe, depending on slope and whether adequate stabilization is done. These areas are superior to some of the other soil types in that there is no drainage problem. These areas are also known to include active sand dunes. Dune stabilization techniques should be addressed.

   c. Heceta - These are interdunal swales and deflation plains. The high water table and poor drainage make these soils generally unsuitable for development.

   d. Waldport - These are sand dunes which are covered with stabilization vegetation. Conditions are moderate to severe, depending on slope. The particular need here is to preserve existing vegetation and to stabilize soil which is disturbed.

   Drainage is not a problem. Areas with slopes greater than 12% should not be built on unless a site investigation determines the site to be buildable.

   a. Yaquina - These are somewhat poorly drained soils formed on an interdune position on old stabilized dunes. These areas are wet during the winter, but are better drained than Heceta. A site specific investigation would be required to determine location of swales and drainage channels.

   b. Netarts - These are old stabilized dunes. Soils are well-drained. The topography is undulating to hilly. Where slopes are less than 12% there are few development restrictions.

   c. Bohannon; Preacher/Bohannon/Slickrock - These areas have no restrictions except slope and suitability for forestland. They occur east of Munsel Lake Road in areas which are largely unbuildable due to slope. (Amended by Ord. No. 10, Series 2009)

10-7-6: REVIEW AND USE OF SITE INVESTIGATION REPORTS

A. The Phase I Site Investigation Report shall be reviewed administratively through a Type II Review. If it is found that the condition identified on the "Hazards Map" or "Soils Map" or "Beaches and Dunes Overlay Zone" or other identified problem area does not exist on the subject property; no Phase II report is required and the Site Investigation process is terminated. If hazards are found to exist, a Phase II report and a Conditional Use Permit shall be required.

   If a Phase II Site Investigation Report is required, the Phase II conclusions shall be submitted for Planning Commission review.

B. Required Certifications and Inspections:

For any Phase II SIR submitted, the registered professional of record shall be required to:

1. Review final plans for development and submit a signed and stamped certification report that all recommendations have been incorporated into development plans.

2. Review subgrade excavations and fills for structures and stormwater drainage and submit a signed and stamped certification report that construction is proceeding in accordance with approved plans.

3. Perform interim inspections as necessary and a final inspection of the site and submit a signed and stamped certification report that the project as constructed complies with approved plans.

C. Conditions of approval may be imposed and/or a bond may be required to be posted prior to issuance of permit to ensure that harmful effects such as erosion, sand encroachment, destruction of desirable vegetation including inadvertent destruction by moisture loss or root damage, spread of noxious weeds, damage to archaeological resources, are mitigated or eliminated.

D. Approval: The property owner shall record a Covenant of Release which outlines the hazard, restrictions and/or conditions that apply to the property and shall state, "The applicant recognizes and accepts that this approval is strictly limited to a determination that the project as described and conditioned herein meets the land use provisions and development standards of the City Code and Comprehensive Plan current as of this date. This approval makes no judgment or guarantee as to the functional or structural adequacy, suitability for purpose, safety, maintainability, or useful service life of the project."

E. Appeal: In the case of an appeal, the City shall hire a certified engineering geologist or other appropriate certified professional to review the Phase II Site Investigation Report. All costs incurred by the city to review the development shall be the responsibility of the applicant. (Ord. No. 10, Series 2009)

Amended by Ordinance No. 15, Series 1988
Section 10-7-3-D corrected from the reference to C-2 to 10-7-3-B. (12/11/07) Section 10-7-3-E and H amended by Ord.
No. 24, Series 2008
Amended by Ord. No. 10, Series 2009
Section 10-7-1 amended by Ord. No. 3, Series 2013, Exhibit B (effective 7-31-13)
Section 10-7-4 added with Ordinance No. 2, Series 2013 (effective 10-5-13) and all subsequent sections renumbered
Sections 10-7-3, 10-7-4, and 10-7-6 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 10

RESTRICTED RESIDENTIAL DISTRICT (RR)

SECTION:

10-10-1: Purpose
10-10-2: Permitted Buildings and Uses
10-10-3: Buildings and Uses Permitted Conditionally
10-10-4: Lot and Yard Provisions
10-10-5: Site Development Provisions

10-10-1: PURPOSE: The Restricted Residential District is intended to provide a quality environment for low density, urban single-family residential use and other single or multifamily Planned Unit Development as determined to be necessary and/or desirable. (Ord. 709, 12-27-83)

10-10-2: PERMITTED BUILDINGS AND USES:

A. Single-Family dwellings.

B. Planned Unit Developments (Chapter 23 of this Title).

C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use.

D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.

E. Home occupations. (Ord. 709, 12-27-83)

10-10-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

A. Public and semi-public buildings and uses such as fire stations, pumping stations, reservoirs, etc. that are essential for the physical, social and economic welfare of the community.

B. Public and private parks, playgrounds, community centers and recreation facilities. (Ord. 625, 6-30-80)

C. Churches, except rescue missions or temporary revivals. (Ord. 664, 5-11-82)

D. Mobile home placement - medical hardship. (Ord. 8, Series 1985, 5-28-85)

E. Child care centers, as defined by OAR 414-300-1998(8) (Ord 3, 1999)

10-10-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must be at least fifty feet (50') wide and at least eighty feet (80') in depth. For new subdivisions and newly platted lots, the minimum width shall be eighty feet (80') and the minimum depth shall be eight five feet (85').

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least nine thousand (9,000) square feet.

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:

1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').

2. Side Yards: A yard of not less than ten feet (10') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.

4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-10-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').

2. Accessory Buildings: The maximum building height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building height shall not exceed twenty-eight feet (28') in height.

B. Fences: See Code Section 10-34-5 of this Title

C. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

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

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 3 , Series 1999
Section 10-10-5 B,C,E - Amended by Ordinance No. 26, Series 2008
Section 10-10-5 amended by Ordinance No. 9, Series 2009
Section 10-10-3 B – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-10-5-D-E – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-10-5-D amended by Ord. No. 3, Series 2013 – effective 7-31-13
Section 10-10-5-I amended by Ord. No. 12, Series 2014 – effective 12-31-14
Section 10-10-3 and -5-C amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 11

SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)

SECTION:

10-11-1: Purpose
10-11-2: Permitted Buildings and Uses
10-11-3: Buildings and Uses Permitted Conditionally
10-11-4: Lot and Yard Provisions
10-11-5: Site Development Provisions
10-11-6: Mobile Home Design Standards
10-11-7: Manufactured Homes within the Urban Service Area

10-11-1: PURPOSE: The Single-Family Residential District is intended to provide a quality environment for medium density, urban, single-family residential uses and other compatible land uses determined to be desirable and/or necessary.

10-11-2: PERMITTED BUILDINGS AND USES:

A. Single-family dwellings.

B. Planned Unit Developments (Chapter 22 of this Title).

C. Home occupations.

D. Gardens and greenhouses for the raising and harvesting of fruit and vegetables and flowers for noncommercial use.

E. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.

10-11-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and -4 of this Title, may grant a conditional use permit for the following:

A. Duplexes.

B. Neighborhood Commercial.

C. Agricultural uses.

D. Hospitals.

E. Nursing homes.

F. Group care homes.

G. Day nurseries provided the residential character of the building is maintained.

H. Public or ~~parochial~~ private schools.

I. Churches, except rescue missions or temporary revivals.

J. Public and private parks, playgrounds, community centers and recreation facilities.

K. Public and semi-public buildings and uses such as fire stations, reservoirs, pumping stations, etc., that are essential for the physical, social and economic welfare of the community.

L. Mobile home subdivisions.

M. Cemeteries.

N. Mobile homes - medical hardship. (Ord. 8, Series 1985, 5- 28-85)

O. Bed and Breakfast Facility (Ord. 13, Series 2002)

10-11-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, a lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty-five feet (65').

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6500).

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be indicated below:

1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20') in new subdivisions and twenty feet (20') in older, established neighborhoods.

2. Side Yards: A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-11-5: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty-eight feet (28').

B. Fences: See Code Section 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

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

F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. Lighting: Refer to Section 10-37 of this Title for requirements.

J. Mobile Home/Manufactured Home Design Standards: Refer to 10-12 of this Title for requirements.

~~**10-11-6: MOBILE HOME/ MANUFACTURED HOME DESIGN STANDARDS:** Design standards from Chapter 12 of this Title shall be applied to mobile home/ manufactured home subdivisions. (Ord. 625, 6-30-80)~~

~~**10-11-7: MANUFACTURED HOMES WITHIN THE URBAN SERVICE AREA:**~~

~~A. When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single family dwellings, in addition to any other requirements that would be imposed were the structure constructed on site, the manufactured home shall comply with the following placement standards:~~

~~1. Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.~~

~~2. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.~~

~~3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve fee (12') in width.~~

~~4. Siding and Roofing Requirements: The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.~~

~~5. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.~~

~~B. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a historic landmark or other property with a historic designation for tax or assessment purposes. (Ord. No. 7 Series 1994 - 6-7-94)~~

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 7, Series 1994
Amended by Ordinance No. 13, Series 2002
Section 10-11-5 B, C, E - Amended by Ordinance No. 26, Series 2008
Section 10-11-5 Amended by Ordinance No. 9, Series 2009
Section 10-11-3 J – Amended by Ordinance No. 2, Series 2011 – effective March 11, 2011
Section 10-11-5-E – Amended by Ordinance No. 4, Series 2011 – effective April 22, 2011
Section 10-11-5-D – Amended by Ordinance No. 3, Series 2013 – effective 7-31-13
Section 10-11-5-I added by Ordinance No. 12, Series 2014 – effective 12-31-14
Sections 10-11-3 and 10-11-5-C amended and Sections 10-11-6 and 10-11-7 deleted by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 12

MOBILE HOME/MANUFACTURED HOME REGULATIONS

SECTION:

10-12-1: Mobile Home/Manufactured Home Residential District (RMH)
10-12-1-1: Administrative Provisions
10-12-1-2: Design Standards
10-12-1-3: Building and Uses Permitted Conditionally
10-12-1-4: Lot and Yard Requirements
10-12-1-5: Site and Development Provisions
10-12-2: Mobile Home/Manufactured Home Regulation
10-12-2-1: Administrative Provisions
10-12-2-2: Definitions
10-12-3: Mobile Home/Manufactured Home Parks
10-12-3-1: Administrative Provisions
10-12-3-2: Design Standards
10-12-3-3: Site and Development Plan
10-12-3-4: Development Plan Procedure
10-12-3-5: Mobile Home/Manufactured Home Park License
10-12-3-6: Basic Regulations and Provisions
10-12-3-7: Park Administration

10-12-1: MOBILE HOME/MANUFACTURED HOME RESIDENTIAL DISTRICT (RMH):

10-12-1-1: ADMINISTRATIVE PROVISIONS:

A. Intent: It is the intent of this Section to provide mobile home/manufactured home owners and owners of other pre-manufactured homes an alternative to renting space in a mobile home/manufactured home park. It is further the intent of this Section to establish areas within the City for permanent installations of mobile homes/manufactured homes, primarily for resident owners, and to establish certain design features enabling mobile homes/manufactured homes to blend with conventional housing.

B. Compliance Required: No land within the City shall be developed for use as a Mobile Home/Manufactured Home Residential District and no plan for such a District shall be filed or recorded until submitted to and approved by the Planning Commission.

C. Minimum Standards: The requirements and standards set forth in this Section are the minimum ones to which a Mobile Home/Manufactured Home Residential District must conform before approval by the Planning Commission.

D. Conformity to the Comprehensive Plan: The creation of a Mobile Home/Manufactured Home Residential District shall conform to and be in harmony with the City Comprehensive Plan for that portion of the City within which the District is located.

E. Permits: Prior to the placement of a unit on a lot or parcel of land, the owner of the unit shall obtain from the City Building Official an application for the installation and occupancy permit. At the time of application, the owner shall furnish the City Building Official with a copy of specifications and a drawing of the proposed footing and foundation for such a unit, and the method for anchoring the unit. No unit shall be occupied until the placement of the unit has been inspected and approved by the City Building Official.

F. Authority to Inspect and Proof of Inspection:

1. The Building Official shall inspect the unit and placement thereof to determine if the unit complies with all the requirements of this Section.

2. When all requirements are met, final approval of the application will be granted and the unit can be occupied as a permanent family dwelling.

10-12-1-2: DESIGN STANDARDS: The following standards and requirements shall govern the application of a Mobile Home/Manufactured Home Residential District in an area in which it is permitted:

A. A Mobile Home/Manufactured Home Residential District shall not be less than five (5) acres of contiguous land.

B. Each mobile home/manufactured home unit or other allowable living unit must have a total gross area of not less than five hundred (500) square feet.

C. No building, structure or land within the boundaries of a Mobile Home/Manufactured Home Residential District shall be used for any purpose except for the uses permitted as follows:

1. Mobile homes/manufactured homes, modular homes or other pre-manufactured homes for residential purposes only, together with the normal accessory uses such as ramada, patio slab, carport or garage and storage buildings. Accessory storage buildings shall not be permitted in the front yard.

2. Single-family dwellings.

3. Planned Unit Developments (Chapter 23 of this Title)

4. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

5. Recreation facilities for use of residents or guests. (Ord. 625, 6-30-80)

6. Home occupations. (Ord. 669, 5-17-82; Ord. 709, 12-27- 83)

10-12-1-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Duplexes.

Neighborhood Commercial.

Agricultural uses.

Hospitals.

Nursing Homes.

Group care homes.

Day nurseries, provided the residential character of the building is maintained.

Public or ~~parochial~~ private schools.

Churches, except rescue missions or temporary revivals.

Public and private parks, playgrounds, community centers and recreation facilities.

Public and semi-public buildings and uses such as fire stations, reservoirs, pumping stations, etc., that are essential for the physical, social and economic welfare of the community.

Mobile home/Manufactured Home, RV Parks.

Cemeteries.

10-12-1-4: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Dimensions: To be designated a building site a lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet (65')

B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

D. Yard Regulations: Minimum setbacks and yard regulations shall be as indicated below:

1. Front Yard: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').

2. Side Yards: A yard of not less than five feet (5') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.

3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.

4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

10-12-1-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty eight feet (28').

B. Fences: See Code Section 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition, and requirements.

D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)

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

F. Running Gear: The tongue and running gear of any unit shall be removed.

G. Structural Compliance: A unit shall be allowed as a permanent family dwelling only if there is on such unit the insignia of compliance issued by the State of Oregon, which shows the unit complies with the minimum safety standards required for such unit by the State of Oregon. All construction and all installation of plumbing, gas piping, electrical equipment and wiring to the unit shall be in

compliance with the State of Oregon Statutes and regulations, presently in effect at the time of construction or installation, and shall be maintained to such standards.

H. Perimeter and Foundation Treatment: Each unit shall have a foundation slab or foundation pads of concrete, and shall be skirted with moisture resistant, noncombustible material. Skirting shall be held securely in place and shall provide a minimum of one ventilation opening for each twenty five (25) lineal feet. Ventilation openings shall be a minimum of thirty six (36) square inches (3" x 12") and shall be located within two feet (2') of the corners of the home. An access door eighteen inches by twenty four inches (18" x 24") shall be provided. All skirting and foundations shall be subject to inspection and approval by the Building Official. (Ord. 625, 6-30-80)

I. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

J. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

L. Lighting: Refer to Section 10-37 of this Title for requirements.

10-12-2: MOBILE HOME/MANUFACTURED HOME REGULATION:

10-12-2-1: ADMINISTRATIVE PROVISIONS:

A. Purpose: The regulations contained herein are intended to provide a suitable living environment for the residents of mobile homes/manufactured homes within the City, and to set forth standards of development that will be compatible with adjacent land uses.

B. Applicability: It is the policy of the City to conform its regulations to Federal and State laws and regulations. This Section is based on facts as given by the Department of Commerce Administrative Rules, as now or hereafter adopted. This Section is also a supplement to Federal and State Statutes, rules and regulations governing the manufacture and installation of mobile homes/manufactured homes and mobile home/manufactured home accessory structures, and the design and development of mobile home/manufactured home parks, mobile home/manufactured home subdivisions and Mobile Home/Manufactured Home Residential Districts.

C. Penalty: Any person who violates any provisions of this Section 10-12-2 or Section 10-12-3 of this Chapter shall be punished, upon conviction, by a fine not to exceed five hundred dollars ($500.00). A separate offense shall be committed for each day that the violation persists.

10-12-2-2: MANUFACTURED HOMES OUTSIDE OF MH SUBDIVISIONS OR PARKS

A. When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single family dwellings, in addition to any other requirements that would be imposed were the structure constructed on site, the manufactured home shall comply with the following placement standards:

1. Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

2. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.

3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve fee (12') in width.

4. Siding and Roofing Requirements: The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.

5. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

B. Nothing in this section shall allow a manufactured home to be placed on residential land immediately adjacent to a historic landmark or other property with a historic designation for tax or assessment purposes. (originally adopted as FCC 10-11-7-B, Ord. No. 7 Series 1994 - 6-7-94)

10-12-2-~~2~~3: DEFINITIONS: For the purpose of this Section, certain words and terms are defined below. 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.

ACCESSORY	Any structural addition to a mobile home/manufactured home, including awnings, carports, cabanas, porches, ramadas and similar structures.
AWNING	Any stationary structure, permanent or demountable, used in conjunction with a mobile home/manufactured home, or trailer, other than 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.
BUILDING LINE	A line on a plat indicating the limit beyond which buildings or structures may not be erected.
CABANA	A stationary, lightweight structure which may be prefabricated, or demountable, with two (2) or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.
COMMON AREA	Any area or space designed for joint use of tenants occupying mobile home developments. Not to include off-street parking areas.
CORNER LOT	A lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135).
DENSITY	The number of mobile homes/manufactured homes or mobile home/manufactured home stands per gross acre.
DRIVEWAY	A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.
EXPANDO	An expando is defined as a room or rooms that folds, collapses or telescopes into a mobile home during transport and which can be expanded at the site to provide additional living space.
LICENSE	A certificate for operation issued by the City pursuant to this Section.
LOT AREA	The total area reserved for exclusive use of the occupants of a mobile home/manufactured home.
LOT LINE	A line bounding the lot as shown on the accepted plot plan.
MOBILE HOME/	A mobile home development and related utilities and facilities, including

MANUFACTURED HOME COMMUNITY	the mobile homes/manufactured homes and all of the people living within the development.
MOBILE HOME/ MANUFACTURED HOME LOT	A parcel of land for the placement of a mobile home/manufactured home and the exclusive use of its occupants.
MOBILE HOME/- MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)	A zone, the boundaries of which shall be defined and approved by the Planning Commission and the City Council, which allows for the placement of mobile homes/manufactured homes for residential uses.
MOBILE HOME/ MANUFACTURED HOME STAND	That part of an individual lot or parcel reserved for the placement of a mobile home/manufactured home.
MOBILE HOME/ MANUFACTURED HOME SUBDIVISION	Not less than five (5) acres of contiguous land, unless otherwise determined by the Planning Commission, which allows for the placement of mobile homes/manufactured homes for residential uses.
OCCUPIED AREA	That area of an individual mobile home/manufactured home lot which has been covered by a mobile home/manufactured home and its accessory structures.
OPEN SPACE	See Common Area
OWNER	The person having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.
PAD	A minimum foundation treatment for a permanent mobile home/manufactured home installation, the construction of which is in compliance with City policy. Commonly but not necessarily constructed of concrete two feet wide by six inches thick (2' x 6") and extending the length of the mobile home/manufactured home unit or units.
PERSON	Any individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.
RAMADA	A stationary structure having a roof extending over a mobile home/manufactured home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.
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 and has a 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 room.
TIE DOWN	Any device designed to anchor a mobile home/manufactured home securely to the ground.
UNIT	Relocatable family housing. (See Mobile Home/Manufactured Home definition)

10-12-3: _____MOBILE HOME/MANUFACTURED HOME PARKS:

10-12-3-1: ___ADMINISTRATIVE PROVISIONS:

A. Compliance Required: No land within the City shall be developed for use as a mobile home/manufactured home park and no plan for such park shall be filed or recorded until submitted to an approved by the Planning Commission.

B. Minimum Standards: The requirements and standards set forth in this Section are the minimum ones to which a mobile home/manufactured home park must conform before approval of the Planning Commission.

C. Conformity to the Comprehensive Plan: The mobile home/manufactured home park development shall conform to and be in harmony with the City Comprehensive Plan of that portion of the City with which the development is located.

10-12-3-2: __DESIGN STANDARDS: The following standards and requirements shall govern the application of a mobile home/manufactured home park development in an area in which it is permitted:

A. A mobile home/manufactured home park shall not be less than one and one-half (1 1/2) acres in area, nor contain less than fifteen (15) rental spaces.

B. Lots or spaces within the park shall contain a minimum of two thousand four hundred fifty (2,450) square feet, with a width of no less than thirty five feet (35').

C. Only one living unit shall be permitted on a lot or space.

D. No building, structure or land within the boundaries of a mobile home/manufactured home park shall be used for any purpose except for the uses permitted as follows:

1. Mobile homes/manufactured homes for residential uses only, together with the normal accessory buildings such as cabana, ramada, patio slab, carport or garage and storage or washroom building.

2. Private and public utilities and services on approval of the Planning Commission.

3. Community recreation facilities, including swimming pools, for residents of the park and guests only.

4. Residences for the use of a caretaker and/or managers responsible for maintaining or operating the property.

5. One small store for the convenience of the residents of the park and guests and/or other appropriate businesses subject to approval by the Planning Commission.

E. All mobile homes/manufactured homes shall be set back at least twenty feet (20') from mobile home/manufactured home park boundary lines abutting upon public streets or highways, one hundred feet (100') from the center line of a State highway, and at least ten feet (10') from other park boundary lines.

F. All mobile homes/manufactured homes shall be provided with a foundation stand, which shall be improved to provide adequate support for the placement and tie down of the mobile home/manufactured home. The stand shall be all-weather surfaced with asphalt, concrete or crushed rock, and must be at least as large as the mobile home placed upon it. The stand shall be constructed so that it will not heave, shift or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, wind or other forces acting on the structure. Each stand design shall be approved by the City Building Official.

G. All single-wide mobile homes/manufactured homes shall be tied down, thereby securing the structure against uplift, sliding, rotation and overturning. Anchors and tie downs or other devices to be used to stabilize the mobile home/manufactured home shall be of an approved type and shall be able to sustain a minimum load of four thousand seven hundred twenty five (4,725) pounds each.

All such devices for anchoring and securing the structure must be approved by the City Building Official.

H. All mobile homes/manufactured homes shall be required to provide minimum exterior finishing and construction of accessories as follows:

1. All mobile homes/manufactured homes shall have compatible skirting of a moisture resistant, noncombustible material or fire- retardant wood, which must be installed within sixty (60) days from placement of home. This skirting material must be maintained in perpetuity as long as the unit is habitable.

2. Pedestals or supports shall be installed to insure adequate support for all mobile homes/manufactured home. However, no mobile home/manufactured home shall be permanently attached to a foundation.

3. All awnings, carports, cabanas, etc., shall comply with the City's Building Code.

I. All mobile home/manufactured home parks over ten (10) acres in size shall be located so as to have access on a street designated by the City as a collector street.

J. Street lighting shall be provided within the park in accordance with Section 10-36. All other lighting in the park to include that provided for and on residential and accessory structures shall be provided in accordance with Section 10-37 of this Title.

K. All utilities shall be installed underground.

L. If a master TV cable is installed, the owner of the park shall see that a coordinated plan is prepared and executed.

M. Buffering or screening, as required by the Planning Commission, shall be a sight obscuring fence, wall, evergreen or other suitable planting at least six feet (6') high, or higher if deemed necessary by the Planning Commission.

N. Fences or windbreaks exceeding forty two inches(42") in height shall be no closer than three feet (3') to any structure or mobile home/manufactured home. Maximum height of all fences, except swimming pool fences and perimeter barriers, shall be six feet (6').

O. The condition of soil, sand, groundwater level, drainage and topography shall not create hazards to the property or the safety of the occupants. The site shall be located so as not to be exposed to objectionable smoke, noise, odors or other adverse influence, which would subject persons or property to hazards.

P. There shall be landscaping within the front and side setback area, and in all open areas of the mobile home park not otherwise used for mobile home park purposes. The method of landscaping shall be included in the park plan for approval by the Planning Commission. Prominent aspects such as trees over six inches (6") or more in diameter and other natural landscaping features are encouraged to be worked into the landscaping plan. The maintenance of the open spaces is necessary to continue renewal of the park license.

Q. The condition of soil, sand, groundwater level, drainage and topography shall not create hazards to the property or the safety of the occupants. The site shall be located so as not to be exposed to objectionable smoke, noise, odors or other adverse influence, which would subject persons or property to hazards.

R. Utilities and street standards within a mobile home/manufactured home park should be set by the Public Works Department and staff on a finding of soil condition, drainage and traffic flow.

S. All other conditions listed in the State Code for Mobile Home/Manufactured Home Parks must be complied with.

10-12-3-3: SITE AND DEVELOPMENT PLAN:

A. All applications submitted for approval of a mobile home/manufactured home park development shall consist of four (4) copies of a development plan. Such plan shall be submitted at least six (6) days before the meeting at which they will be reviewed and shall contain but not be limited to the following information:

1. Name of person who prepared plan.

2. Name(s) of person(s) owning and/or controlling the land proposed for a park.

3. Name of mobile home/manufactured home park and address.

4. Scale and north point of the plan.

5. Boundaries and dimensions of the mobile home/manufactured home park.

6. Vicinity map showing relationship of mobile home/manufactured home park to adjacent properties and surrounding zoning.

7. Location and dimensions of each mobile home/manufactured home site, with each site designated by number, letter or name.

8. Location and dimensions of each existing or proposed building.

9. Location and width of mobile home/manufactured home park streets and pedestrian ways.

10. Location of each lighting fixture for lighting the area.

11. Location of recreational areas and buildings and common area.

12. Location and type of landscaping plantings, fences, walls or combination of any of these, or other screening materials.

13. Extent, location, arrangement and proposed improvements of all off-street parking and loading facilities.

14. Location of fire hydrants.

15. Enlarged plot plan of a typical mobile home/manufactured home space showing location of the stand, storage, space, parking, sidewalk, utility connections and landscaping.

16. The plan shall indicate positions of the mobile homes/manufactured homes on their stands, so that the Planning Commission may determine entrances, setbacks, etc.

17. The plan shall show the topography of the park site with contour intervals of not more than five feet (5'), except that the Building Official or Planning Director may require closer contour intervals.

18. A drainage plan.

B. At the time of application to construct a new mobile home/manufactured home park, the applicant shall submit, in addition to the above and as part of the development plan, four (4) copies of the following plans:

1. A survey and plat of the property.

2. New structures.

3. Public water systems approved by the appropriate governmental agency, and a certificate of connection to the City water system.

4. Methods of sewage disposal approved by the Department of Environmental Quality, State of Oregon, and certification of approval to connect to City sewer system.

5. Method of garbage disposal.

6. If, in the judgment of the Planning Commission, the proposed project could have a detrimental effect on the City or surrounding properties, it shall require an impact statement from the developer.

This statement shall cover runoff, air and water quality, potential noise generation, ground cover, social and economic impact and any other matters required by the Planning Commission.

10-12-3-4: DEVELOPMENT PLAN PROCEDURE:

A. Decision Upon Development Plan:

1. Reject the plan, providing the developer with a list of their reasons for taking such action.
2. Deny or withhold approval subject to specified conditions, providing the developer with a list thereof.

3. Accept and approve the development by signing a statement of approval on the finished plan, for acceptance and approval by the City Council.

4. Approval will expire in one year unless the plan is substantially implemented.

B. Conditions of Plan Approval: If it appears to the Planning Commission and the City Council that, for the protection of public health, safety and welfare, the economic stability of the City, or the proper utilization of land resources, it is necessary or prudent to deny approval of a development plan for a mobile home/manufactured home park, such denial shall be made until specified conditions are met by the developer or by the landowners involved in the development.

C. Appeal to the City Council: Any landowner or developer or any interested person may appeal a decision of the Planning Commission to the City Council in accordance with Section 10-1-1-7. (Ord. 26, Series 2008).

10-12-3-5: MOBILE HOME/MANUFACTURED HOME PARK LICENSE:

A. No use or occupancy of any mobile home/manufactured home park, or building or facility covered hereunder will be allowed until the license is issued.

B. The project as approved by the Planning Commission shall be completed before first occupancy is permitted.

C. Licenses issued hereunder shall be valid for a period of one year, and renewable thereafter, unless a shorter or longer time is noted and approved by the Planning Commission and City Council on the signed approved copies of the development plan.

Deviations from the approved plan must be submitted to the Planning Commission for approval as revisions of the plan.

10-12-3-6: BASIC REGULATIONS AND PROVISIONS:

A. Alterations and Additions: The management shall be held responsible for all alterations and additions to a mobile home/manufactured home park and shall make certain that all permits and inspections are obtained from the proper authorities.

B. Electrical Connections: All electrical connections shall comply with the State Electrical Code and be duly inspected.

C. Fire Extinguishers: Portable fire extinguishers rated Classes A, B and C shall be kept in service buildings and be maintained in good operating condition.

D. Fire Hazards: The owner of the park shall be responsible to maintain the park free of dry brush, leaves and weeds which might communicate fires between mobile homes and other buildings in the park.

E. Fire Hydrants: Approved fire hydrants shall be installed so that all mobile homes/manufactured homes and other structures are within three hundred feet (300') down the center line of a street of an approved fire hydrant.

F. Fire Protection: Fire protection requirements for mobile homes/manufactured homes shall be the same as for a Group I occupancy under the Uniform Building Code as regards sire detection devices. These devices are the responsibility of the mobile home/manufactured home owner.

G. Insignia of Compliance: All mobile homes/manufactured homes installed in mobile home/manufactured home parks after the effective date hereof shall meet State Mobile Home/Manufactured Home Building Code requirements and bear the insignia of compliance or be able to prove their mobile home/manufactured home meets or exceeds those standards within six (6) months.

H. Inspections: The Building Official shall check each park a minimum of once a year and submit to the park owner and manager a written report stating whether or not the park is in compliance. If not in compliance, the owner must make whatever repairs are required before a license or license of renewal for the park will be issued.

An extension of time to make repairs may be allowed by the Planning Commission, if it can be shown that risk to the public health, safety or welfare will not be created by this extension, for a period not to exceed one year, by the granting of a temporary emergency license.

I. Mail Boxes: The owner or operator of a mobile home/manufactured home park shall provide facilities for individual mail boxes or distribution facilities for incoming mail, and shall provide at least one collection box for outgoing mail which shall be dispatched daily.

J. Management Responsibility: Either the owner, an operator or resident manager or similar supervisor or representative of the owner, shall be available and responsible for the direct management of the mobile home/manufactured home park while it is in use.

K. Plot Plans: A plot plan must be provided by the park administration to the City, including the space and sizes of units permitted, on both pre-existing and newly established parks.

L. Pre-Existing Mobile Home/Manufactured Home Park: A pre-existing mobile home/manufactured home park must file a plan which provides for improvements of the park to minimum standards for sanitation and electrical so as not to endanger the health or safety of occupants. Minimum standards would be in compliance with State codes for sanitation, fire and electrical safety standards, with a time period not to exceed twelve (12) months from the effective date hereof or upon annexation to the City.

M. Refuse Burning: Burning of refuse will not be permitted except in an approved device at a designated site as directed by the Fire Department.

N. Refuse and Debris Control: All mobile home/manufactured home parks shall be maintained free of accumulations of refuse or debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. All units shall have an adequate garbage container, as determined by the County Health Officer or his designate.

O. Signs: All signs within the park shall be located so as to not be hazardous to passers-by. Sufficient signs for proper traffic direction shall be required. Signs advertising the park must comply with Title 4, Chapter 7 of this Code.

P. Storage of Materials: Storage of decomposing, combustible or other unhealthy or unsafe materials inside or beneath any mobile home/manufactured home is not permitted, but may be allowed in an outside accessory building if such installation is approved by the City Building Official.

Q. Telephone: At least one public telephone for the use of the park residents shall be provided for use at all times, if available.

R. Water and Sewer Connections: All mobile homes/manufactured home, service buildings, etc., shall be connected to the City sewer and water systems in a manner that provides these services to the same degree as other residents of the City.

10-12-3-7: PARK ADMINISTRATION:

A. It shall be the responsibility of the park owners and manager to see that the provisions of this Section are observed and maintained within their park, and for failure to do so the owner and manager shall be subject to the penalties provided for violation of this Section.

B. No mobile home/manufactured home shall be installed in any mobile home/manufactured home park until an installation permit has been issued by the Building Department.

C. The project shall be completed or, a minimum of fifteen (15) spaces must be available for occupancy before first occupancy is permitted.

D. An accurate record book shall be maintained for the purpose of public health, safety and welfare containing the current names and location address of all residents, along with the dates of entry and departure from the park for a period of one year. Such record shall be available to any person authorized by the City Council to inspect the mobile home/manufactured home park. (Ord. 614, 9-10-79)

Amended by Ord. No. 18, Series 1990
Section 10-12-3-4 C, Amended by Ord. No. 26, Series 2008
Sections 10-12-1-5 and 10-12-2-2 Amended by Ord. No. 9, Series 2009
Section 10-12-1-3 Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Sections 10-11-5-E and 10-12-3-6-O Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-12-2-3 deleted by Ord. No. 21, Series 2011 – effective Jan. 5, 2012
Section 10-12-1-5-D amended by Ordinance No. 3, Series 2013 – effective 7-31-13
Section 10-12-1-5-L and 10-12-3-2-J amended by Ord. No. 12, Series 2014 – effective 12-31-14
Sections 10-12-1-3, 10-12-1-5-C, and 10-12-2-2 amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 13

MULTI-FAMILY RESIDENTIAL DISTRICT (RM)

SECTION:

10-13-1: Purpose
10-13-2: Permitted Buildings and Uses
10-13-3: Buildings and Uses Permitted Conditionally
10-13-4: Lot and Yard Provisions
10-13-5: Site and Development Provisions

10-13-1: PURPOSE: The Multiple-Family Residential District is intended to provide a quality environment for high density, urban, residential uses together with other compatible land uses determined to be desirable and/or necessary. (Ord. 625,6-30-80)

10-13-2: PERMITTED BUILDINGS AND USES;

Duplexes

Multiple-family dwellings, including townhouses, apartments, clusters and condominiums.

Planned unit developments (Chapter 23 of this Title).

Home occupations.

Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard of single-family or duplex dwellings. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

10-13-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following buildings and uses:

Single-family dwellings.

Mobile home/manufactured home subdivisions.

Mobile homes/manufactured homes - medical hardship.

Mobile home/manufactured home parks.

Professional offices.

Neighborhood commercial.

Public parking areas.

Hospitals.

Nursing homes.

Group care homes.

Day nurseries, provided the residential character of the building is maintained.

Public or ~~parochial~~ private schools.

Churches, except rescue missions or temporary revivals.

Public and semi-public buildings such as fire stations, reservoirs, pump stations, etc., that are essential to the physical, social and economic welfare of an area.

Public and private parks, playgrounds, community centers and recreational facilities. (Ord. 8, Series 1985, 5-28-85)

10-13-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: To be designated a building site, an existing lot must be at least fifty feet wide and at least eighty feet in depth (50' x 80'). For new subdivisions and newly platted lots, the minimum width shall be sixty five feet and the depth shall be eighty feet (65' x 80').

B. Minimum Lot Area: To be designated a building site, an existing lot must be comprised of at least six thousand (6,000) square feet. For new subdivisions and newly platted lots, the minimum square feet shall be six thousand five hundred (6,500).

C. Lot Coverage:

1. For single-family and duplex dwellings, the maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

2. For multiple-family dwellings and other uses, the maximum coverage by all enclosed buildings shall not exceed fifty percent (50%) of the lot area. The maximum coverage by all storage structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area.

D. Yard Regulations:

1. For single-family and duplex dwellings, front, side and rear yard regulations shall be the same as those in the Single-Family Residential District (Chapter 11 of this Title).

2. For multiple-family dwellings and other uses, the front, side and rear setback shall be five feet (5'). When a multiple use adjoins a single-family use, the multiple use shall be set back from all lot lines one additional foot for each foot of height over twenty eight feet (28'), except that the required setback shall not exceed twenty feet (20') from any lot line.

3. The required front and side yards shall not be used for clotheslines, incinerators, storage of trailers, boats and recreational vehicles or of any materials, nor shall said yards be used for the regular or constant parking of automobiles or other vehicles.

10-13-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

1. Residential Buildings: The maximum building or structural height shall be twenty eight feet (28').

2. Accessory Buildings: The maximum building or structural height shall be fifteen feet (15').

3. Nonresidential Buildings: The maximum building or structural height shall not exceed twenty eight feet (28').

B. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') unless the buildings are arranged end to end. In such a case, there shall be at least a ten foot (10') separation and no doorway or entry may open into the space between the buildings.

C. Fences: See Chapter 10-34-5 of this Title.

D. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition, and requirements.

E. Off-Street Parking: Refer to Chapter 3 of this Title (Off- Street Parking and Loading).

F. Access and Circulation: Refer to Section 10-35 of this Title for requirements. Additionally, vehicle ingress or egress to a multiple-family dwelling shall not be allowed from less than a fifty foot (50') right of way and thirty two foot (32') paved street. Multiple-family dwellings shall not have vehicle access to and from a cul-de-sac.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements. The developer of a multiple-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site.

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

I. Open Space: Multiple-family developments of four (4) or more units shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:

1. Not less than ten feet (10') in width or depth at any point.

2. Located on land with less than a five percent (5%) slope.

3. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.

4. Not used for temporary or regular parking of automobiles or other vehicles.

5. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)

J. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

K. Lighting: Refer to Section 10-37 of this Title for requirements.

Section 10-13-5 C, D, H - Amended by Ord. 26, Series 2008
Sections 10-13-2, 10-13-4 and 10-13-5 Amended by Ord. No.9 Series 2009
Sections 10-13-3, 10-13-5-I, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-13-5-H Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Section 10-13-5-K added by Ord. No. 12, Series 2014 – effective December 31, 2014
Sections 10-13-3 and -5-D amended by Ord. No. 11 Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 14

NEIGHBORHOOD COMMERCIAL DISTRICT (NC)

SECTION:

10-14-1: Purpose
10-14-2: Permitted Buildings and Uses
10-14-3: Buildings and Uses Permitted Conditionally
10-14-4: Lot and Yard Provisions
10-14-5: Site Development Provisions

10-14-1: PURPOSE: The Neighborhood Commercial District is intended to enhance the livability of residential areas by providing for small neighborhood businesses to serve the frequently recurring needs of residents. 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.

10-14-2: PERMITTED BUILDINGS AND USES: Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

Banks

Barber shops

Beauty shops

Day nurseries

Drug Stores

Grocery stores or markets

Restaurants (except drive-ins or walk-ups)

Small specialty stores (such as florist or bicycle shops)

Variety stores

10-14-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for other buildings and uses determined to be similar to those permitted outright and which do not have a different or more detrimental effect upon the adjoining areas than those buildings and uses specifically permitted.

10-14-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Dimensions: The minimum lot width shall be one hundred feet (100').

B. Minimum Lot Area: The minimum lot area shall be twelve thousand (12,000) square feet.

C. Yard Regulations:

1. Front yards and street side yards shall be a minimum of twenty feet (20').

2. Side yards and rear yards abutting a residential district shall be fifteen feet (15').

10-14-5: SITE AND DEVELOPMENT PROVISIONS:

A. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

1. At least thirty inches (30") high along entire street frontage except at points of ingress and egress.

2. In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen along side or near property lines abutting a residential district.

B. Parking: Shall be in accordance with Chapter 3 of this Title.

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

D. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

E. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

F. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~15-~~14 of this Title for definitions, and requirements. (Ord. 26, 2008)

G. General Provisions:

1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

2. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance. (Ord. 669, 5-17-82).

H. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-14-5 C, D, F - Amended by Ordinance No. 26, Series 2008
Section 10-14-5-C – amended by Ordinance No. 4, Series 2011 – effective 4/22/11
Section 10-14-5-H amended by Ord. No. 12, Series 2014 – effective 12/31/14
Section 10-14-3 and -5-F amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 15

COMMERCIAL DISTRICT (C)

SECTION:

10-15-1: Purpose
10-15-2: Permitted Buildings and Uses
10-15-3: Buildings and Uses Permitted Conditionally
10-15-4: Lot and Yard Requirements
10-15-5: Site and Development Provisions
10-15-6: General Provisions

10-15-1: PURPOSE: The Commercial District is intended to preserve and enhance areas within which a wide range of retail sales and businesses will occur.

10-15-2: PERMITTED BUILDINGS AND USES: The following uses shall be permitted only upon affirmative findings by the ~~Planned~~ Planning Commission that the proposed use meets the general criteria in Section 10-~~16~~15-4 herein.

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.

Ambulance services

Animal clinics or grooming facilities (not abutting a residential ~~use or~~ district)

Antique shops

Appliance sales and service

Art supplies

Artist studios

Auction sales, excluding livestock

Automobile parts and accessories stores

Bakeries, retail

Banks

Barber and beauty shops

Bars or night clubs, including entertainment and sale of alcoholic beverages

Bicycle shops

Billiard and pool halls

Blood banks

Blueprinting

Book stores

Building maintenance service

Building material yards

Bus depots

Camera and supplies shops
Catering services

Clinics

Clothing, apparel shops

Clubs, lodges and meeting halls

Cocktail lounges

Confectionery stores with fountains

Curio shops

Dairy processing center

Data processing center

Day nurseries

Delicatessen stores

Department stores

Drapery stores

Dress and millinery shops

Dry cleaning establishments, coin-operated, custom and self- service

Electrical and electronic supplies, retail

Floor covering stores

Florist shops

Furniture stores

Garden supplies stores
Gift shops

Grocery stores, markets and supermarkets

Hardware stores

Health Studios, (Ord. 625, 6-30-80)

Home occupations, (Ord. 669, 5-17-82)

Hobby shops

Hotel, motel, motor motel or tourist courts

Interior decorator studios

Jewelry stores

Laboratories, medical and dental

Laundromats, hand laundries and self-service laundries
Leather goods stores

Liquor stores, package

Lockers, cold storage, retail

Locksmith shops

Movie theaters

Museums

Music stores

Newspaper printing establishments

Offices for the following:

Accountants

Attorneys

Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the State of Oregon to practice the healing arts.

Engineers, architects, landscape architects, surveyors, and those engaged in the practice of drafting or graphics.

General administration
Insurance brokers

Lumber brokers

Real estate sales

Savings and loans

Stockbrokers

Telephone answering services

Offices similar to the above but not specifically listed

Office supplies and equipment stores

Paint and wallpaper stores

Parking areas, public or private

Parking garages, public or private

Pawnshops

Pet shops

Pharmacy and drug stores

Photographers' studios

Photographic film processing, photoengraving, photocopying and/or Photostatting
Planned unit developments (Chapter 23 of this Title)

Post offices

Printing shops

Radio and television broadcasting studios

Radio and television sales and services

Reducing salons

Restaurants, drive-ins and walk-ups (including drive-thrus and drive-ups)

Secondhand stores, if conducted within a wholly enclosed building

Sewing machine sales and service

Shoe repair shops
Sporting goods stores

Tailor shops

Taverns

Telephone and telegraph exchanges

Theaters

Tobacco shops

Toy stores

Travel agencies

Upholstery, automobile and furniture

Variety stores

Other buildings and uses determined to be similar to those listed in this Section and which do not have a different or more detrimental effect upon the adjoining areas than those buildings and uses specifically permitted.

10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Amusement establishments

Churches, excluding rescue missions or temporary revivals

Funeral homes

Greenhouses and nurseries, retail

Service stations

Automobile repair garage

Automobile sales, new and used
Mobile home/manufactured home sales and service

Truck repair garage

Public buildings and facilities

Residential units, provided that the building contains a commercial business and that the dwelling shall not occupy the front twenty five feet (25') facing the commercial area; if access to the dwelling is from the principal commercial street, it shall be a separate entrance and not more than six feet (6') wide.

Single-family dwellings. (Ord. 625, 6-30-80)

Woodworking and cabinet shops, provided that the business includes retail sales of product(s) produced on the premises. (Ord. 659, 11-24-81)

Public and private elementary or secondary schools. (Ord. 723, 8-14-84)

Medical Marijuana Dispensaries

Marijuana Retailers

Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority

10-15-4: LOT AND YARD REQUIREMENTS:

A. Minimum Lot Dimensions: The minimum lot width shall be twenty five feet (25').

B. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.

C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Yard Regulations:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side and rear yards are not required except:

a. Where setbacks have been established for road widening or other purposes.

b. Where the commercial use abuts a residential use, see FCC 10-34-3-7-D.

10-15-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements.

C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

D. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definitions, and requirements.

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

F. Access and circulation: Refer to Section 10-35 of this Title for requirements.

G. Public Facilities: Refer to Section 10-36 of this Title for requirements.

H. Open Space is required for multi-family housing developments of 4 or more units as follows:

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

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

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

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

I. Lighting: Refer to Section 10-37 of this Title for requirements.

10-15-6: GENERAL PROVISIONS:

A. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

B. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.

C. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance. (Ord. 625, 6-30-80)

Amended by Ordinance No. 15, Series 1988
Section 10-15-5 D, E - Amended by Ordinance No. 26, Series 2008
Sections 10-15-4 and 10-15-5 Amended by Ordinance No. 9, Series 2009
Section 10-15-5-H added by Ordinance No. 2, Series 2011
Section 10-15-5 amended by Ordinance No. 4, Series 2011 (effective 4/22/11)
Section 10-15-2 and 10-15-3 amended by Ordinance No. 3, Series 2013, See Exhibit B (effective 7-31-13)
Section 10-15-5-I added by Ord. No. 12, Series 2014 (effective 12/31/14)
Section 10-15-3 amended by Ord. No. 1, Series 2015 (effective 3/17/15)
Section 10-15-3 amended by Ord. No. 12, Series 2015 (effective 1/1/15)
Sections 10-15-2, 10-15-3, and 10-15-5-D amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 16

HIGHWAY DISTRICT (H)

SECTION:

10-16-1: Purpose
10-16-2: Permitted Buildings and Uses
10-16-3: Buildings and Uses Permitted Conditionally
10-16-4: General Criteria
10-16-5: Development Standards
10-16-6: Rehabilitation of Existing Buildings and Uses
10-16-7: Design Specifications

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

A. The need to create an attractive community appearance.

B. The need to restrain the linear pattern of commercial development.

C. The need to provide for a safe, efficient traffic flow with minimum congestion.

D. The need to provide adequate area for new commercial, limited industrial and multiple-family development.

E. The need to recognize that a pattern of land valuation and subsequent taxation has evolved over many years which has anticipated a high intensity of use.

F. The need to recognize that there are activities and uses whose survival is dependent upon highway access and visibility.

G. To recognize the pre-existing development pattern of highway property and to insure it has continued use and value whenever possible and consistent with other concerns.

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

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

10-16-2: PERMITTED BUILDINGS AND USES:

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

A. All uses permitted outright or conditionally in the Commercial District, except single-family dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-family residential PUD's.

B. Multiple-family residential.

C. Planned unit developments, excluding single-family residential developments.

D. Mini storage units

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

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

A. All uses permitted outright or conditionally in the Limited Industrial District.

B. Public buildings and facilities.

C. Single-family residences.

D. Home occupations. (Ord. 669, 5-17-82)

E. Mobile Home/Manufactured Home/RV Parks

F. Medical Marijuana Dispensaries

G. Marijuana Retailers

H. Medical and Recreational Marijuana Production, Processing, or Wholesaling.

I. Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority.

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

A. The operating characteristics and intensity of land use will be compatible with and will not adversely affect the development potential of adjacent properties.

B. The site planning and building design will be as attractive as the nature of the use and the setting will allow.

C. The location of the site can accommodate energy efficient traffic circulation routes.

D. The vehicle and pedestrian access to the site can be safely and efficiently provided.

E. The necessary utility systems and public facilities are available with sufficient capacity.

F. Limited industrial uses shall be reviewed for compatibility with neighboring uses in terms of noise, odor, smoke, glare, use of outdoor space for materials' storage, general exterior finish and landscaping. Where the proposed use is adjacent to an established or planned multiple-family use, these criteria will be applied more strictly.

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

A. Setbacks, yards, height, density and similar design features.

B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.

C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.

D. Noise, vibration, smoke, dust, odor, lighting and electrical interference.

E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.

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

G. Architectural quality and aesthetic appearance.

H. Public health and safety.

I. Security.

J. Lot area, dimensions and percent of coverage.

K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

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

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

10-16-7: DESIGN SPECIFICATIONS:

A. Highway Setback (Minimum Allowed Without a Variance; Measured From the Center Line of the Highway Right of Way):

1. Commercial: Seventy feet (70'), but one hundred foot (100') setback is recommended.

2. Multiple Residential: One hundred feet (100').

3. Light Industrial: One hundred feet (100').

4. All Other Uses: As determined by the City.

B. Setback from Side Streets and Abutting Property: Minimum of five feet (5') unless otherwise determined by the City with consideration given to the existing and proposed uses on the abutting properties.

C. Visual Barrier: A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

1. Commercial: At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.

2. Multiple Residential: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

   In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

3. Light Industrial: At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

   In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

D. Highway Access: For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:

1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or

2. The City specifically authorizes the highway curb cuts.

E. Parking: Shall be in accordance with Chapter 3 of this Title.

F. Signs: Shall be in accordance with Title 4 Chapter 7 of this Code.

G. Appeal: Shall be in accordance with Section 10-1-1-7 of this Title.

H. General Provisions:

1. Yards and open areas shall not be used for the storage, display or sale of used building materials, scrap or salvage.

2. Where there is manufacturing, compounding, processing or treating of products for wholesale, the front twenty five feet (25') of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.

3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

I. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

J. Minimum Lot Area: The minimum lot area shall be six thousand (6,000) square feet.

K. Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

L. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-14~~3~~ of this Title for definitions, and requirements. (Ord. 26, 2008)

M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

N. Open Space is required for multi-family housing developments of 4 or more units as follows:

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

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

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

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

O. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15 Series 1988
Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008
Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009
Section 10-16-7-N added by Ord. No. 2, Series 2011
Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)
Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-16-3 amended by Ord. 1, Series 2015 (effective 3-17-15)
Section 10-16-2 and 10-16-3 amended by Ord. No. 12, Series 2015 (effective 1-1-16)
Sections 10-16-3 and -7-L amended by Ord. No. 11, Series 2016 (effective XX/XX/XX)

TITLE 10
CHAPTER 17

OLD TOWN DISTRICT

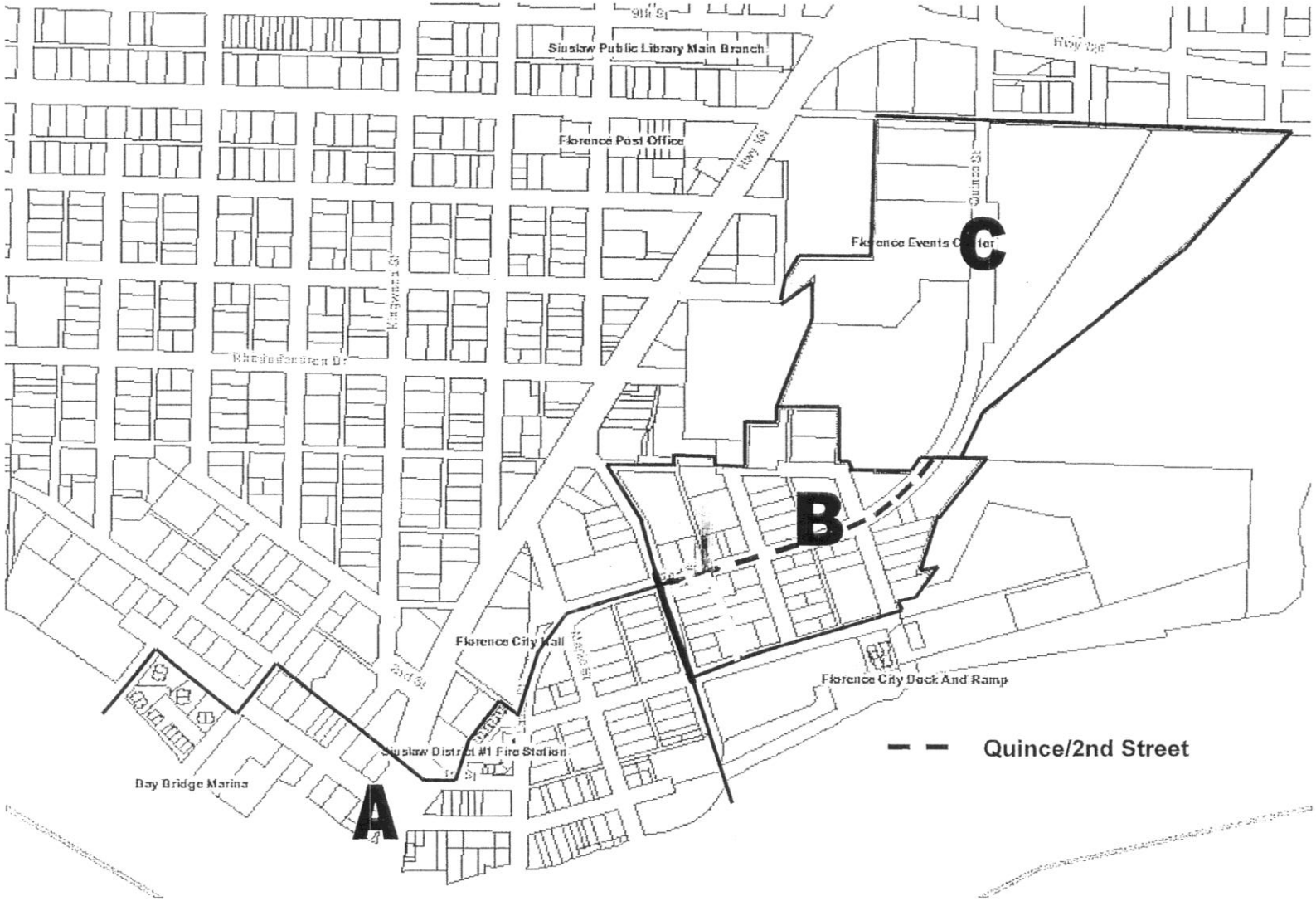
SECTION

10-17-1	General Purpose for Old Town
10-17-2	Definitions
10-17A-1	Purpose for Area A
10-17A-2	Land Uses for Area A
10-17A-3	Lot and Yard Provisions for Area A
10-17A-4	Site and Development Provisions for Area A
10-17B-1	Purpose for Area B
10-17B-2	Land Uses for Area B
10-17B-3	Lot and Yard Provisions for Area B
10-17B-4	Site and Development Provisions for Area B
10-17C-1	Purpose for Area C
10-17C-2	Land Uses for Area C
10-17C-3	Lot and Yard Provisions for Area C
10-17C-4	Site and Development Provisions for Area C

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

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

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



10-17-2 **DEFINITIONS:** As used in this Chapter, the following definitions apply, instead of, where applicable, and in addition to the general definitions in Chapter ~~1~~2:

ACCESSORY BUILDING

A building of secondary importance on a site, detached from the principal building. The accessory building must be (1) subordinate in size (area and height) to the principal building; (2) contribute to the comfort, convenience, or necessity of occupants of the principal building; and (3) located on the same lot as the principal building; (4) under the same ownership and control as the principal structure; (5) in compliance with all applicable zoning regulations including building setbacks; and (6) shall not be constructed or maintained prior to the construction of the principal use. (Building permits for an accessory structure may be obtained as part of or at the same time as a permit for the principal structure). Examples of accessory buildings include but are not limited to: garages, carports, decks, gazebos, storage sheds, play houses, patios, and terraces.

ACCESSORY USE

A use or activity that is a subordinate part of a primary use and that is clearly incidental to a primary use on a site. It shall (1) be subordinate to and serve a primary use in function and time; (2) be subordinate in area, extent, or purpose to primary use; (3) contribute to the comfort, convenience, or necessity of those occupying, working at, or being served by the primary use; (4) be located on the same lot as the primary use; (5) be under the same ownership and control as the primary use; (6) comply with the use limitations applicable in the zoning district in which it is located; and (7) no accessory use shall be established prior to the primary use.

BUILDING HEIGHT

The "building height" dimension is defined as the vertical distance from the average level of the undisturbed natural grade around the building's outer foundation line to the highest point of the roof or the roof parapet, if present. If fill has been or will be added or removed in accordance with a City-approved grading plan (as for drainage, access, or compatibility with surrounding topography), the approved grade shall be used in lieu of the undisturbed natural grade. Stories located entirely below the average grade level or occupying no more than three feet above the average grade level are not counted. The dimensional limit is normally adequate to allow a pitched or gable roof style over the maximum allowed number of above-grade stories.

VISUAL AID

Visualization aids may be of three general types:

Type I: "Story poles" with connecting ribbons that are physically erected on the site to accurately represent the full extent of the proposed structure. Accuracy of critical story pole dimensions shall be checked and certified by a licensed surveyor after erection. Type I aids shall be installed twenty (20) days before the public hearing and removed within twenty (20) days after the final land use decision.

Type II: Virtual computer images which depict the proposed structure and its relation to the surroundings. Such images shall be accurately scaled and shall portray detailed 3-D perspectives of the structure/surroundings in color from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type II aids shall be available to the City and the public twenty (20) days before the public hearing.

Type III: Colorized architectural renderings which depict the proposed structure and its relation to the surroundings. Such renderings shall be at least two feet (2') in the smaller dimension, shall be accurately scaled, and shall portray detailed 3-D perspectives of the structure/surroundings from several critical viewpoints as may be administratively specified. When applicable, viewsheds to the Siuslaw River, the US 101 bridge, the Pacific Ocean, and/or sand dunes shall be included in the depictions. The source/creator of the depictions shall be subject to approval by the City and the accuracy and validity of the depictions shall be certified by the source. Type III aids shall be available to the City and the public twenty (20) days before the public hearing. At least two (2) copies shall be provided; one set of copies shall be "weatherproofed" and displayed for public view at the site.

OLD TOWN DISTRICT AREA A

10-17A-1 PURPOSE FOR AREA A: Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence.

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

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

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

Commercial and public marinas, piers, and docks

Educational services (accessory only, not school)

Offices, professional and administrative

Parks and open space

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

Residential: above ground floor commercial

Restaurants and cafes, without drive-thru

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

Taverns and bars

B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

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

Bed and Breakfast inns

Commercial & public parking lots (ground level)

Entertainment and recreational facilities (indoor)

Lodging, motels and hotels

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

Public safety facilities (police and fire stations)

Residential units: provided that any building facing a street (or streets if a corner lot) shall include a first story commercial use that occupies the first twenty-five feet (25') of the building(s) that face(s) a street. If pedestrian access to the dwelling(s) is from the street, it shall be a separate entrance and not more than six feet (6') wide.

Taxi stands

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

Commercial & public parking structures

Daycare, adult and child

Firing ranges (indoor or outdoor)

Group living

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Religious Institutions

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

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

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

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

Vehicle sales or leasing

Vehicle short-term rental

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

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

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

D. **Existing Single-family Residences:** Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17A-3 LOT AND YARD PROVISIONS FOR AREA A

A. **Lot Area:** The lot area shall be a minimum of 1,500 square feet.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The Design Review Board may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

D. **Yard Regulations:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

E. **Parking and Loading Spaces:**

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

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

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

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

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

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

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

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

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

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

F. Vision Clearance: Refer to Sections 10-2-13~~1-4~~ and 10-35-2-~~13~~ 14 of this Title for definition and requirements.

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

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

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

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

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

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

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

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

4. Lighting shall be pedestrian scaled.

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

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

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

City of Florence Proposed Old Town District Lighting Map
Figure 17.2

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

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

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

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

v. Floodplain

vi. Highest observed tide

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

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

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

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

OLD TOWN DISTRICT AREA B

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

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

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

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

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

Educational services (accessory only, not school)

Offices, professional and administrative

Parks and open space

Residential, single family

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Restaurants and cafes, without drive-thru

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

B. Conditional Uses: Uses which are administratively determined to have an impact similar to or less than the Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Bed and breakfast inns

Commercial & public parking lots (ground level)

Commercial & public parking structures

Daycare, adult and child

Entertainment and recreational facilities (indoor)

Group living

Lodging, motels and hotels

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

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

Public safety facilities (police and fire stations)

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

Religious Institutions

Taverns and bars

Taxi stands

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

Firing ranges (indoor or outdoor)

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing, or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Restaurants, with drive-thru

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

Vehicle sales or leasing

Warehousing

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

Wholesale sales

10-17B-3 LOT AND YARD PROVISIONS FOR AREA B

A. **Lot Area:** The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The maximum lot coverage allowed shall be seventy percent (70%) for buildings and structures and a total of eighty percent (80%) for all buildings and other impervious surfaces.

D. **Yard Regulations:**

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20').

2. **Front Yard:** Front yard setback shall be a minimum of ten feet (10') and up to five feet (5') with approval by the Planning Commission.

3. **Side Yard:** Zero lot line spacing is allowed for row-house (townhouse) development between the interior and exterior units. All other development is required to have a minimum of a five foot (5') sideyard, unless zero lot line spacing is approved by the Planning Commission.

4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5'). For single family dwellings, the rear yard shall have a minimum setback of ten feet (10').

5. The Planning Commission/Design Review Board may allow reduction of any Area B setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

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

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

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

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

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

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

A. Building or Structural Height Limitations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **Vision Clearance:** Refer to Sections 10-~~1-4~~2-13 and 10-35-2-1~~3~~4 of this Title for definition and requirements.

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

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

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

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

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

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

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

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

4. Lighting shall be pedestrian scaled.

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

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

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

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

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

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

iv. Existing structures

v. Floodplain

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

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

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

OLD TOWN DISTRICT AREA C

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

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

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

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

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

Educational services (accessory only, not school)

Entertainment and recreational facilities (indoor)

Lodging, motels and hotels

Offices, professional and administrative

Parks and open space

Residential: above ground floor commercial

Residential: multi-family, townhouses, duplexes

Restaurants and cafes, without drive-thru

Retail sales and service (Retail sales and service uses involve the sale, rental, and repair of new or used products, supplies, goods and foodstuffs to/for the general public. The retail category also includes personal services such as banking, real estate, and personal care activities. Note that restaurant, entertainment and recreation, lodging, and vehicle-related uses are otherwise listed in this section and are thus excluded from the general retail category.)

Taxi stands

B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Bed and breakfast inns

Commercial & public parking lots (ground level)

Commercial & public parking structures

Commercial and public marinas, piers, and docks

Daycare, adult and child

Group living

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

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

Public safety facilities (police and fire stations)

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

Religious Institutions

Taverns and bars

C. **Prohibited Uses:** Uses that are administratively determined to have impact similar to or greater than Prohibited uses listed below are prohibited. The following uses are specifically prohibited:

Firing ranges (indoor or outdoor)

Industrial services

Kennels, animal clinics, or grooming facilities

Marijuana Retailers

Medical and Recreational Marijuana Production, Processing or Wholesale

Medical centers

Medical Marijuana Dispensaries

Mobile home parks

Residential, single family

Restaurants, with drive-thru

RV parks and campgrounds

Schools and colleges

Self-service storage

Vehicle repair or storage of non-operational vehicles

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

Warehousing

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

Wholesale sales

D. **Existing Single-family Residences:** Existing single-family residences remain grandfathered until such time as a conversion is made to commercial use.

10-17C-3 LOT AND YARD PROVISIONS FOR AREA C

A. **Lot Area:** The lot area shall be a minimum of 2,500 square feet. Lot area for a duplex shall be at least 5,000 sq ft, and lot area for a multiple family structure shall be at least 2,500 sq ft for each ground floor unit.

B. **Lot Dimensions:** The minimum lot width shall be twenty-five feet (25').

C. **Lot Coverage:** The Design Review Board may allow up to eighty percent (80%) lot coverage by buildings and other impervious surfaces.

D. **Yard Regulations:**

1. **Garage and Carport Entries:** Garage and carport entries shall have a minimum setback of twenty feet (20'), with all parking to have access from side or rear of property.

2. **Front Yards:** Front yard setback shall be a minimum of fifteen feet (15').

3. **Side Yard:** No side yard shall be less than five feet (5') unless zero lot line spacing is approved.

4. **Rear Yard or Alley:** Rear yard or alley setback shall be a minimum of five feet (5').

5. The Planning Commission/Design Review Board may allow reduction of any Area C setbacks, if an easement is approved and dedicated that will preserve mature trees, sand banks, and/or bank vegetation.

6. For developments with ground floor commercial units facing Quince/2nd Street, the Planning Commission/ Design Review Board may allow reduced front yard or side yard setbacks from that street if pedestrian-friendly amenities are provided, such as street trees, wider sidewalks with seating, overhangs and awnings, etc.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

F. **Vision Clearance:** Refer to Sections 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition and requirements.

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

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

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

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

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

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

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

3. Lighting shall be pedestrian scaled.

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

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

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

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

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

1. **Additional Requirements:**

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

i. Property lines

ii. Easements

iii. 2' Contours

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

v. Floodplain

vi. Highest observed tide

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

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

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

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

TITLE 10
CHAPTER 18

MARINE DISTRICT

SECTION:

10-18-1: Administrative Provisions
10-18-2: Permitted Buildings and Uses
10-18-3: Buildings and Uses Permitted Conditionally
10-18-4: Specific Approval Criteria
10-18-5: Property Development Standards

10-18-1: ADMINISTRATIVE PROVISIONS:

A. Purpose: The Marine District is primarily intended to provide for water dependent commercial, recreational and industrial uses. In addition, this District provides for certain water related uses which are most appropriately located near a water dependent use or in areas near the estuary. Such water related uses may not be directly dependent upon access to a water body, but do provide or use goods or services that are directly associated with water dependent uses. It is intended that this District be developed to benefit the economy of the Florence area, consistent with the Florence Comprehensive Plan and other plans which may be adopted by the City and the Port of Siuslaw.

B. Evidence of Compliance: Any applicant for a use shall furnish evidence of compliance with, or intent to comply with, appropriate permit and rule requirements of:

1. Port of Siuslaw.

2. Oregon State Department of Environmental Quality.

3. Division of State Lands.

4. United States Army Corps of Engineers.

5. All other State and Federal agencies having interest applicable to the proposed use. (Amended by Ord. No. 10, Series 2009)

10-18-2: PERMITTED BUILDINGS AND USES: None of the uses intended for this District are permitted outright; all are conditional uses.

10-18-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following uses. The requirements of the adjacent Estuary District shall supersede the requirements in this section; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply.

A. Water Dependent Uses

Dredge or fill activities, consistent with the adjacent Estuary District provisions.

Wharves, docks, and piers, consistent with the adjacent Estuary District provisions.

Other water dependent buildings and uses as those are defined in the definition of Water Dependent Uses in this Code.

B. Water Related Uses

C. Temporary Uses

10-18-4: SPECIFIC APPROVAL CRITERIA:

A. Conditional Use Permit: In addition to the general approval criteria set forth in Section 10-4-~~9~~ 10 of this Title, the following criteria shall apply to the consideration of a conditional use permit in this District in addition to applicable criteria in the adjacent Estuary District:

1. The proposed use must be a Water Dependent or Water Related Use, as defined in Chapter ~~1~~ 2 of this Title.

2. Where the proposed location is within a management unit as defined in the Comprehensive Plan, approval is subject to the "allowed uses and priorities" listed for that management unit. Where competition for limited land area exists, uses higher on the list have priority.

3. In the case of water related uses, approval must be based on findings that:

a. Water Related Uses must be in conjunction with and incidental and subordinate to water-dependent uses on the site and there are no alternative upland locations in other districts which would be suitable for the proposed use;

b. There are sufficient sites available to meet projected needs for water dependent uses, especially sites adjacent to the estuary.

c. Such non-water-dependent uses shall be constructed at the same time as or after the water-dependent use of the site is established, and must be carried out together with the water-dependent use.

d. The ratio of the square footage of ground-level indoor floor space plus outdoor acreage distributed between the non-water-dependent uses and the water-dependent uses at the site shall not exceed one to three (non-water-dependent to water-dependent).

e. Such non-water-dependent uses shall not interfere with the conduct of the water-dependent use.

f. For temporary non-water-dependent uses: the use must involve minimal capital investment and no permanent structures. The intent of allowing such uses is to avoid posing a significant economic obstacle to attracting water-dependent uses. Tools for implementing this approach include "vacate" clauses in leases on public lands, as well as requiring "vacate" clauses for land use approvals involving leasing of private lands.

B. Special Conditions: In addition to the general conditions listed in Sections 10-4-10 and 10-4-11, special conditions may be required.

1. State and/or Federal permits for any dredge, fill or installation of pilings must be obtained, if applicable.

2. Structures or vegetative plantings may be required to prevent riverbank erosion.

10-18-5: PROPERTY DEVELOPMENT STANDARDS:

A. Minimum Lot Area: The minimum lot area shall be two thousand five hundred (2,500) square feet.

B. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

C. Lot Coverage: Eighty-five percent (85%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Setback Requirements:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side yards are not required except:

   a. Where setbacks have been established for road widening or other purposes;

   b. Where the use abuts a residential district. In such instances a buffer may be required; and

   c. Where required to preserve a visual corridor or public access to the river.

3. Shorefront setback requirements will be required for permanent structures in those instances where sound engineering practices require setback:

   a. To comply with the National Flood Insurance Program;

   b. To provide for shoreland stabilization or protection measures; and

   c. To allow a buffer strip for areas of geological instability.

E. Building and Structural Height Limitations: The maximum building or structural height shall be twenty eight feet (28').

F. Fences, Hedges, Walls and Landscaping: The City may require that a fence, hedge, wall or landscaping be maintained within the Marine District or with abutting districts. Refer to Section 10-34 of this Title for requirements. (Ord. 625, 6-30-80)

G. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

H. Visual Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition and requirements.

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

J. Vegetative Strip: A vegetative strip adjacent to the estuary shall be maintained, insofar as possible, consistent with permitted uses.

K. Utility Systems and Public Facilities: The necessary utility systems and public facilities must be available with sufficient capacity to serve the proposed use. Refer to Section 10-36 of this Title for requirements.

L. Access and Circulation: Refer to Section 10-34 of this Title for requirements.

M. Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title. (Ord. 625,6- 30-80)

N. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-18-5, H, I - Amended by Ordinance No. 26, Series 2008
Section 10-18-5 amended by Ord. No. 9, Series 2009
Section 10-18-3 and 10-18-4 amended by Ord. No. 10, Series 2009
Section 10-18-5-I amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-18-5-N added by Ord. No. 12, Series 2014 (effective 12/31/14)
Sections 10-18-3, 10-18-4, and 10-18-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 19

ESTUARY, SHORELANDS, AND BEACHES AND DUNES

SECTION:

10-19-1: Estuary District Administration
10-19-2: Natural Estuary District (NE)
10-19-3: Conservation Estuary District (CE)
10-19-4: Development Estuary District (DE)
10-19-5: Coastal Shorelands Overlay Districts Administration
10-19-6: Shoreland Residential Overlay District (/SR)
10-19-7: Mixed Development Overlay District (/MD)
10-19-8: Dredge Material/Mitigation Site Overlay District (/DMS)
10-19-9: Prime Wildlife Overlay District (/PW)
10-19-10: Natural Resource Conservation Overlay District (/NRC)
10-19-11: Beaches and Dunes Overlay District Administration
10-19-12: Beaches and Dunes Overlay District (/BD)

10-19-1: ESTUARY DISTRICT ADMINISTRATION

A. Applicability

1. The following three Estuary Zoning Districts apply to the Siuslaw River Estuary within the Florence city limits: Natural Estuary, Conservation Estuary, and Development Estuary. These districts implement the requirements of Statewide Planning Goal 16 and policies in the Florence Comprehensive Plan and corresponding "management units." In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 16, Siuslaw Estuarine Resources.

2. Estuary Zoning Districts are applied to portions of the estuary within city limits as classified on the City of Florence Zoning Map.

B. Resource Capability Assessment:

1. Purpose: Uses Requiring a Special Use Permit (~~Administrative~~ Type II Review) or Conditional Uses (Type III Review) in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.

2. Definition of Resource Capability Assessment: An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. Definitions specific to Estuary Management Units (MUs) are as follows:

   a. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when it is 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.

   b. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when it is 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.

3. Identification of Resources and Impacts: The required assessment need not be lengthy or complex, but it should enable reviewers to gain a clear understanding of the impacts to be expected. The application for a proposed use or activity in which a resource capability determination must be made shall submit information on the following. The Planning Director may waive inapplicable items for any particular use or project.

   a. The type and extent of alterations expected.

   b. The type of resources affected. The type of resources likely to be affected by the proposed action shall be inventoried. The City shall assist the applicant in locating sources of information. Sources which can be used include: Lane County Coastal Resources Inventory, environmental impact statements for the Siuslaw River, or other published information concerning the Siuslaw estuary, or more current resource information from federal or state agencies, the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians or other public sources.

   c. The expected extent of impacts of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary.

   d. The methods which could be employed to avoid or minimize adverse impacts. Where adverse impacts have been or can be identified, information shall be provided on reasonable methods which could be employed to avoid or minimize adverse impacts.

4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit (Type II) or Conditional Use Permit (Type III) procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

5. Resource Capability Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:

   a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

   b. The impacts of the use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

   c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

   d. In the Conservation Estuary District, that the resources of the area are able to

assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

6. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:
   a. U.S. Fish and Wildlife Service
   b. U.S. Environmental Protection Agency
   c. U.S. Army Corps of Engineers
   d. National Marine Fisheries
   e. Oregon Dept. of Fish and Wildlife
   f. Oregon Dept. of Land Conservation and Development
   g. Oregon Department of State Lands
   h. Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians.

C. Estuarine Impact Assessment:

1. Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. Uses in Estuary Districts requiring a Special Use Permit (Type II review) or a Conditional Use Permit (Type III review) will require an Estuarine Impact Assessment only when an Environmental Impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

2. Information to be presented in the Estuarine Impact Assessment: Information contained in an Estuarine Impact Assessment shall be used in the evaluation of a use or activity during a Special Use Permit (Type II) or Conditional Use Permit (Type III) procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the City and other agencies will be utilized so long as necessary information is adequately analyzed. Information contained in the Estuarine Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw River estuary, other published studies pertaining to the Siuslaw River estuary or more current information provided by application.

   The Estuarine Impact Assessment shall apply available information to the following general areas of analysis: the type and extent of alterations expected; the type of resources affected; the expected extent of the impact of the proposed alteration on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary; and the methods which could be employed to avoid or minimize adverse impacts, and specifically detailed below. The Planning Director may waive inapplicable items for any particular use or project.

   a. Aquatic life forms and habitat, including information on: habitat type and use (e.g., rearing, spawning, feeding/resting, migration), species present, seasonal abundance, sediment type and characteristics and vegetation present. The type of alteration, including information detailing the extent of alteration (e.g., area measurement, depths to which alteration will extend, volumes of materials removed and/or placed as fill), impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.
   b. Shoreland life forms and habitat, including information on: habitat type and use (e.g., feeding, resting or watering areas, flyways), species present, seasonal

abundance, soil types and characteristics, and vegetation present. Impacted species (including threatened and endangered species), life stages and life cycles affected with regard to timing of the proposed alteration, percent of total available habitat type subjected to alteration.

c. Water quality, including information on: increases in sedimentation and turbidity, decreases in dissolved oxygen concentration, changes in biological and chemical oxygen demand, contaminated sediments, alteration of salinity regime, disruption of naturally occurring water temperatures, changes due to reduction, diversion or impoundment of water.

d. Hydraulic characteristics, including information on: changes in water circulation patterns, shoaling patterns, potential of erosion or accretion in adjacent areas, changes in the floodplain, decreases in flushing capacity or decreases in rate of water flow from reduction, diversion or impoundment of water sources.

e. Air quality, including information on: quantities of emissions of particulates, expected inorganic and organic airborne pollutants.

f. Impact of the proposed project on navigation and public access to the shoreline and aquatic areas.

g. Demonstration of public need to warrant such a modification to the estuary.

h. Demonstration that non-water-dependent uses will not preempt existing or future water-dependent use of the area.

i. Determination of the potential cumulative impact of the proposed development, including alteration of adjacent significant fish and wildlife habitat and essential properties of the estuary.

j. Presentation of upland alternatives and methods to minimize preventable adverse impacts.

k. Determination of need for mitigation.

3. Estuarine Impact Assessment Findings: Unless fully addressed during the development and adoption of the Comprehensive Plan, actions which would potentially alter the estuarine ecosystem shall be preceded by a clear presentation of the impacts of the proposed alteration. Such activities include dredging, fill, in-water structures, riprap, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-lane disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources. Based on the analysis of resources and impacts, one of the following findings shall be concluded in approving the use permit, otherwise it shall be denied:

a. The specific use was fully addressed during the development and adoption of the Comprehensive Plan and the use is allowed; or

b. The use or activity will not have a significant impact on estuarine species, habitats, biological productivity or water quality; or

c. In the Natural Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education; or

d. In the Conservation Estuary District, that the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

4. Notification of Agencies: Any application that is subject to the provisions of this section shall, at a minimum, be referred to the following:

a. U.S. Fish and Wildlife Service

b. U.S. Environmental Protection Agency
c. U.S. Army Corps of Engineers
d. National Marine Fisheries
e. Oregon Dept. of Fish and Wildlife
f. Oregon Dept. of Land Conservation and Development
g. Oregon Department of State Lands
h. Confederated Tribes of the Coos, Lower Umpqua, and Siuslaw Indians.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the application may be required to submit a supplementary report containing findings prepared by an environmental scientist, hydrologist, engineer, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits:

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.
2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary. .
3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.

F. Emergencies: Estuarine alterations performed under emergency conditions for which the Department of State Lands or other agency with such authority has issued an emergency permit, shall not be deemed to violate this Chapter. The party performing work must submit a copy of written confirmation of such an emergency permit to the city.

10-19-2: NATURAL ESTUARY DISTRICT (NE):

A. Purpose and Extent: The purpose of the Natural Estuary District (NE) is to assure the protection of significant fish and wildlife habitats and continued biological productivity of the estuary and to accommodate the uses which are consistent with these objectives. The boundaries of the NE District are determined by the natural estuarine features. The NE District includes all major tracts of salt marsh, tideflats, eelgrass and algae beds. These are as identified on the City Zoning Map as specified by this Title.

B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:

1. Undeveloped low-intensity water-dependent recreation
2. Research and educational observations
3. Navigational aids, such as beacons and buoys
4. Protection of habitat, nutrient, fish, wildlife and aesthetic resources;
5. Passive restoration measures;
6. Maintenance of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits; and such maintenance shall not increase the size, extent, or scope of the riprap or otherwise alter the estuary.
7. Bridge crossings.

C. Special Uses Approved by ~~Administrative~~ Type II Review: The following specified uses and no

others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.

1. Bridge crossing support structures and dredging necessary for their installation; and dredging necessary for on-site maintenance of existing functional tidegates and associated drainage channels.

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2. Expansion of existing riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities. The riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District, and upon satisfaction of all of the applicable criteria in F and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

1. Aquaculture which does not involve dredge or fill or other estuarine alteration other than incidental dredging for harvest of benthic species or removable in-water structures such as stakes or racks.
2. Communication facilities.
3. Active restoration of fish and wildlife habitat or water quality and estuarine management.
4. Boat ramps for public use where no dredging or fill for navigational access is needed
5. Pipelines, cables and utility crossings, including incidental dredging necessary for their installation.
6. Temporary alterations, subject to the requirements in d and the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition.
7. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill. All other fills, regardless of volume, are prohibited in this MU.
8. Installation of new riprap for protection of uses existing as of October 7, 1977, unique natural resources, historical and archaeological values; and public facilities.

E. A use or activity is consistent with the resource capabilities of Natural Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or the resources of the area are able to assimilate the use and activity and their effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education.

F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit (Type II) or Conditional Use Permit (Type III) in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

1. no feasible alternative upland locations exist;

2. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in C and D above;
3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
4. dredge or fill activities, found to be subject to state mitigation requirements, must be mitigated, if found to be subject to the mitigation requirement in state law, by 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; and
5. all federal and state requirements, including mitigation requirements, are met as a condition of approval.

10-19-3: CONSERVATION ESTUARY DISTRICT (CE):

A. Purpose and Extent: The purpose of the Conservation Estuary District (CE) is to provide for the long-term use of the estuary's renewable resources in ways which do not require major alteration of the estuary. Providing for recreational and aesthetic uses of the estuarine resources as well as maintenance and restoration of biological productivity are primary objectives in this District. The boundaries of the CE District are defined by natural features. The CE District includes minor tracts of salt marsh, tideflats, eelgrass and algae beds; and those not included in the Natural Estuary District (NE). This District also includes oyster and clam beds and areas immediately adjacent to developed estuarine areas. These are as identified on the City Zoning Map as specified by this Title.

B. The following uses and no others shall be permitted outright, provided that no such use shall involve dredge or fill:

1. All uses permitted outright in the Natural Estuary District Section B.

2. Maintenance of existing riprap which is currently serviceable and was previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the riprap, or otherwise alter the estuary.

3. Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing structure, or otherwise alter the estuary.

C. Special Uses Approved by ~~Administrative~~ Type II Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.

1. All uses permitted through a Special Use Permit in the Natural Estuary District Section C.

2. Expansion of existing riprap, provided the riprap shall be necessary to protect an existing use or a use that is permitted outright or with Special Use Permit approval. The existing riprap must be currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District, and upon satisfaction of all of the applicable criteria in F and G, and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

1. All Conditional Uses in Natural Estuary District Section D.
2. Water-dependent uses requiring occupation of water surface area by means other than dredge or fill (e.g., on pilings or floating), including mooring buoys which are permanently anchored to estuary floor, dolphins, docks and piers, and other such uses.
3. High-intensity water-dependent recreation, including public beaches, boat ramps, marinas and new dredging for boat ramps and marinas.
4. Minor navigational improvements.
5. Aquaculture requiring dredge or fill or other alteration of the estuary.
6. Active restoration for purposes other than those listed above.
7. Installation of new riprap, provided the riprap shall be necessary to protect an existing use or a use that is permitted outright or with Special Use Permit or Conditional Use Permit approval.

E. A use or activity is consistent with the resource capabilities of Conservation Estuary District when either the impacts of the use on estuarine species, habitats, biological productivity and water quality are not significant or 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.

F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit or Conditional Use Permit in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

1. no feasible alternative upland locations exist;
2. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in B, C, and D above;
3. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in C or D, rip; and fill, whether located in the waterways or on shorelands above ordinary high water mark, shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
4. dredge or fill activities must be mitigated, if found to be subject to the mitigation requirement in state law, by 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; and
5. all federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

G. Public and private piers and docks, shall meet the following additional criteria:

1. The size and shape shall be limited to that required for the intended use.
2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.
3. For private, individual, single-purpose docks and piers, the applicant shall attest in writing

(and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

10-19-4: DEVELOPMENT ESTUARY DISTRICT (DE):

A. Purpose and Extent: The primary purpose of the Development Estuary District (DE) is to provide for navigational needs and public, commercial and industrial water-dependent uses which require an estuarine location. Uses which are not water dependent which do not damage the overall integrity or estuarine resources and values should be considered, provided they do not conflict with the primary purpose of the District. The DE District is designed to apply to navigation channels, sub-tidal areas for in-water disposal of dredged material, major navigational appurtenances, deep-water areas adjacent to the shoreline and areas of minimal biological significance needed for uses requiring alteration of the estuary. These are as defined on the City Zoning Map as specified by this Title.

B. Permitted Uses: Activities and uses permitted outright in the estuary throughout all portions of Development Estuary Districts are as follows, provided that these specific uses and activities do not involve dredge or fill:

1. Maintenance of existing riprap and other erosion control structures which are currently serviceable and previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the structure or otherwise alter the estuary.

2. Maintenance and repair of existing, functional, public and private docks and piers, provided that the activity: does not require dredging or fill of the estuary; minimizes adverse impacts on estuarine resources; and does not alter the size, shape, or design of the existing dock or pier or otherwise alter the estuary.

C. Permitted Uses in Areas Managed for Water Dependent Activities. In addition to the activities specifically permitted in B, the following uses and no others are permitted outright in the estuary in Areas Managed for Water Dependent Activities:

1. Navigation, provided no dredging or fill is involved.

2. Maintenance dredging and maintenance of the north jetty are permitted outright where they have been established as appropriate in the Florence Comprehensive Plan for specific Management Units. Maintenance dredging must also meet the following additional criteria: 1) the footprint of the area to be dredged shall be the same as the area that has been dredged in the past; and 2) the dredging shall be approved by all applicable federal and state permitting agencies. For example, maintenance dredging of the Federal Navigation Channel, as authorized in the Siuslaw River Dredge Material Disposal Plan, is automatically approved and need not go through a local permit process for each individual project.

D. Special Uses Approved by ~~Administrative~~ Type II Review: The following specified uses and no others require a Special Use Permit throughout all portions of Development Estuary Districts. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. All uses permitted through a Special Use Permit in Natural and Conservation Estuary Districts.

E. Conditional Uses in Areas Managed for Water Dependent Activities: The following uses are allowed in the estuary in Areas Managed for Water Dependent Activities with approval of a Conditional Use Permit (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapters 1 and 4 of this Title upon affirmative findings that the use is consistent with the purposes of the DE District and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. Navigation where dredging is involved.

2. Water-dependent commercial and industrial uses, and dredging and fill necessary to support these uses, subject to the applicable criteria below. Examples of water-dependent commercial and industrial uses include, but are not limited to, the following (for additional water-dependent commercial and industrial uses, see the Definition of this term in FCC 10-1):
   a) Docks and piers, provided they are necessary to support water-dependent commercial and industrial uses
   b) Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect water-dependent commercial and industrial uses
   c) Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the resource capabilities and purposes of affected Natural and Conservation MUs
   d) Water storage areas where needed for products used in or resulting from industry, commerce, and recreation
   e) Marinas
   f) Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition
   g) Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill.

F. Conditional Uses: Outside of Areas Managed for Water Dependent Activities, the following uses and activities are allowed in the estuary with a Conditional Use Permit (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapters 1 and 4 of this Title upon affirmative findings that: the use or activity is consistent with the purposes of the DE District; it must not be detrimental to natural characteristics or values in the adjacent estuary; and it must comply with the specific criteria below, and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

1. Dredge or fill.
2. Flood and erosion control structures such as jetties, bulkheads, seawalls, and groin construction, may be installed and maintained, and riprap may be installed and expanded; provided all such uses are needed to protect existing uses or uses specifically allowed in this Code section
3. Navigation and water-dependent commercial enterprises and activities, including docks and piers to support existing uses or uses specifically permitted in this Code section.
4. Water transport channels where dredging may be necessary.
5. Flow-lane disposal of dredged material, where consistent with the Dredged Materials Disposal Plan, and monitored to assure that estuarine sedimentation is consistent with the

resource capabilities and purposes of affected Natural and Conservation Districts.

6. Water storage areas where needed for products used in or resulting from industry, commerce, and recreation
7. Marinas.
8. Temporary alterations, subject to the following additional criteria: the alteration shall support a use expressly allowed in this MU in this Comprehensive Plan as defined in the Definitions in the Introduction to this Comprehensive Plan; it shall be for a specified short period of time, not to exceed three years; and the area and affected resources shall be restored to their original condition.
9. Short-term fills for temporary alterations provided the estuarine areas impacted shall be restored following removal of the fill.
10. Water-related uses, non-water-dependent uses, and non-water-related uses, provided no dredge or fill is involved and it is not possible to locate the use on an upland site. Non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code ~~not withstanding~~notwithstanding.

G. Dredging projects, other than maintenance dredging as permitted in C, above, and any project which requires fill in the estuary, shall be allowed only if the project or activity complies with all of the following criteria:

1. The dredging or fill is expressly permitted in sections D, E, or F, above, or is necessary to support a use expressly permitted in D, E or F, above;
2. A substantial public benefit is demonstrated and the activity does not unreasonably interfere with public trust rights;
3. No alternative upland locations are feasible;
4. Adverse impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, navigation and other existing and potential uses of the estuary allowed in D, E, or F, above, are minimized;
5. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as allowed in B through F, above, erosion control structures such as jetties, bulkheads, seawalls, groin construction and riprap; and fill, whether located in the waterways or on shorelands above the ordinary high water mark, ~~-~~shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.
6. Dredge or fill activities, as otherwise approved, must be mitigated, if found to be subject to the mitigation requirement in state law, by 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.
7. All federal and state permit requirements, including mitigation requirements, are met as a condition of approval.

H. Activities or uses which could potentially alter the estuary that do not involve dredge or fill shall only be allowed in Development Estuary MUs when the use or activity complies with all of the following criteria:

1. the activity or use is expressly permitted in sections D, E, or F, above;
2. no feasible alternative upland locations are feasible;
3. the activity minimizes impacts on water quality and other physical characteristics of the estuary, living resources, recreation and aesthetic use, and other uses of the estuary allowed in B through F, above;
4. Land use management practices and non-structural solutions to problems of erosion and flooding shall be preferred to structural solutions. Where shown to be necessary and as

allowed in B through F, above, erosion control structures such as jetties, bulkheads, seawalls, groin construction and riprap shall be designed to minimize adverse impacts on water currents, erosion, and accretion patterns.

I. Public and private piers and docks, shall meet the following additional criteria:

1. The size and shape shall be limited to that required for the intended use.
2. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.
3. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

10-19-5: COASTAL SHORELANDS OVERLAY DISTRICT ADMINISTRATION

A. Coastal Shorelands Overlay Districts are applied to Coastal Shorelands within city limits as classified on the City of Florence Coastal Overlay Zoning Map.

B. As lands are annexed over time, Coastal Shorelands shall include all lands contiguous with the ocean, the Siuslaw Estuary, and four lake areas: Munsel Lake, Heceta Junction Lake, South Heceta Junction Seasonal Lakes, and North Jetty Lake. Upon annexation, Coastal Shorelands Overlay Zoning Districts are applied to the properties depicted on the Map 17-1 *Estuary and Coastal Shoreland Management Units in the Florence* UGB in the Comprehensive Plan. In addition, the Comprehensive Plan designates two sites in the UGB "Water Dependent," which are zoned Marine (Code Chapter 18) and Waterfront Marine (Code Chapter 24).

C. These overlay districts implement policies in the Florence Comprehensive Plan and corresponding "management units." In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 17, Coastal Shorelands: Ocean, Estuary, and Lake Shorelands. Where there are conflicts between the two, the stricter requirements shall apply.

The requirements of the adjacent Estuary District shall supersede the requirements for Coastal Shorelands; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply to the respective Coastal Shoreland District. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the applicant may be required to submit a supplementary report containing findings prepared by an engineer, hydrologist, environmental scientist, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.
2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to

avoid unnecessary delays caused by the unavailability of State or Federal processing information which may be deemed necessary .

3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.
4. Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department.

F. The requirements imposed by the overlay districts shall be in addition to those imposed by the base zoning district, or, if the overlay district conflicts with the requirements of the base zoning district, the more restrictive requirements apply.

10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR

A. Purpose: The Shoreland Residential Overlay District (/SR) is applied to residential development management units in the Comprehensive Plan along the Siuslaw River Estuary and Munsel Lake (a Coastal Lake). It is the purpose of the /SR Overlay District to encourage long-term human use of these coastal resources in a manner which protects the qualities of coastal water bodies and respects the natural systems. Activities which protect or enhance renewable resources are encouraged, as are recreation and public access to coastal water. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

The /SR District is specifically designed to carry out the following purposes:

1. Protection of such natural resources as soil and such natural systems as drainage courses and waterways.
2. Enhancement of renewable resources such as the coastal fisheries.
3. Allow for recreation and public access to coastal water.

B. Permitted Uses: In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses, and no others, are permitted outright when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F:

1. Harvesting of wild crops.

2. Low intensity recreational activities.

3. Uses and buildings permitted outright in the base zoning district.

4. In or adjacent to lake: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

5. In or adjacent to lake: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Florence City Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

6. In or adjacent to lake: maintenance of existing riprap which is currently serviceable and was

previously installed in accordance with all local, state, and federal regulations and permits. Such maintenance shall not increase the size, extent, or scope of the riprap, and shall not otherwise alter the lake. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

7. In lake: Mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

8. Public boat launching ramps in lake. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

C. Special Uses Approved by ~~Administrative~~ Type II Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. Uses and buildings permitted in the base zoning district where existing parcel size is insufficient for the proposal to meet the development, setback and area requirements set forth in subsections E and F, subject to the following additional criteria:

   a. The said parcel existed prior to July 24, 1980.
   b. The structures shall not occupy more than thirty percent (30%) of lot area.
   c. All applicable height restrictions are observed.
   d. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance is minimized.
   e. All otherwise applicable requirements of this Section are met.

2. Dredged material disposal when the /SR is used in conjunction with the /DMS Overlay District.

D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted, subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

1. All buildings and uses allowed conditionally or by special permit in the base zoning district, except where expressly prohibited by this Section, subject to the following criteria:

   a. All applicable criteria provided within the base district are met.
   .
   b. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

2. In Coastal Lakes, public and private docks and piers, provided the following criteria are met and the use does not conflict with other requirements of this Code. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

   a. The size and shape shall be limited to that required for the intended use;
   b. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and

launching ramps, have been investigated and considered and no alternatives are feasible.

c. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.

d. the use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed use shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory."

3. In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

a. The stabilization is necessary to protect uses allowed in the base zoning district.

b. They are necessary because land use management practices and non-structural solutions cannot be used.

c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

4. Fill in coastal lakes adjacent to the /SR District is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed fill shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

E. Site Development Requirements: The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section F only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through

the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

2. Development on shorelands within dune areas shall not result in clearance of a parcel's existing vegetation in excess of what is necessary for the construction of the proposed structure or structures, accessory buildings, necessary access, and fire safety requirements.
3. In all cases, vegetative cover shall be retained on lands within the shoreland area. Construction activities shall occur in such a manner as to avoid unnecessary excavation and removal of native vegetation unless cleared vegetation is to be replaced immediately following the construction activity. Interim soil stabilization methods shall be required during the construction phase of any project.
4. A minimum fifty foot (50') buffer zone of native vegetation shall be maintained along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water).
5. The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowed:
    a) Foot paths
    b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.
    c) Replanting of the area or other areas which have been previously cleared.
6. All mature trees must be retained in the 50' buffer zone, unless they are an obvious hazard or determined by an arborist to be diseased or damaged beyond repair. If a mature tree is removed, it shall be replaced with a tree from the City's suggested tree list.

F. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional setback requirements specified herein.

1. In addition to the yard setbacks required in the Base zoning district, a 50 foot buffer zone is required along the estuary (as measured from the mean high tide) and Coastal Lakes (as measured from the average high water). Use of this 50 foot buffer zone shall be as specified in 10-19-6-E.

10-19-7: MIXED DEVELOPMENT OVERLAY DISTRICT (/MD):

A. Purpose: The Mixed Development Overlay District (/MD) is applied to those coastal shorelands which are recognized in the City Comprehensive Plan and supportive technical data as being all or partially committed to commercial, industrial and public uses. The proximity of these lands to the dredged channel of the Siuslaw River dictates that opportunities shall be provided to preserve and expand existing water-dependent and water- related commercial, industrial or public uses. . If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

In addition, the /MD District is specifically intended to carry out the following purposes:

1. Provision, adjacent to deep water environments, of shorelands sites for use by water-dependent and water- related commercial and industrial uses.
2. Protection of previously-existing water-dependent and water-related commercial and industrial sites in shorelands areas.

3. Provision of opportunities for non-water-dependent and non-water-related uses where designated in the Comprehensive Plan.
4. Protection of coastal waters and avoidance of geographic and hydrologic hazards.

B. Permitted Uses: In addition to uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright, provided they are consistent with the requirements of the adjacent Estuary District.

1. Dryland storage.

2. Shore-secured floating moorage facilities, mooring buoys, and launch ramps.

C. Special Uses Approved by ~~Administrative~~ Type II Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:

1. All permitted buildings and uses permitted outright in the base zoning district, provided the requirements of the base zoning district are met.

2. Water-dependent and water-related commercial, industrial and public uses, subject to the following criteria and conditions:
   a. The site has the potential for water-dependent and water-related uses.
   b. Maintain or encourage riparian vegetation for erosion control and temperature and general aesthetics where feasible.

D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:

1. All buildings and uses permitted Conditionally or by Special Use Permit in the base zoning district, provided the requirements of the base zoning district are met.~~.~~

E. Determination of Land Suitable for Water-Dependent Uses: Land suitable for water –dependent uses has been designated in the Florence Comprehensive Plan and classified on the Zoning Map as the sites zoned Waterfront Marine and Marine. The zoning provisions in these districts protect these sites for water-dependent uses.

F. Site and Development Requirements for Special and Conditional Uses: The development requirements specified herein shall be in addition to those provided by the base zoning district. See also Chapter 7, Special Development Standards for any applicable requirements.

1. A 50 foot buffer of riparian vegetation measured from the mean high tide shall be maintained to promote bank stabilization, maintain water quality and temperature, reduce erosion and for general aesthetics, except where unfeasible in connection with a water-dependent or water-related use.
2. The applicant must submit an analysis of all physical and biological impacts upon the shorelands area and upon coastal waters and water resources. The report shall consider at a minimum the critical relationships which exist between coastal shorelands and coastal water resources and the potential for geological and hydrological hazards.
3. The benefits of the proposed activity to the long term economic development or improved public recreational use shall outweigh the negative impacts on water quality, temperature

and resources, bank stabilization, erosion control and general aesthetics.

4. For existing lots which are too small to accommodate the buffer zone, development will be allowed within the buffer zone only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).

10-19-8: DREDGE MATERIAL/MITIGATION SITE OVERLAY DISTRICT /DMS

A. PURPOSE: The Dredge Material/Mitigation Site Overlay District (/DMS) is intended for application to both dredge material disposal sites and dredge mitigation sites on Siuslaw Estuary Shorelands as identified in the Florence Coastal Overlay Zoning Map. The purpose of the (/DMS) District is to protect designated dredged material disposal sites and mitigation sites. In addition to the requirements in this section, the requirements of the Comprehensive Plan, the base zoning district, the Coastal Overlay District, and the adjacent Estuary District apply. Where there are conflicts among provisions of this Code and between this Code and the Comprehensive Plan, the stricter requirements shall apply. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code.

B. PERMITTED USES AND BUILDINGS. In addition to uses specifically allowed in an adjacent Estuary District, the following uses are permitted outright, provided they are consistent with the requirements of the adjacent Estuary District, the Coastal Overlay District, and subject to the criteria below and in Section C and D:

1. Dredged Material Deposition. Dredge disposal is limited to those sites specifically identified for dredged material disposal in the Lane County Dredged Materials Disposal Plan, as amended and co-adopted by the City of Florence.
2. The use of Mitigation Sites for disposal of dredged materials is expressly prohibited.
3. Mitigation. Mitigation is limited to those sites specifically identified as mitigation sites in the Lane County Dredged Materials Disposal Plan, as amended and co-adopted by the City of Florence. Mitigation shall comply with the criteria in Section C.

C. Dredging and Mitigation Site Criteria:

1. Dredge and fill activities, if found to be subject to the mitigation requirement in state law, must be mitigated by 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.

2. When dredge or fill activities are permitted in intertidal or tidal marsh areas, their effect shall be mitigated by creation, restoration or enhancement of another area to ensure that the integrity of the estuarine ecosystem is maintained or findings shall be adopted demonstrating that it is not possible to do so.

3. Responsibility to Acquire Mitigation/Restoration Sites: It shall not be the responsibility of the City to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

D. Dredged Material Disposal Site Criteria:

1. In order to protect the navigability of the river, sites (with the exception of designated “stockpile” sites) included in the adopted Siuslaw River Dredged Material Disposal Plan

shall be retained for that use until such time as the filling capacity has been reached, such determination to be based upon recommendation of the Army Corps of Engineers and other interested agencies and persons, or the site is removed from the adopted, revised Siuslaw River Dredged Material Disposal Plan. However, sites that have reached their filling capacity which can be reconfigured to accept more material shall continue to be retained. A determination that fill capacity has been reached shall be based upon the recommendation of the Army Corps of Engineers and other interested agencies and persons.

2. The re-classification of any applicable dredge material disposal site protection overlay zoning shall require positive findings that one or both of the conditions in Criteria #1 are met, following public hearing. Following removal of the overlay zone, the permitted uses on the site will be the same as those allowed in the base zoning district. Rezoning of the base zoning district may be considered at the same time as removal

3. Stabilization of Dredged Materials: It shall be the responsibility of the Port of Siuslaw, the Corps of Engineers or other lead agency to stabilize any dredged materials deposited on a site. Stabilization shall be done with appropriate vegetation after the materials are appropriately drained. These requirements for stabilization are not applicable to in- water or beach nourishment sites designed to be erosive/dispersive.

4. Sites designated for “stockpile” use, where the spoils will be hauled away and the site used again for spoils, shall be retained and zoned as a disposal site until such time as an appropriate alternative for disposal is zoned and the “stockpile” site is deleted in the adopted, revised Siuslaw River Dredged Material Disposal Plan for the estuary.

5. Temporary use of dredged material disposal sites shall be permitted, providing no permanent facilities or structures are constructed or no man-made alterations take place which would prevent the use of the land as a disposal site, and the use is consistent with other policies contained in the Comprehensive Plan and Florence City Code.

6. Dredge spoil disposal must provide adequate run-off protection and, wherever possible, maintenance of a riparian strip along the water.

E. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District and in the Coastal Overlay District, the Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following when found to be consistent with the requirements of the Coastal Overlay District and adjacent Estuary District and the criteria below.

1. Temporary uses permitted outright or conditionally in the base district, provided they meet the following additional criteria:

   a. No use shall be permitted which would interfere with the timely availability of sites for deposition of dredged materials.

   b. Stock pile sites shall remain open and available for removal as well as deposition of dredged material.

   c. Recommendations of the Port of Siuslaw shall be weighed heavily in consideration of proposed use.

F. Notification of Port of Siuslaw: Applications for permits or actions on designated sites for dredged material disposal or mitigation/restoration shall require notification in writing to the Port of Siuslaw within ten (10) days of receipt of application. Application for permits or actions including, but not necessarily limited to, the following shall require notification:

1. Land division.
2. Conditional use permit.
3. Special use.
4. Building permit.
5. Rezoning.

G. Responsibility to Acquire Mitigation/Restoration Sites: It shall not be the responsibility of the City to acquire sites to mitigate for actions for which other agencies are responsible including the dredging of the navigation channel and development of the estuary.

H. Stabilization of Dredged Materials: It shall be the responsibility of the Port of Siuslaw, the Corps of Engineers or other lead agency to stabilize any dredged materials deposited on a site. Stabilization shall be done with appropriate vegetation after the materials are appropriately drained. (Ord. 669, 5-17-82)

10-19-9: PRIME WILDLIFE OVERLAY DISTRICT /PW

A. Purpose and Application:

Purpose: The purpose of the /PW District is to protect areas in and adjacent to the North Jetty Lake and the South Heceta Junction Seasonal Lakes that have native vegetation and habitats of specific species of concern and to protect wildlife habitat, water quality, bank stability and provide flood control. The requirements imposed by the /PW District shall be in addition to those imposed by the base zoning district. Where the requirements of the /PW District conflict with the requirements of the base zoning district or the Comprehensive Plan, the more restrictive requirements shall apply.

Application: The Prime Wildlife Overlay District (/PW) is applied within the Florence city limits to Coastal Lake Shorelands identified in inventory information and designated in the Comprehensive Plan as possessing areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species. The /PW Overlay applies to the North Jetty Lake Shorelands as shown on the Florence Coastal Overlay Zoning Map. The extent of the /PW Overlay application for the South Heceta Junction Seasonal Lakes shall be determined through a Preliminary Investigation as specified below.

Preliminary Investigation: Any land use or building permit application within the /PW District as it applies to the South Heceta Junction Seasonal Lakes shall require a preliminary investigation by the Planning Director to determine the specific area to which the requirements of the district shall apply. The requirements of the district shall apply in an area generally identified on the Florence Coastal Overlay Zoning Map and, specifically, in the site-specific information submitted by an applicant to determine whether the site possesses areas of unique biological assemblages, habitats of rare or endangered species, or a diversity of wildlife species identified in the Coastal Resources Inventory, or function to provide or affect water quality, bank stability or flood control.

B. Permitted Uses. The following structures and uses and no others are permitted outright, as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of vegetation adjacent to the lakes shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "significant wildlife habitat." These areas will be specially evaluated prior to approval of vegetation removal plans to ensure the habitat has been adequately considered.

1. Harvesting of wild crops.

2. Low-intensity recreation.

3. Shore-secured floating moorages, mooring buoys, and other moorage facilities not

physically anchored in adjacent lakes.

C. Special Uses Approved by ~~Administrative~~ Type II Review: The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be given 14 days to review and comment on the impact of development on critical habitats and shall be requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

1. Single family homes, mobile homes and such accessory buildings as allowed in the base zoning district.

2. Single family dwelling units and mobile homes as allowed in the base zoning district where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in City Code Section 10-19-9-F, G, & H, subject to the following criteria and conditions:
   a. The said parcel existed prior to July 24, 1980.
   b. The structures shall not occupy more than 30% of the lot area.
   c. The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
   d. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
   e. All otherwise applicable requirements of this section are met.

3. All buildings and uses permitted outright in the respective base zoning district, except as expressly prohibited by 10-19-9-E, and subject to meeting all of the following criteria:
   a. Maintain the natural quality of surface and subsurface waters.
   b. Maintain bank stability.
   c. Avoid sedimentation of coastal waters including the lakes.
   d. Maintain a buffer zone at least comparable to that required in Code Section 10-19-9 F through H, below or greater if necessary to provide flood control and preserve important wildlife habitat.
   e. Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.
   f. Any other applicable criteria provided within the base District.
   g. All requirements set forth in Code Section 10-19-9-F, G, & H.

D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be given 14-days to review and comment on the impact of development on critical habitats and should requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.

1. Riprap and other erosion control structures, provided the following additional criteria are met.
   a. The stabilization is necessary to protect uses allowed in the base zoning district.
   b. They are necessary because land use management practices and non-structural solutions cannot be used.
   c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:
      1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by

education and experience to conduct such studies.

2) Impacts on water quality and fish and wildlife habitat must be minimized.

3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

2. All buildings and uses permitted conditionally or by Special Use Permit in the base zoning district, except as expressly prohibited by 10-19-9-E below, and subject to the following criteria and the criteria in sections F, G, and H:
   a. Maintain the natural quality of surface and subsurface waters.
   b. Maintain bank stability.
   c. Avoid sedimentation of coastal waters including lakes.
   d. Maintain a buffer zone at least comparable to that required in 10-19-9-F, G, & H below or greater if necessary to provide flood control and preserve important wildlife habitat.
   e. Avoid disturbance of the remainder of the vegetation cover beyond a point where the disturbance would be a detriment to the wildlife community which utilizes this area.
   f. Any other applicable criteria provided within the base zoning district.
   g. All requirements set forth in 10-19-9-F, G, & H.

E. Prohibited Uses: the following uses are specifically prohibited:

1. Fill in coastal lakes.
2. Fill in freshwater marsh areas.
3. Dredged material disposal.

F. Site and Development Requirements: The below specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. Existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone and the construction of a residence and other development requirements will be allowed to build in this total setback providing clearance of vegetation on the remainder of the lot is kept to an absolute minimum and other requirements are met and hazard to life and property is minimal and acceptable.

2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.

3. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.

4. Outside the setback area, construction activities shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for public facilities. Where vegetation removal beyond that allowed in 10-18-9-F cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal lakes. The vegetation shall be of native species in order to maintain the natural character of the area.

5. No topographic modification is permitted within 100-foot of the shore.

6. A 100 foot minimum buffer zone must be left in native vegetation, except where unsurfaced trails are provided.

7. All mature trees must be retained within buffer zone except where removal is subject to requirements of Code Section 4-6.

8. Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.

9. The exterior building materials shall blend in color, hue and texture to the maximum among feasible with the surrounding vegetation and landscape.

G. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.

1. In addition to the yard setbacks required in the base zoning district, a 100 foot buffer zone shall be required. Use of this 100 feet shall be as specified in 10-19-9-F.

H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /PW District. These criteria are in addition to minimum area requirements of any base zoning district.

1. Land divisions must be consistent with shoreland values as identified in the Comprehensive Plan, not adversely impact water quality, and not increase hazard to life or property.

2. The use will not result in loss of significant wildlife habitat or aesthetic values as identified in the Comprehensive Plan.

3. Minimum area requirements for the division of land shall be five acres.

10-19-10: Natural Resource Conservation Overlay District (/NRC)

A. Purpose: The Natural Resource Conservation Overlay District (/NRC) is applied to those coastal shorelands identified in inventory information and designated generally in the Lane County Coastal Resources Management Plan as possessing a combination of unique physical social or biological characteristics requiring protection from intensive human disturbance. Those areas serve multiple purposes, among which are education, preservation of habitat diversity, water quality maintenance and provision of intangible aesthetic benefits. The /NRC District is applied to prominent aesthetic features such as coastal headlands and open sand expanses in proximity to coastal waters, sensitive municipal watersheds and significant freshwater marsh areas. If the shorelands are adjacent to the estuary, refer to the adjacent Estuary District for additional allowed uses and criteria. The requirements of any adjacent Estuary District shall supersede the requirements of this Section of the Code. Shoreland uses and buffer zones shall not prohibit land-side components of activities and uses as otherwise permitted in the adjacent estuary.

Intent. The requirements imposed by the /NRC District shall be in addition to those imposed by the base zoning district. Where the requirements of the /NRC District conflict with the requirements of the base zoning district the more restrictive requirements shall apply. The requirements of the adjacent Estuary District shall supersede the requirements of this Section of the Code.

B. Permitted Uses: In addition to the uses specifically allowed in the adjacent Estuary District, the following structures and uses and no others are permitted outright as specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of riparian vegetation shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "riparian vegetation" or "significant wildlife habitat." These areas will be specially evaluated prior to approval of plans to ensure the habitat has been adequately considered. The following uses are allowed if consistent with the applicable requirements of the adjacent Estuary District.

1. Harvesting of wild crops.

2. Low intensity recreation.

3. In or adjacent to lakes: maintenance and repair of existing, functional public and private docks and piers, provided that the activity minimizes adverse impacts on lake resources and does not alter the size, shape, or design of the existing structure. This use as it pertains to the estuary is regulated by the applicable Estuary District.

4. In or adjacent to lakes: maintenance of riprap or other erosion control structures installed in or adjacent to lakes to protect existing uses and uses allowed by the Florence City Code, unique natural resources, historical and archaeological values, and public facilities, provided the activity does not increase the size, shape or scope of the structure or otherwise affect the natural resources, as provided in the Conditional Use requirements in section D. Otherwise, a Conditional Use Permit is required. For these uses in or adjacent to the estuary, refer to the applicable Estuary District requirements.

5. In or adjacent to lakes: mooring buoys and other moorage facilities not permanently anchored to the lake floor. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.

C. Special Uses Approved by ~~Administrative~~ Type II Review: In addition to the Special Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title upon satisfaction of the applicable criteria set forth in 10-19-10 F, G, & H, except as expressly exempted below and except as expressly prohibited by 10-19-10-E, and provided they are consistent with the requirements of the adjacent Estuary District.

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1. Single family homes, mobile homes, and such accessory buildings as allowed in the base zoning district.

2. Single family dwelling units and mobile homes as allowed in the base zoning district where existing parcel size is insufficient for the development to meet the development, setback and area requirements set forth in 10-19-10-F, G, & H, provided the following criteria are met:
   a. The said parcel existed prior to July 24, 1980.
   b. The structures shall not occupy more than 30% of the lot area.
   a. All applicable height restrictions are observed.
   b. The parcel is of sufficient size to meet all applicable standards for subsurface sewage disposal.
   f. Clearance of vegetation on the remainder of the lot area, including that portion in the setback area otherwise permitted for vegetation clearance, is minimized.
   g. All otherwise applicable requirements of this section are met.

3. All buildings and uses allowed as permitted uses in the base zoning district, except as expressly prohibited by 10-19-10-E, and subject to the following additional criteria:
   a. The use will not adversely affect the aesthetic and biological characteristics of the site, as identified in the Comprehensive Plan.
   b. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

4. Dredged material disposal when the /NRC District is used in conjunction with the /DMS Overlay District, subject to the requirements of the /DMS Overlay District.

D. Conditional Uses: In addition to the Conditional Uses specifically allowed in the adjacent Estuary

District, the Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in 10-19-10-F, G, & H are met and they are found to be are consistent with the requirements of the adjacent Estuary District.

1. All buildings and uses permitted conditionally or by Special Use Permit in the base zoning district, except as expressly prohibited by 10-19-10-E, and -subject to the following criteria:
   a. All applicable criteria provided within the base district are met.
   b. The use will not adversely affect the aesthetic and biological characteristics of the site as identified in the Comprehensive Plan.
   c. Surface, subsurface and aquifer waters are protected from pollution and sedimentation.

2. In Coastal Lakes: public and private docks and piers, provided the following criteria are met and the use does not conflict with other requirements of this Code. For this use in or adjacent to the estuary, the requirements of the Estuary Districts shall apply.
   a. The size and shape shall be limited to that required for the intended use.
   b. The applicant attests in writing (and provides analysis to support that conclusion) that alternatives to docks and piers, such as mooring buoys, dryland storage, and launching ramps, have been investigated and considered and no alternatives are feasible.
   c. For private, individual, single-purpose docks and piers, the applicant shall attest in writing (and provide the documentation to support that conclusion) that it is not possible to use an existing public pier or dock or to work with other property owners to establish or use a joint-use facility.
   d. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:
      1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed use by a person or team of persons qualified by education and experience to conduct such studies.
      2) Impacts on water quality and fish and wildlife habitat must be minimized.
      3) The benefits of the proposed use shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

3. Fill in coastal lakes adjacent to the /NRC District is generally prohibited, except in those limited circumstances where fill is needed to support a water-dependent use and only where it will not adversely impact fish and wildlife habitat/species and will minimize sedimentation; and it must meet the following additional criteria.
   a. The applicant must submit an analysis of the physical and biological impacts of the proposed fill to be conducted by a person or team of persons qualified by education and experience to conduct such studies.
   b. Cumulative and direct impacts on water quality and fish and wildlife must be minimized.
   c. The benefits of the proposed fill shall outweigh the negative impacts on water quality and fish and wildlife and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

4. In Coastal Lakes, riprap and other erosion control structures, provided the following additional criteria are met. For these uses in or adjacent to the estuary, the applicable Estuary District requirements shall apply.
   a. The stabilization is necessary to protect uses allowed in the base zoning district.
   b. They are necessary because land use management practices and non-structural solutions cannot be used.

c. The use will not adversely impact fish and wildlife habitat/species and will minimize sedimentation. The following additional criteria apply:

1) The applicant must submit an analysis of the physical and biological impacts (geomorphic/hydrogeomorphic/hydrologic) of the proposed structure to be conducted by a person or team of persons qualified by education and experience to conduct such studies.
2) Impacts on water quality and fish and wildlife habitat must be minimized.
3) The benefits of the proposed structure shall outweigh the negative impacts on water quality and fish and wildlife habitat and shall ensure the protection of resources and values identified in the Coastal Resources Inventory.

E. Prohibited Uses: The following uses are specifically prohibited:

1. Fill in freshwater marsh areas.

F. Site and Development Requirements. The following specified development requirements shall be in addition to those provided by the base zoning district. See also Chapter 7 for additional requirements that may apply.

1. For existing lots which are too small to accommodate the combined required setback in the base zoning district and the buffer zone, development will be allowed within the setback required in Section G only with approval of a variance issued under Chapter 5 of this code. In addition it must be shown that clearance of vegetation on the remainder of the lot is kept to an absolute minimum, stormwater is directed away from the bank or as mitigated through the standards in Title 9 Chapter 5, engineered plans protect life, property, and the coastal water (that is no erosion hazards, slide potential, or flood damage are likely to occur).
2. No more of a parcel's existing vegetation shall be cleared than is necessary for the permitted use, accessory buildings, necessary access, and fire safety requirements.
3. To the maximum degree possible, building sites shall be located on portions of the site which exhibit the least vegetative cover.
4. Construction activities occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for the facilities indicated in 10-19-10-F, where vegetation removal beyond that allowed above cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal waters. The vegetation shall be of native species in order to maintain the natural character of the area.
5. The requirements for parking and vision clearance shall be as provided by the respective base zoning district.
6. No topographic modification is permitted within the 50 foot buffer zone specified by 10-19-10-G.
7. The area within the 50' buffer zone shall be left in existing native vegetation. Non-native plants may be removed if re-vegetated with native plants. Within the 50' of native vegetation, the following kinds of modifications are allowable:
   a) Foot paths
   b) Removal of hazardous vegetation, such as unstable stream bank trees or trees otherwise vulnerable to blow-down, may be allowed in unusual circumstances following review by the City and the Oregon Department of Fish and Wildlife. Stream bank trees, snags, and shorefront brush are necessary for wildlife habitat.
   c) Replanting of the area or other areas which have been previously cleared.
8. All mature trees must be retained within the setback area specified by 10-19-G, except where removal is subject to requirements of the Oregon Forest Practices Act.
9. Structures shall be sited and/or screened with native vegetation so as not to impair the aesthetic quality of the site.
10. The exterior building materials shall blend in color, hue and texture to the maximum amount

feasible with the surrounding vegetation and landscape.

G. Additional Setback Requirements: Setbacks shall be as required in the base zoning district plus the additional below specified setback requirements.

1. In addition to the yard setbacks required in the base zoning district, a 50 foot buffer zone shall be required. The buffer zone is measured from the mean high tide for the ocean and estuary and from the average high water for coastal lakes. Use of this 50 foot buffer zone shall be as specified in 10-19-10-F.

2. Building setbacks on ocean front parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean higher high tide at least 100 feet measured horizontally.

H. Special Land Division Requirements: The following criteria shall be met for land divisions on property within the /NRC District. These criteria are in addition to minimum area requirements of any base zoning district.

1. Land divisions must be consistent with shoreland values as identified in the Comprehensive Plan, not adversely impact water quality, and not increase hazard to life or property.

Code Section 10-19-11: Beaches and Dunes Overlay District

FCC 10-19-11: BEACHES AND DUNES OVERLAY DISTRICT ADMINISTRATION

A. Coastal areas within the Florence city limits subject to this Section of Florence City Code -shall include beaches, active foredunes, and other foredunes- which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Florence city limits are shown on the City of Florence Coastal Overlay Zoning Map.

B. The City of Florence Beaches and Dunes Overlay District implements policies in the Florence Comprehensive Plan. In addition to findings of consistency with this Code, findings are required for consistency with the Florence Comprehensive Plan Chapter 18, Beaches and Dunes.

C. Site Investigation Report: All land use and development permit reviews in an area where the Beaches and Dunes Overlay District applies shall meet the requirements for a Site Investigation Report in FCC Chapter 7 and the requirements in the Oregon Coastal Zone Management Association's Beaches and Dunes Handbook for the Oregon Coast, Appendix 18 of the Florence Comprehensive Plan, unless specifically exempted in this code.

D. Consultant's Reports: Should it be determined by the Planning Director that additional information is required on any of the criteria specified herein, the application may be required to submit a supplementary report containing findings prepared by engineer, geologist, biologist, or other qualified consultant.

E. Uses Subject to State and Federal Permits

1. When State or Federal permits, leases, easements or similar types of authorization are also required for use, information required as part of the State or Federal permit process may be required to be made available to the City for the determination that applicable criteria are satisfied.
2. Applicants shall provide proof of application for all requisite State and/or Federal permits, leases, or similar type of authorization as part of any application for to the city in order to avoid unnecessary delays caused by the unavailability of State or Federal processing

information which may be deemed necessary.

3. Any use authorized by the provisions of this District shall also require the securing of any necessary State or Federal permit, lease, easement or similar type of authorization.
4. Improvements to ocean shore areas (as defined in ORS 390.605) are subject to a permit from the State Parks and Recreation Department

F. The requirements of the Beaches and Dunes Overlay District shall be in addition to those imposed by the base zoning district. If the overlay district conflicts with the requirements of the base zoning district, the more restrictive requirements shall apply.

10-19-12: BEACHES AND DUNES OVERLAY DISTRICT (/BD)

A. Purpose: The Beaches and Dunes Overlay District (/BD) is intended to:

1. Ensure the protection and conservation of coastal beach and dune resources.

2. Prevent economic loss by encouraging development consistent with the natural capability of beach and dune landforms.

3. Provide for clear procedures by which the natural capability of dune landforms can be assessed prior to development.

4. Prevent cumulative damage to coastal dune resources due to the incremental effects of development.

5. Provide for such protection of beach and dune resources above and beyond that provided by the base zoning District.

B. Prohibited Development:

1. Residential, commercial, and industrial development shall be prohibited on beaches, active foredunes, on other foredunes which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding identified on the Coastal Overlay Zoning Map and as further defined determined through a Phase I Site Investigation Report. “Development,” in this context, refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through constructioin of streets and provsion of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1 has been approved.
2. All development on slopes in excess of 25%;
3. Buried fuel tanks.

C. Permitted Uses: No uses are permitted outright in this Overlay District.

D. Conditional Uses Approved by the Planning Commission: Development other than that identified in Section B shall be allowed that is permitted in the base zoning district, subject to Type III approval by the Planning Commission, upon satisfaction of all of the following criteria.

1. Affirmative findings are adopted demonstrating that the proposed development is:

   a. adequately protected from any geologic hazards, wind erosion, undercutting, ocean flooding and storm waves; or is of minimal value; and
   b. designed to minimize adverse environmental effects.

2. The type of use is consistent with the requirements in the Florence Comprehensive Plan and the purpose of this Overlay District;

3. The use will have minimal adverse effects on the site and adjacent areas;

4. Temporary and permanent stabilization programs and the planned maintenance of new and existing vegetation meet the requirements of this Code and the Florence Comprehensive Plan;

5. The proposal includes proven methods for protecting the surrounding area from any adverse effects of the development; and

6. No hazards to life, public and private property, and the natural environment may be caused by the proposed use.

7. Archaeological resources and other resources identified in Comprehensive Plan Chapters 5, 16, and 17, and respective inventories and studies shall be protected.

8. Erosion shall be minimized that is caused by the destruction of desirable vegetation, including inadvertent destruction by moisture loss or root damage; the exposure of stable and conditionally stable areas to erosion; and construction of shore structures which modify current or wave patterns leading to beach erosion.

9. Groundwater shall be protected from drawdown which would lead to loss of stabilizing vegetation, loss of water quality, or intrusion of salt water into water supplies.

10. Sand removal shall be prohibited in the foredune area of the beach except that foredunes may be breached only to replenish sand supply in interdune areas, or, on a temporary basis in an emergency (e.g., fire control, cleaning up oil spills, draining farm lands, and alleviating flood hazards), and only if the breaching and restoration after breaching is consistent with sound principles of conservation.

11. Due to the sandy soils and the fragile nature of the vegetative covering, care shall be taken during any proposed construction in beaches and dune areas to minimize the amount of grading, excavation, removal of trees and other vegetation in order to insure the stability of the soils. All open sand area (pre-existing or newly created) shall be planted or stabilized as soon as practicable after construction is completed. Using accepted re-vegetation techniques, sand areas shall be returned to their previous level of stability, following completion of construction. For large parcels or tracts, stabilization of the entire area may not be necessary as determined after consideration of a Site Investigation Report.

12. During extended construction periods, temporary sand stabilization measures shall be employed to minimize sand movement and erosion caused by the removal of groundcover and soil.

13. Permits for beachfront protective structures shall be issued only where development existed on January 1, 1977. “Development” in this context refers to houses, commercial and industrial buildings and vacant subdivision lots which are physically improved through construction of streets and provision of utilities to the lot and includes areas where a Statewide Planning Goal 18 exception to the requirement in Code Section B.1. has been approved. The proposed use must meet all of the following additional criteria:

    a. Visual impacts are minimized
    b. Necessary access to the beach is maintained
    c. Negative impacts on adjacent property are minimized
    d. Long-term or recurring costs to the public area avoided.

E. Coastal Shore Setback Requirements: Building setbacks on oceanfront parcels are determined in accord with the rate of erosion in the area to provide reasonable protection to the site through the expected lifetime of the structure. Setback shall be determined by doubling the estimated average annual erosion rate and multiplying that by the expected life of the structure. At a minimum, structures must be set back from the mean high tide line at least 100 feet measured horizontally.

F. Additional Site and Development Requirements: The following additional requirements apply to all development:

1. Development shall not result in the clearance of natural vegetation in excess of that which is necessary for the structures, required access, and fire safety requirements.

2. Vegetation-free areas which are suitable for development shall be used instead of sites which must be artificially cleared.

3. Areas cleared of vegetation during construction shall be replanted within nine months of the termination of major construction activity.

4. Sand stabilization shall be required during all phases of construction

5. Development shall result in the least topographic modification of the site as is possible.

6. Significant structural loads or structural fills to be placed on dune areas where, based on the Development Hazards Checklist, compressible subsurface areas are suspected, shall be allowed only after a thorough foundation check and positive findings are reported.

7. The requirements for yards, setback, area, vision clearance and parking spaces shall be as provided in the base zoning district unless specifically provided otherwise by the provision of the /BD District.

Amended 2-9-88 Ord. 3, Series 1988
Amended 12-16-88 Ord. 19, Series 1988
Amended 6-17-91 Ord. 9, Series 1991
Amended 1-6-98 Ord. 1, Series 1999
Entire Chapter replaced per Ord. 10, Series 2009
Sections 10-19-6, 10-19-7, and 10-19-10 amended by Ord. 18, Series 2011 effective September 19, 2011
Sections 10-19-6 amended by Ord. 3, Series 2013, see Exhibit B (effective 7-31-13)
Sections 10-19-1 through 10-19-12 amended by Ord. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 20

LIMITED INDUSTRIAL DISTRICT (LI)

SECTION:

10-20-1: Purpose
10-20-2: Permitted Buildings and Uses
10-20-3: Buildings and Uses Permitted Conditionally
10-20-4: Lot and Yard Provisions
10-20-5: Site and Development Provisions

10-20-1: PURPOSE: The Limited Industrial District is intended to provide areas for manufacturing, assembly, packaging, warehousing and related activities that do not create a significant detrimental impact on adjacent districts.

10-20-2: PERMITTED BUILDINGS AND USES: For the purpose of this Title, terms are defined in Title 10 Chapter ~~1~~ 2 Section ~~5~~14, "Land Use Category Definitions". If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapters 1 and 4 of this Title.

Industrial Uses:

Industrial Service

Manufacturing and Production

Plant Nurseries and similar Horticulture

Warehouse, Freight Movement and Distribution

Wholesale Sales

Commercial Uses:

Animal Clinic or Grooming Facility

Offices

Parking Facility (when not an accessory use)

Quick Vehicle Servicing

Restaurants, Cafes or Delicatessens, only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Service and Repair

Vehicle Repair

Industrial and Civic Uses:

Basic Utilities
Parks and Open Areas, accessory only

Public Buildings and Facilities, other than City-owned (no schools allowed in this district)

Other Uses:

Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Section.

Radio Frequency Transmission Facilities, if approved by the FAA.

Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed; provided, that retail sales uses, unless specifically listed, shall only be incidental and directly related to the operation of permitted industrial uses.

Medical and recreational marijuana production, wholesaling, processing and testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority; subject to the criteria listed in FCC 10-4-12-I.

10-20-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Animal Daycare and Overnight Boarding Facility (excludes breeding kennels)

City-owned Public Buildings (no schools allowed in this district)

Liquid fuel storage.

Residential unit, maximum of 1,000 square feet, for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.

Municipal Waste-Related Industrial Use

Regional Utility Corridors and Rail Lines

10-20-4: LOT AND YARD PROVISIONS:

A. **Minimum Lot Area**: The minimum lot area shall be seven thousand five hundred (7,500) square feet.

B. **Minimum Lot Dimensions**: The minimum lot width shall be fifty feet (50').

C. **Maximum Lot Coverage**: Up to eighty-five percent (85%) coverage by buildings and impervious surface, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.

D. **Yard Regulations**:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.

2. Side and rear yards are not required except:

a. Where setbacks have been established for road widening or other purposes.

b. Where the commercial or industrial use abuts a residential district, see FCC 10-34-3-7-D.

c. Where a building is not constructed on the property line, a three foot (3') minimum setback is required.

10-20-5: SITE AND DEVELOPMENT PROVISIONS:

A. Building and Structural Height Limitations:

1. The maximum building height shall be thirty eight feet (38').

2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height, only if approved by the FAA and shall not be used for any commercial, residential or advertising purpose.

B. Fences, Hedges, Walls or Landscaping: Refer to 10-34 of this Title for general requirements. Landscaping and trees shall not obstruct the airport's approach path.

C. Outdoor Storage: All outdoor storage shall be enclosed within a sight-obscuring fence or wall.

D. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82)

E. Vision Clearance: Refer to Section 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title for definition and requirements.

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

G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

H. Public Facilities: Refer to Section 10-36 of this Title for requirements.

I. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a sight-obscuring fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

J. ~~Administrative~~ Type II Review: All permitted uses in the Limited Industrial District shall be subject to Type II (administrative) review, Section 10-1-1-6-2 of this Title.

K. Airport Overlay Zone: Refer to Section 10-21-2 of this Title for specific requirements of the Public Use Airport Safety and Compatibility Overlay Zone.

L. Lighting: Refer to Section 10-37 of this Title for requirements.

Amended by Ordinance No. 15, Series 1988
Section 10-20-5, D, E - Amended by Ordinance No. 26, Series 2008
Sections 10-20-4 and 10-20-5 Amended by Ord. No. 9, Series 2009
Sections 10-20-2, 10-20-3, 10-20-4, and 10-20-5 amended by Ord. 4, Series 2010 (effective 4/5/10)
Sections 10-20-5-F amended by Ord. 4, Series 2011 (effective 4/22/11)
Section 10-20-5-L amended by Ord. No. 12, Series 2014 (effective 12/31/14)
Section 10-20-3 amended by Ord. No. 12, Series 2015 (effective 1/1/16)
Sections 10-20-2, 10-20-3, and 10-20-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 22

OPEN SPACE DISTRICT (OS)

SECTION:

10-22-1: Purpose
10-22-2: Permitted Buildings and Uses
10-22-3: Buildings and Uses Permitted Conditionally
10-22-4: Conditional Use Approval Criteria and Conditions

10-22-1: PURPOSE: The Open Space District is intended to protect urban open space buffers, park and recreation lands, natural resource lands and lands reserved for later development. This District is intended to be used in conjunction with the Comprehensive Plan. Where, for example, the Plan designates an area for urban development, the application of this District would be interim; when the land became available for development, a rezoning could be considered. Where this Open Space District is consistent with the Plan's land use designation, it is intended that this District would preserve such land permanently in open space use.

10-22-2: PERMITTED BUILDINGS AND USES:

Parks for low intensity recreation.

Open space.

Wildlife habitat.

Forestry.

Agriculture.

Aquaculture.

City well-field.

Any structures which are necessary to the functioning of the above uses.

10-22-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Parks with intensely developed facilities.

Golf courses.

Other private recreation facilities.

Communications and electric power transmission facilities.

Reservoirs and water tanks.

Uses allowed in any applicable management unit as shown in the Comprehensive Plan.

Wind, solar or wave power generating facilities.

10-22-4: CONDITIONAL USE APPROVAL CRITERIA AND CONDITIONS: The Planning Commission shall require that the following approval criteria and conditions of approval be met:

A. Approval Criteria:

1. The proposed use is consistent with the preservation of managed use of the open space resource identified, if any, on the subject property in the Comprehensive Plan.

2. Where the subject property is designated for urban development in the Comprehensive Plan, the proposed use must clearly be interim in nature or consistent with the ultimate planned use.

3. A site investigation report may be required to determine the extent and location of the resource.

4. An impact assessment may be required for wind, solar or wave power generating facilities.

B. Conditions of Approval:

1. Conditions may be imposed to implement the recommendations and findings of a site investigation report.

2. Design review may be required.

3. General conditions listed in Chapter 4 of this Title may be applied.

4. Conditions may be imposed to implement the recommendations and findings of an impact assessment. (Ord. 625, 6-30-80).

Section 10-22-2 amended by Ordinance No. 3, Series 2013, see Exhibit B (effective 7-31-13)
Section 10-22-3 amended by Ordinance No. 11, Series 2016

TITLE 10
CHAPTER 25

PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT

SECTION:

10-25-1: Purpose
10-25-2: Permitted Buildings and Uses
10-25-3: Buildings and Uses Permitted Conditionally
10-25-4: Development Standards
10-25-5: Design Criteria

10-25-1: PURPOSE: The Professional Office/Institutional Zoning District is intended to enhance the work place environment by providing for the establishment of offices, medical and other institutional uses, limited accessory services for worker's convenience and public space. It is intended to promote attractive office developments which are compatible with one another and adjoining residential zoning or uses. A medium to high density residential option is available when such can be achieved through innovative design and include significant natural resource protection.

10-25-2: PERMITTED BUILDINGS AND USES: The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

1. Funeral homes and mortuaries, excluding crematoriums
2. Hospitals, clinics and medical complexes
3. Laboratories, medical and dental
4. Professional office buildings
5. Pharmacy and drug stores (excluding drive-thru)
6. In Sub Area 2 residential planned unit development, subject to this Chapter and to Chapter 23 of Title 10 of the Florence City Code.
7. Public parks, playgrounds, community centers and recreational facilities
8. Restaurants and deli's, both sit-down and take-out, but excluding drive-in.
9. Accessory residential units, provided that a dwelling does not occupy the front twenty-five (25') of the building's ground floor facing the principal commercial street, except that one six foot (6') wide entrance to the residential uses may be allowed off the principal commercial street at the ground floor.
10. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.
11. Other uses as determined by the Planning Commission to be similar to those listed is this Section and which conform with the intent and purpose of this chapter.
12. Medium and high density residential in all Sub Areas excepting Sub Area 2.
13. Animal clinics or grooming facilities (not abutting a residential ~~use or~~ district).
14. Marijuana Testing Facilities licensed by Oregon Liquor Control Commission or accredited by the Oregon Health Authority and subject to the Conditional Use criteria in FCC 10-4-12-I.

10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 ~~and 5~~ of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

1. Catering services
2. Dry cleaners, pickup and delivery only
3. Printing and copy shops
4. Stationery stores
5. Travel agencies
6. Beauty/barber shops

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 1 and 4 ~~and 5~~ in this Title, and are not required to contain a residential component:

1. Day care centers and preschools
2. Pharmacy, drive-thru
3. Fitness/health centers
4. Heliports
5. Bank branch, excluding drive-thru
6. Medical Marijuana Dispensaries

10-25-4: DEVELOPMENT STANDARDS:

A. Minimum lot area: The minimum lot area shall be 15,000 square feet.

B. Minimum lot dimensions: The minimum lot width shall be 100 feet.

C. Minimum residential density achievable through a planned unit development (PUD).
   1. Five (5) dwelling units per acre.
   2. Minimum lot size for PUD is one acre.

D. Minimum yard requirements:
   1. Front yards and street side yards shall be a minimum of 20 feet.
   2. Side yards, and rear yards abutting a residential district shall be fifteen (15) feet. Otherwise, no side or rear yard is required.
   3. Zero lot line developments shall be considered as part of a planned united development pursuant to Chapter 23 of this Title.

E. Height limitations: The maximum building or structure height shall be twenty-eight (28) feet.

F. Landscaping and Visual Buffers: Refer to 10-34 of this Title for requirements.
   1. Except where the entire area between a street and a building is landscaped, a minimum of three (3') feet high landscaped berm, hedge, natural vegetation or dense landscaped planting shall be provided along the street frontage.
   2. A minimum of fifteen (15%) percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
   3. Ten (10') foot setback along the property adjacent to Greentrees.

G. Parking shall be in accordance with Chapter 3 of this Title.

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

I. Screening: Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid screening wall of the same or compatible materials as the building, with a solid wood or metal gate. Chain link fencing with slats is not acceptable. Colors of these elements shall be compatible wit the theme of the building.

J. Access and Circulation: Refer to Section 10-35 of this Title for Requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for Requirements.

L. Lighting: Refer to Section 10-37 of this Title for Requirements.

10-25-5: DESIGN CRITERIA

A. Buildings shall generally relate in scale and design features to the surrounding buildings. All visibly exposed sides shall be attractively detailed with regard to style, materials, colors and details. Building wall offsets, including projections, recesses and changes in floor level shall be used in order to add architectural interest and variety to the massing of a building and to relieve the effect of a single, long roof.

B. Buildings on corner lots shall be considered especially significant structures, since they have at least two front facades visibly exposed to streets. Such buildings shall be designed with additional architectural detail and embellishments to emphasize their significant location.

C. Buildings facing internal open space or in public view shall be architecturally emphasized through window treatment, entrance treatment, and details. Blank walls or service area treatments of side and/or rear elevations visible from the public viewshed are prohibited.

D. Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry or wood chimneys, cupolas, towers and other similar elements are encouraged.

E. Facades shall be lit from the exterior and lights shall be concealed through shielding, or recessed behind architectural features. Low pressure sodium, fluorescent of mercury vapor lighting either attached to buildings or used to light the exterior of buildings or parking shall be prohibited. Mounting brackets and associated hardware must be inconspicuous.

F. All HVAC systems, exhaust pipes or stacks, satellite dishes or other telecommunications receiving devices shall be thoroughly screened from view from both the public right-of-way and adjacent properties by using walls, fencing, roof elements, or landscaping, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516. Such screening devices shall be compatible with building materials and/or adjacent area landscape treatments.

Ordinance No. 15, Series 1999, Effective 9-16-99
Sections 10-25-4 and 10-25-5 amended by Ord. No. 9, Series 2009
Section 10-25-4-H amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Sections 10-25-2, 10-25-3, and 10-25-5 amended by Ordinance No. 3, 2013, see Exhibit B, (effective 7-31-13)
Section 10-25-4-L amended by Ord. No. 12, Series 2014 – effective 12-31-14
Section 10-25-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15
Section 10-25-2-3 and 10-25-2-6 amended by Ord. No. 12, Series 2015 – effective 1-1-16
Sections 10-25-2 and 10-25-3 amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

Title 10
Chapter 27

MAINSTREET DISTRICT

SECTION

10-27-1 **Purpose**
10-27-2 **Permitted Buildings and Uses**
10-27-3 **Buildings and Uses Permitted Conditionally**
10-27-4 **Lot and Yard Requirements**
10-27-5 **Site and Development Provisions**
10-27-6 **General Provisions**

10-27-1 **Purpose.** The Mainstreet District is intended to provide an area for small and medium sized commercial uses that are appropriate in a traditional, historic downtown. It is also intended to encourage revitalization of the downtown area, and to maintain adequate traffic flows on Highway 101, while providing a pedestrian friendly environment.

10-27-2 **Permitted Buildings and Uses**

a. antique stores
b. appliance sales and service
c. art supplies
d. artist studios
e. auction sales carried on totally within a closed building
f. automobile parts and accessories stores
g. bakeries, retail
h. banks
i. barber and beauty shops
j. bars, taverns and nightclubs
k. bicycle shops
l. blueprinting
m. bookstores
n. building maintenance services
o. bus, taxi and transit depots
p. camera and photography supply stores
q. catering services
r. clothing and apparel shops
s. clubs, lodges, meeting halls
t. confectionery stores, with or without fountains
u. curio shops
v. data processing centers
w. day nurseries
x. delicatessens
y. department stores
z. drapery stores
aa. dress and millinery shops
bb. dry cleaning establishments
cc. electrical and electronic supplies, retail
dd. floor covering stores
ee. florist shops
ff. furniture stores
gg. galleries and frame shops
hh. garden supply stores, with limited outdoor display
ii. gift shops

jj. grocery stores, markets and supermarkets
kk. hardware stores, with limited outdoor display
ll. health studios and reducing salons
mm. home occupations
nn. hobby shops
oo. hotel, motel
pp. interior decorator studio
qq. jewelry stores
rr. laboratories, medical and dental
ss. Laundromats, non-industrial
tt. Leather goods stores
uu. Liquor stores, package
vv. Locksmith shops
ww. Movie theaters
xx. Museums
yy. Music stores
zz. Newspaper printing establishments
aaa. Offices for the following:

- Accountants
- Attorneys
- Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics
- General administration
- Physicians, osteopaths, dentists, optometrists, opticians, chiropractors, and others licensed by the State of Oregon to practice healing arts
- Offices similar to the above but not specifically listed

bbb. insurance brokers
ccc. lumber brokers
ddd. office supplies and equipment stores
eee. paint and wallpaper stores
fff. parking areas, public and private
ggg. parking garages, public and private
hhh. pet stores
iii. pharmacy and drug stores
jjj. photographers studios
kkk. photographic film processing, photoengraving
lll. photocopy shops
mmm. planned unit developments
nnn. post offices
ooo. printing shops, retail only
ppp. public buildings and uses similar to buildings and uses listed in this section
qqq. radio and TV broadcasting studios
rrr. real estate sales
sss. restaurants, sit-down or walk-up, including cocktail lounges
ttt. sale of secondhand goods, if located wholly within enclosed buildings
uuu. savings and loans
vvv. sewing machine sales and service
www. shoe sales and repair
xxx. sporting goods stores
yyy. tailor shops
zzz. telephone and telegraph exchanges
a1. telephone answering services
a2. theaters
a3. tobacco shops
a4. toy stores
a5. travel agencies

a6. upholstery shops
a7. variety stores
a8. accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter.
a9. Other buildings and uses determined to be similar to those listed in this section and which do not have a different or more detrimental effect upon the adjoining uses than those buildings and uses specifically permitted.
a10. Animal clinics or grooming facilities (not abutting a residential ~~use or~~ district)

10-27-3 Buildings and Uses Permitted Conditionally

The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

a. amusement establishments such as arcades, indoor courts, and other such uses for the general public, including children or youth
b. churches, excluding rescue missions or temporary revivals
c. funeral homes
d. service stations
e. automobile repair garage
f. pawnshops
g. public and private elementary and secondary schools
h. public buildings and facilities not similar to those listed as permitted uses
i. residential units, provided that the building contains a commercial business and that the dwelling unit not occupy the front 25' of the ground floor, and not more than 50% of the ground floor facing a principal commercial street. If access to the dwelling unit(s) is from the principal commercial street, it shall be a separate entrance not more than 6' wide or as required by ADA.
j. Restaurants, drive-in (including drive-thru and drive-up)
k. Single family dwellings
l. Woodworking and cabinet shops, provided that the business includes retail sales of products produced on the premises
m. Medical Marijuana Dispensaries
n. Marijuana Retailers
o. Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority

10-27-4 Lot and Yard Dimensions

A. ____Minimum Lot dimensions: The minimum lot width shall be 25'.

B. ____Minimum Lot Area: The minimum lot area shall be 2500 square feet.

C. ____Lot coverage: ~~The Design Review Board may allow u~~Up to a maximum of 90% lot coverage by buildings and other impervious surfaces.

D. ____Yard Regulations:
~~-~~Area "A"~~ as shown on the following page~~:
1. Front yards: Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.
2. Side and rear yards: Buildings may be zero lot line, provided that all Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen foot (15') buffer may be required.

Area "B": Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards~~, except that the 20' height requirement does not apply.~~.

10-27-5 Site and Development Provisions

A. Building or Structural Height Limitations

Area "A"~~ as shown on the following page~~:
Buildings shall be a minimum of 20' in height. This measurement may include a building façade as opposed to a total building height of 20'. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38' for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:

1. The building or structure has an approved fire extinguishing system.
2. The building or structure is in scale with and/or complements surrounding structures.
3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.
4. The building will contain mixed uses with retail at the street level.
5. The site has physical constraints/opportunities which are best addressed by a taller building.
6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

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

Area "A" as shown on the following page:
A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

Where a commercial use abuts a residential district, see FCC 10-34-3-7-D.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

C. Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.

1. Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

   a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6' in width with 6' of clear walkway if there is no on-street parking on that side of the street.

3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.

D. Parking and Loading Spaces

Area "A" ~~as shown on the following page~~:
Parking spaces may be located on-street in front of the front yard of the lot (if approved by ODOT on Highways 101/126) and/or may be in interior shared parking lots within the block where the applicant's lot is located, or in a shared lot in another block. Business/property owners are strongly encouraged to cooperate in proposing joint parking agreement areas as part of development or redevelopment proposals. Parking will not be permitted in front yards. The Planning Commission may grant parking under a temporary arrangement if an interior or off-site shared parking lot is planned and approved, but not yet constructed, and/or may require the applicant or owner to sign a non-remonstrance agreement for parking improvements. Parking standards in Chapter 3 of this Title shall be used as a guideline for determining parking need.

Bicycle racks shall be provided either in the interior parking lot, or by an entrance if located outside the required minimum 6' pedestrian walkway.

Area "B":
Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards~~, except that the 20' height requirements do not apply.~~.

E. Vision Clearance.
Refer to Section 10-~~1-14~~2-13 and 10-35-~~2-13~~2-14 of this Title for definitions and requirements.

F. Signs.
Shall be in accordance with Title 4 Chapter 7 of this Code. (Ord. 4, 2011)

G. Lighting.
Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards:
1. Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
2. Lighting shall be pedestrian scaled.
3. Refer to Section 10-37 of this Title for additional requirements.

4. Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

H. Design Review.

All uses except single family and residential duplex units shall be subject to Design Review criteria contained within FCC 10-6 to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Architectural Design code contained within FCC 10-6-6 to ~~Downtown Architectural Guidelines to~~ determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

I. Trash Enclosures.

All trash enclosures shall be located in side or rear yards, and shall be screened from street or pedestrian courtyard view with a permanent solid fence or wall at least 6' high. Service shall be from an abutting alley or interior parking lot where possible. Gates opening to non-street faces may be slatted chain link.

J. General Provisions.

1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.
2. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.
3. Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

Amended by Ordinance No. 5, Series 2003, effective April 17, 2003
Section 10-27-5, E - Amended by Ordinance No. 26, Series 2008
Section 10-27-5 C 2- Amended by Ordinance No. 14, Series 2009 (effective Oct 15, 2009)
Sections 10-27-4 and 10-27-5 Amended by Ordinance No. 9, Series 2009
Section 10-27-5-F amended by Ordinance No. 4, Series 2011 (effective April 22, 2011)
Sections 10-27-25, 10-27-3, 10-27-4, and 10-27-5 amended by Ord. No. 3, Series 2013 (effective 7-31-13)
Section 10-27-5-G-3 amended by Ord. No. 12, Series 2014 (effective 12-31-14)
Section 10-27-3 amended by Ord. No. 1, Series 2015 (effective 3-17-15)
Section 10-27-3 amended by Ord. No. 12, Series 2015 (effective 1-1-16)
Sections 10-27-2 through 10-27-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 28

PACIFIC VIEW BUSINESS PARK DISTRICT

SECTION
10-28-1: Purpose
10-28-2: Permitted Buildings and Uses
10-28-3: Buildings and Uses Permitted Conditionally
10-28-4: Lot and Yard Provisions
10-28-5: Site and Development Provisions

10-28-1: PURPOSE: The Pacific View Business Park District is intended to provide areas for offices, service businesses, light industrial and manufacturing, and research and development facilities with the goal of providing businesses and industries that provide family-wage year-round employment.

10-28-2: PERMITTED BUILDINGS AND USES:

For the purpose of this Title terms are defined in Title 10 Chapter ~~1~~ 2 Section ~~5~~14, "Land Use Category Definitions." If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapters 1 and 4 of this Title.

Industrial Uses:

Industrial Service

Manufacturing and Production

Plant Nurseries and similar Horticulture

Warehouse, Freight Movement and Distribution

Wholesale Sales

Commercial Uses:

Animal Clinic or Grooming Facility

Educational Services (e.g. tutoring or training center)

Offices

Call Centers, data centers, and other similar telecommunications or internet businesses (Ord. 4, 2011)

Restaurants, Cafes or Delicatessens, only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Service and Repair

Retail Sales – only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Retail Entertainment – only in conjunction with an allowed commercial or industrial use and no greater than 15% of the total building floor area on site.

Institutional and Civic Uses:

Basic Utilities

Parks and Open Areas, accessory only

Public Buildings and Facilities, other than City-owned (no schools allowed in this district)

Other Uses:

Accessory Structures (with a permitted use)

Crematories and Associated Mortuaries and Funeral Homes

Planned Unit Developments, non-residential

Radio Frequency Transmission Facilities, if approved by the FAA

Medical and recreational marijuana, production, wholesaling, processing and testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority; subject to the criteria listed in FCC 10-4-12-I.

10-28-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:

The Planning Commission, subject to procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

Residential unit, maximum of 1,000 square feet for a caretaker or superintendent whenever it is determined by the Planning Commission that the business requires the on-site residence of such a person.

Animal Daycare and Overnight Boarding Facility (excludes breeding kennels)

Community Services

City-owned Public buildings (no schools allowed in this district)

Daycare – on-site child day care serving their employees, accessory only

Drive-Up/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities)

Parking Facility (when not an accessory use)

Regional Utility Corridors and Rail Lines

Municipal Waste-Related Industrial

10-28-4: LOT AND YARD PROVISIONS:

A. Minimum Lot Area: The minimum lot area shall be seven thousand five hundred (7,500) square feet.

B. Minimum Lot Dimensions: The minimum lot width shall be fifty feet (50').

C. Maximum Lot Coverage: Up to eighty-five percent (85%) coverage by buildings and impervious surface, unless preservation credit is achieved in accordance with FCC 10-34-2-4.

D. Minimum Setbacks:

1. Front yards shall be a minimum of fifteen feet (15').

2. Side and rear yards shall be a minimum of five feet (5'), except no side yard is required between attached units.

3. Where the commercial or industrial use abuts a residential district, see FCC 10-34-3-7-D for general requirements, except a minimum of a 20-foot buffer shall be required where a commercial or industrial use abuts a residential district.

10-28-5: SITE AND DEVELOPMENT PROVISIONS;

A. Type of Structure: Wood siding, brick, textured block, concrete and concrete aggregate, and other similar building exterior materials are preferred. Buildings may be metal clad if the following provisions are met and approved by the City.

1. Metal clad structures shall be colored with muted earth-tones to blend with the rest of the structure in a compatible and unified way. Earth-tones include lighter shades of clay, brown, olive or tan; darker earth-tone colors may be used as trim; and

2. All building elevations that face a street shall be constructed with alternative building materials, such as wood siding, brick, textured block, concrete and concrete aggregate, or other similar building materials.

B. Location of Business Activities: All manufacturing, processing, assembly and other business activity shall be located entirely within the building or buildings on a site.

C. Building and Structural Height Limitations:

1. Maximum Height: Buildings and structures may not exceed 38' in height. Building and equipment heights must also comply with any applicable Airport Districts.

D. Public Facilities: Public facilities and infrastructure shall be in accordance with Section 10-36 of this Title.

E. Fences, Hedges, Walls or Landscaping: Refer to Section 10-34 of this Title for general requirements. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner. Landscaping and trees shall not obstruct the airport's approach path. A minimum of a 20-foot buffer shall be required where a commercial or industrial use abuts a residential district.

F. Outdoor Storage: All other storage shall be enclosed within a solid fence and/or wall a minimum of six feet (6') in height. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

G. Port Property Buffer: An undisturbed buffer of at least 100 feet is required on the 40-acre property owned by the Port of Siuslaw between industrial uses and adjoining residential developments on the north, measured from the property line. Reductions in buffers up to 50% may be granted if the following compatibility provisions are met and approved by the City;

1. Land uses located between 50 feet and 100 feet from the residential property line shall be limited to research and development or office use;

2. Buildings located between 50 feet and 100 feet from the residential property line shall be no taller than one story and 25 feet in height and no larger than 3,000 square feet in size;

3. Building architecture located between 50 feet and 100 feet from the residential property line shall be constructed with alternative building materials, such as wood siding, brick, textured block, concrete and concrete aggregate, or other similar building materials; and

4. A visual and noise buffer strip not less than 20 feet in width shall be established and maintained immediately adjacent to the residential property line. The buffer strip shall include existing vegetation, supplemented with landscape plantings, evergreen hedge, berm, fence, and/or wall components, such that the buffer screens at least 70 percent of the view between districts within five (5) years. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). Significant vegetation in these buffer

-strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

H. Parking and Loading: Buildings and uses must comply with the requirements of Chapter 3 of this Title. No on-street parking or loading is permitted along Kingwood Street.

I. Vision clearance: The requirements of Sections 10-~~1-4~~2-13 and 10-35-2-~~13~~ 14 of this Title must be met by all uses and development. (Ord. 26, 2008)

J. Lighting: Refer to Section 10-37 of this Title for Requirements.

K. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.

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

M. Noise, Odors, Vibration: Any noise, odors or vibrations shall be mitigated to avoid unnecessary noise or creation of a public nuisance per Title 6 of this Code.

N. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

O. ~~Administrative~~ Type II Review: All permitted uses in the Pacific View Industrial Park District shall be subject to Type II (administrative) review, Section 10-1-1-6-~~-~~2 of this Title.

P. Airport Overlay Zone: Refer to Section 10-21-2 of this Title for specific requirements of the Public Use Airport Safety and Compatibility Overlay Zone.

Adopted by Ordinance No. 6, 2003, effective April 17, 2003
Section 10-28-5, H, Amended by Ordinance 26, 2008
Section 10-28-5 Amended by Ordinance No. 9, Series 2009
Sections 10-28-1 through 10-28-5 amended by Ord. 4, Series 2010 (effective 4/5/10)
Sections 10-28-2, 10-28-5-L amended by Ord. 4, Series 2011 (effective 4/22/11)
Section 10-28-5-J amended by Ord. No. 12, Series 2014 (effective 12/31/14)
Section 10-28-3 amended by Ord. No. 12, Series 2015 (effective 1/1/16)
Sections 10-28-2, 10-28-3, and 10-28-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10
CHAPTER 29

COAST VILLAGE DISTRICT (CV)

SECTION:

10-29-1: Purpose
10-29-2: Definitions
10-29-3: Permitted Buildings and Uses
10-29-4: Prohibited Buildings and Uses
10-29-5: Lot and Yard Provisions
10-29-6: Site Development Provisions

10-29-1: PURPOSE: The Coast Village District is intended to provide a quality environment for residential uses and other compatible land uses within the Coast Village development. Coast Village began as a campground and has evolved into a residential community that accommodates permanent and seasonal residents; it is a unique residential community that allows a blend of recreational vehicles and conventional single-family homes, surrounded by greenbelt buffers between each lot to maintain a park-like setting.

10-29-2: DEFINITIONS:

GREENBELT — An area on a lot extending five feet (5') from the side and rear property lines for "natural vegetation" to grow, to serve as a visual screen and to protect privacy between adjacent lots.

HEIGHT — The height of a structure is the vertical distance between the average finished grade at the base of the structure to the peak or crest of the roof of the structure.

LOT — Any private land platted numerical lot within Coast Village, excepting Lot 4 Block 1 of Coast Village which shall not constitute a buildable lot for residential purposes; all numerical lots modified by lot line adjustment recorded prior to the effective date of this chapter and the following listed properties in which two parcels combined shall constitute one lot hereunder:

Coast Village First Addition: Lot 32, Block 2, and that real property described as PARCEL II in deed recorded at Reel 1489R, Reception #8752204 in Lane County Official Records (tax lots 200 and 301)

Coast Village Second Addition: Lots 12 & 13, Block 10 (tax lots 22200 and 22300); Lots 15 & 16, Block 10, (tax lots 21900 and 22000); Lots 12 and 13, Block 11 (tax lots 16500 and 16600); Lots 40 and 41, Block 2, (tax lots 17800 and 17900); Lots 42 and 43, Block 2, (tax lots 17600 and 17700); and

Coast Village Third Addition: Lots 14 and Lot C, (tax lots 1907 and 1908) and Lots 6 and Lot B, (tax lot 1905)

NATURAL VEGETATION — Vegetation indigenous to the Florence region or other drought-tolerant species, which includes: Shore Pine, Fir, Hemlock, Spruce, Cedar, Rhododendron, Wax Myrtle, Manzanita, Madrone, Kinnikinic and Salal or as provided for in the City's plant list.

PERMANENT DWELLING — Site-built single-family dwelling; manufactured home, modular home, or other pre-manufactured home (no minimum floor area size); or mobile structures such as park models, recreational vehicles and motor homes that cannot be easily driven or pulled from the site. Permanent dwellings may be occupied year-round or less.

SCREENING OR BUFFERING	Screening or buffering shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as required by vision clearance.
TEMPORARY DWELLING	Mobile structures such as park model, recreational vehicle and motor home that can easily be driven or pulled from the site (i.e. wheels and tongue still attached). There shall be no obstructions that would prevent the easy removal of the structure. Obstructions include but are not limited to: attached accessory structures, accessory structures placed to block the mobile structure, in-ground vegetation or landscaping, retaining or landscaping walls, foundation, hard-wired utilities, and hard-piped utilities. Temporary structures may be occupied year-round or less.

10-29-3: PERMITTED BUILDINGS AND USES:

A. One permanent or temporary dwelling per lot.

B. In addition to the dwelling allowed by A (above), one mobile structure may be permitted for use as guest quarters for up to six months in a twelve month period, if there are at least two parking spaces on a lot in addition to the parking area for the mobile structure.

C. Accessory structures such as ramadas, cabanas, patio slab, carport or garage and multi-purpose/storage buildings, when built on a lot in conjunction with A above.

D. Gardens and greenhouses for the raising and harvesting of fruit, vegetables and flowers for noncommercial use.

E. Recreation and community facilities for use of Coast Village residents or guests and management staff.

F. Home occupations that do not require customer roadway traffic within Coast Village.

10-29-4: PROHIBITED BUILDINGS AND USES:

A. Accessory Dwelling Units

10-29-5: LOT AND YARD PROVISIONS:

A. No partitions or lot line adjustments are allowed.

B. Lot Coverage: The maximum coverage by all enclosed structures shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all impervious areas, including all structures and paved surfaces (excepting Home Owner Association streets and roads encroaching on private lots) shall not exceed sixty five percent (65%) of the lot area.

C. Yard and Buffer Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and buffer regulations shall be indicated below:

1. Front Yards: All dwellings and structures shall be set back at least twenty feet (20') from the front property line unless the street pavement encroaches onto the lot, then the dwelling portion of the structure may be setback a minimum of ten feet (10') from the closest edge of pavement and the garage or carport shall be set back twenty feet (20') from the closest edge of pavement.

2. Side Yards: A greenbelt buffer of not less than five feet (5') shall be maintained on each side of the lot. All dwelling units shall be set back not less than eight feet (8') from the side property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the side property line.

3. Rear Yards: A greenbelt buffer of not less five foot (5') shall be maintained on the rear yard of a lot. All dwelling units shall be set back not less than ten feet (10') from the rear property line, and a three foot (3') clearance shall be maintained between the greenbelt and dwelling for fire safety. Non-residential accessory structures shall be set back not less than five feet (5') from the rear property line.

4. Propane Tank Setbacks: Unless otherwise stipulated by the fire code, propane tanks shall be set back not less than three feet (3') from all greenbelts and vegetation.

10-29-6: SITE DEVELOPMENT PROVISIONS:

A. Building or Structural Height Limitations: All structures are limited to a single story and shall not exceed sixteen feet (16') in height.

B. Fences: Coast Village development perimeter fencing shall comply with Code Section 10-34-5 of this Title.

C. Vision Clearance: Shall be ten feet (10'). Refer to Section 10-~~1-4~~2-13 and 10-35-2-1~~3~~4 of this Title for definition, and requirements.

D. Off-Street Parking: Dwellings shall have at least two (2) permanent parking spaces on-site. Such a parking space area, garage or carport shall provide for the ingress and egress of standard size automobiles at least nineteen feet long and nine and one-half feet wide (19' x 9 ½'). The Building Official may allow one permanent parking space if he determines a second parking space is not physically feasible. The required on-site parking space may be uncovered and gravel driveways and parking spaces are allowed. Regular off-street parking is allowed within the front yard setback. These requirements supersede any conflicting requirements in Section 10-3 of this Title.

E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Title.

F. Landscaping: A five foot (5') greenbelt buffer consisting of natural vegetation shall be maintained on the side and rear yards of a lot in order to provide screening and privacy between adjacent lots. The green belt buffer shall consist of sight-obscuring natural vegetation at least six feet (6') high, except as necessary to accommodate vision clearance requirements.

G. Applicable Building and Fire Codes shall be met.

H. Lighting: Refer to Section 10-37 of this Title for Requirements.

Enacted by Ord. No. 21, Series 2011 – effective January 5, 2012
Section 10-29-6-H amended by Ord. No. 12, Series 2014 – effective December 31, 2014
Section 10-26-6-C amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10
CHAPTER 30

NORTH COMMERCIAL DISTRICT

SECTION

10-30-1 Purpose
10-30-2 Permitted Buildings and Uses
10-30-3 Buildings and Uses Permitted Conditionally
10-30-4 Prohibited Uses
10-30-5 Development Standards
10-30-6 Design Criteria

10-30-1: PURPOSE: The North Commercial District is intended to provide opportunities for commercial uses of a larger scale within planned commercial developments. Uses are intended to serve the traveling public and the needs of residents for major retail shopping opportunities. This district, while recognizing pre-existing development on existing parcels, encourages consolidation of parcels to promote planned commercial developments and discourages uses that require substantial outdoor display or storage.

10-30-2: PERMITTED BUILDINGS AND USES:

The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapters 1 and 6 (Design Review) of this Title:

Animal clinics or grooming facilities (not abutting a residential ~~use or~~ district)
Appliance sales and service
Art sales
Artist studios
Automobile parts and supply stores
Bakeries, retail
Banks
Barber and beauty shops
Bicycle shops
Book store, new books only
Camera store
Cafes and coffee shops
Catering services
Clothing, apparel shops
Confectionery stores
Data processing center
Day nurseries
Delicatessen stores
Department stores
Drapery stores
Dress and millenary shops
Drugstores
Dry cleaners
Electrical and electronic supplies and service
Fabric store
Floor covering and carpet stores
Florist shops
Furniture stores
General merchandise store
Gift shop
Grocery and produce stores and supermarkets
Hardware and garden supply stores
Health clubs and studios
Hobby shops
Home furnishings
Home electronics such as televisions, stereos and computers
Hotels and motels
Interior decorator studios
Jewelry stores
Laboratories, medical and dental
Laundromat, self service only
Leather goods store
Locksmith shop
Meat and fish market
Movie theaters
Museums
Music stores
Novelty shops
Office supplies and equipment stores
Optometry and optical sales and service
Paint and wallpaper stores
Parking areas, public and private
Parking garages, public and private
Personal services
Pet shops
Pharmacies
Photography studios and photo processing
Planned unit development – commercial
Planned unit development – mixed use.
Printing and copy shops
Professional offices
Radio and television broadcasting studios
Reducing salons

Restaurants, sit down and fast food with no drive-thru window
Sewing machine sales and service
Shoe sales and repair
Sporting goods stores
Stationary stores
Tobacco shops
Tailor shops
Theaters
Toy stores
Travel agencies
Variety stores
Video stores
Video rental shops
Accessory buildings and uses normal and incidental to the buildings and uses permitted in this Chapter
Other uses as determined to be similar to those listed in this Section and which conform with the intent and purpose of this Chapter.

10-30-3: BUILDINGS AND USES PERMITTED CONDITIONALLY

The Planning Commission, subject to the procedures and conditions set forth in Chapters 1, 4 and 6 of this Title, may grant a conditional use permit for the following:

Any use permitted by this Chapter that includes ancillary outdoor display or storage
Automobile fuel or service stations
Automobiles sales, new car dealerships with ancillary used car sales only
Amusement or recreation establishments including bowling alleys, game arcades, pool halls, activity centers and amusement parks
Antique and secondhand shops
Bars, taverns, cocktail lounges and night clubs
Car washes
Medical Marijuana Dispensaries
Marijuana Retailers
Marijuana testing facilities licensed by the Oregon Liquor Control Commission or accredited by Oregon Health Authority
Public and quasi-public buildings and facilities
Restaurants with drive-thru window (includes drive-ups and drive-ins)

10-30-4: PROHIBITED USES

Single family detached housing

10-30-5: DEVELOPMENT STANDARDS:

A. Building Setback from Highway and Other Arterials (measured from right-of-way line): Minimum of 25', the front 15' of which shall be landscaped

B. Setback from Side Streets: Minimum of 15', the front 10' of which shall be landscaped.

C. Setback from Abutting Property: No setback is required except where property abuts a residential district, in which case, the following setback provisions shall apply:
1. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/ Manufactured Home, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation may be located within the 35' setback.
2. When the abutting district is zoned Multiple Family Residential, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation facilities may be located within the 35' setback.

D. Landscaping and Visual Buffers shall comply with Section 10-34 of this Title.

1. Except where the entire area between a street and building is landscaped, a minimum 3' high landscaped berm, hedge, natural vegetation, or heavy landscape planting shall be provided along the street frontage.
2. A minimum of 15 percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
3. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/Manufactured Home, an 8' solid fence shall be constructed for the entire length of the

abutting residential district, excepting that Department of State Lands Removal/Fill permit conditions will be honored in location of fence or wall within or abutting a delineated wetland.

E. Parking: Shall be in accordance with Chapter 3 of this Title.

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

G. Lot dimensions: Minimum lot width shall be 100 feet for new subdivisions. Minimum lot depth shall be 100 feet for new subdivisions.

H. Lot Area: Minimum lot size shall be 20,000 square feet for new subdivisions.

I. Height Limitations: The maximum building or structural height shall be 38', except that the maximum height for structures immediately abutting any Restricted Residential District, Single Family District or Mobile/Manufactured Home District shall be 28'.

J. Vision Clearance: The requirements of Section 10-35-2-~~13~~ 14 of this Title must be met.

K. Screening:
1. Areas approved for outdoor storage shall be screened by a combination of landscaping and a solid fence or wall a minimum of 6' in height. Chain link with slats is not acceptable.
2. Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum 5' high solid wood fence or block wall with a solid wood or metal gate. Chain link with slats is not acceptable.

L. Access: shall comply with Section 10-35 of this Title, except as modified by the following specific standard:
1. Driveway access from Highway 101 shall be limited to street intersections only, unless the property does not abut a side street or the property has at least 500 feet of highway frontage. In any case, shared driveway access between adjacent lots shall be required whenever practicable.

M. Public Facilities: Refer to Section 10-36 of this Title for requirements.

N. Open Space is required for multi-family housing developments of 4 or more units as follows:

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

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

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

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

O. Lighting: Refer to Section 10-37 if this Title for requirements.

10-30-6: DESIGN CRITERIA

A. Facades: Building facades shall be articulated to avoid long, unbroken surfaces. This may be accomplished by varying the setback of the building façade, adding tower elements to the building, providing bay windows or covered walkways, or providing other vertical or horizontal structural treatments to the building façade.

B. Roofs: Hipped or gabled roofs are recommended. Flat roofs are permitted only if the roof line is either broken up with vertical treatments such as tower elements or decorative parapets and cornice treatments are provided. Mansard roofs are not permitted. HVAC equipment and other roof-mounted equipment shall be adequately screened or hidden from view from adjacent streets and property, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

C. Materials: Exterior materials on buildings shall be masonry, horizontal wood siding or shingles, stucco or similar material. Sheet metal and cinder block are discouraged as primary exterior wall material. T1-11 may be used in conjunction with horizontal siding if approved by the Design Review Board.

D. Colors: Predominant roof and building colors shall be consistent with the City's desired coastal village atmosphere. Compatible colors consist of earth tones and soft pastels. Incompatible roof and body colors include any colors used where the intent is to attract attention instead of complementing and accentuating the building design.

Ordinance No. 11, Series 2003, effective August 7, 2003
Section 10-30-5, J - Amended by Ord. 26, 2008
Section 10-30-5 Amended by Ord. No. 9, 2009
Section 10-30-5-N – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011
Section 10-30-5-F – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011
Sections 10-30-2, 10-30-3, and 10-30-6 amended by Ord. No. 3, 2013 – effective 7-31-13
Section 10-30-5-O added by Ord. No. 12, Series 2014 – effective 12-31-14
Section 10-30-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15
Section 10-30-3 amended by Ord. No. 12, Series 2015 – effective 1-1-16
Sections 10-30-2, 10-30-3, and 10-30-5 amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10

CHAPTER 32

DRINKING WATER PROTECTION OVERLAY DISTRICT

SECTION:

10-32-1: Purpose
10-32-2: Applicability
10-32-3: Warning and Waiver of Liability
10-32-4: Time of Travel Zones (TOTZ)
10-32-5: Review
10-32-6: Exemptions
10-32-7: Standards for Hazardous Materials within TOTZ
10-32-8: Conditions
10-32-9: Appeals

10-32-1: PURPOSE:

A. The Drinking Water Protection (DWP) Overlay District is established to protect from contamination the North Florence Sole Source Dunal Aquifer, used as the sole potable water supply source by the City. This Section establishes procedures and standards for the physical use of hazardous or other materials harmful to groundwater within TOTZ by new and existing land uses requiring development approval. The provisions of this Section are designed to:

1. Protect the City's drinking water supply, which is obtained from groundwater resources, from impacts by facilities that store, handle, treat, use, produce, or otherwise have on premises substances that pose a hazard to groundwater quality; and

2. Provide standards for hazardous or other materials that pose a risk to groundwater within the TOTZ.

B. In order to accomplish this purpose, the DWP Overlay District includes methods and provisions to:

1. Restrict or prohibit the use of hazardous or other materials which are potential groundwater contaminants;

2. Set standards for the storage, use, handling, treatment, and production of hazardous or other materials that pose a risk to groundwater within TOTZ; and

3. Review new or expanded uses of hazardous or other materials that pose a risk to groundwater

10-32-2: APPLICABILITY: This DWP Overlay District applies to industrial and commercial land uses within the Drinking Water Protection Area (DWPA) for the proposed wellfield. As of October 5, 2013, all areas in an industrial or commercial zoning district within the specified wellhead TOTZ are automatically rezoned to add the DWP Overlay District to the underlying zoning district. The areas to which the DWP Overlay District is applied are shown on the Drinking Water Protection Overlay Map, on file in the Community Development Department and incorporated in this Section by reference.

10-32-3: WARNING AND WAIVER OF LIABILITY: The degree of aquifer protection required by this Section in the areas designated in Section 10-32-2 is based on scientific and engineering considerations. The nature of these considerations is that the exact boundaries of Time of Travel Zones (TOTZ) have an associated uncertainty that renders conclusions based on them to be estimates. Under no conditions should this Section be construed to guarantee the purity of the ambient ground water or guarantee the prevention of ground water contamination. Therefore, this Section shall not create liability on the part of the City, or any City personnel, for any contamination that may result from reliance on this Section or any administrative decision made under this Section.

10-32-4: TIME OF TRAVEL ZONES (TOTZ):

B. The DWP Overlay District includes 3 TOTZ for the proposed wellfield: 5-10 years; 10-20 years; and 20-30 years. The Overlay District does not include the 0-5 year TOTZ because there are no industrial or commercial properties or zones in that TOTZ. The locations of the TOTZ for the proposed wellfield are shown on the Drinking Water Protection Area Map for the Proposed Wellfield on file with the City's Planning Department; Public Works Department; the Siuslaw Valley Fire and Rescue Agency; and Heceta Water District (HWD).

C. The areas within specified wellhead TOTZ are those drinking water protection areas for which the Oregon Health Authority issued a "provisional delineation," stating, "OHA approves the use of this delineation for protection of possible future drinking water resources," under the Oregon Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program, in Oregon Health Authority Delineation Certification #0016, March 16, 2012.

D. In determining the location of a property within a TOTZ, the following criteria apply:

1. The Lane County Department of Assessment and Taxation maps shall be used as a base map with the addition of TOTZ boundaries.

2. That portion of a tax lot that lies within a TOTZ is governed by the restrictions applicable to that TOTZ.

3. Tax lots having parts lying within more than one TOTZ are governed by the standards of the more restrictive TOTZ.

4. EXCEPTION: The Public Works Director (Director) may waive the requirement that the more restrictive standards apply when all of the following apply:

a. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within the portion of the tax lot having the more restrictive TOTZ standards; and

b. Storage, use, handling, treatment, and/or production of hazardous or other materials that pose a risk to groundwater will not take place within 50 feet of the portion of the tax lot having more restrictive TOTZ standards; and

c. The tax lot is 20,000 square feet or larger.

5. A property owner may request the TOTZ be modified by submitting a Zone Change application to the City. Any request for modification of the TOTZ shall be accompanied by certification of the TOTZ as proposed to be modified by the Oregon Health Authority, under the Administrative Rules that apply to Oregon's EPA-approved Drinking Water Protection Program.

10-32-5: REVIEW:

A. A DWP Overlay District Development Application is required when all of the following criteria are met:

1. Industrial and commercial land uses that are affected by one or more of the following: a land use permit application or building permit application;

2. The action in Subsection A.1., above will:

a. Affect the storage, use, and/or production of hazardous or other materials that pose a risk to groundwater; or

b. Increase the quantity of hazardous or other materials that pose a risk to groundwater that are stored, used and/or produced.

B. Prior to the submittal of a DWP Overlay District Development Application, an exemption request may be submitted to the Director as specified in Section 10-32-6-B-1.

C. DWP Overlay District applications shall be reviewed under Type II ~~Administrative~~ Review procedures in 10-1-1-6-2.

D. Prior to undertaking an activity covered by Section 10-32-5-A, the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:

1. A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 10-32-6. Hazardous material weights shall be converted to volume measurement for –purposes of determining amounts; 10 pounds shall be considered equal to one gallon as specified in Florence Fire Code.

2. A list of the chemicals to be monitored through the analysis of groundwater samples and a monitoring schedule if ground water monitoring is anticipated to be required.

3. A detailed description of the activities conducted at the facility that involve the storage, handling, treatment, use or production of hazardous materials in quantities greater than the maximum allowable amounts as stated in Section 10-32-7-A;

4. A description of the primary and any secondary containment devices proposed, and, if applicable, clearly identified as to whether the devices will drain to the storm or sanitary sewer;

5. A proposed Hazardous Material Management Plan for the facility that indicates procedures to be followed to prevent, control, collect and dispose of any unauthorized release of hazardous material;

6. A description of the procedures for inspection and maintenance of containment devices and emergency equipment;

7. A description of the plan for disposition of unused hazardous materials or hazardous material waste products over the maximum allowable amounts including the type of transportation, and proposed routes.

E. The Director shall review the application and make a decision based on the standards contained in Section 10-32-7, after consulting with the Building Official, Fire Marshall, Planning Director, and the manager of Heceta Water District, as appropriate.

10-32-6: EXEMPTIONS: This section does not exempt any material or use from Fire Code regulations as adopted by the City.

A. Exemptions are as specified in this Section unless the Director, in consultation with the Fire Marshall, determines that a hazardous material, activity, and/or facility that are exempt pursuant to this Section has a significant or substantial potential to degrade groundwater quality. Then the Director may require compliance with the requirements of this Section related to that hazardous material, activity or facility. This determination will be based upon site and/or chemical-specific data and are eligible for appeal to the Planning Commission, as specified in Section 10-32-9.

B. Unless otherwise provided herein, the following materials are exempt from regulation hereunder:

1. Use, storage and handling of specific hazardous materials that do not present a risk to the aquifer, as determined and listed by the Director, are exempt from all regulation under this Section with the exception of the potential requirement to list these hazardous materials on the Hazardous Material Inventory Statement as found in the most recent Fire code regulations adopted by the City. A Hazardous Materials Exemption Request may be submitted to the Director for Hazardous Materials that can be demonstrated to pose no threat to the aquifer. These materials may be exempted from regulation and added to the list. The demonstration of no threat is the responsibility of the applicant seeking the exemption and will be subject to review by technical experts.

2. Hazardous materials offered for sale in their original sealed containers of 5 gallons or less are exempt from the 500-gallon storage limit specified in Section 10-32-7-A-1.

3. Hazardous materials in fuel tanks and fluid reservoirs attached to a private or commercial motor vehicle and used directly in the motoring operation of that vehicle, or machinery, including, but not limited to: fuel, engine oil and coolant.

4. Fuel oil used in existing heating systems.

5. Emergency use, storage, and handling of hazardous materials by governmental organizations in the public interest.

6. Hazardous materials used and stored specifically for water treatment processes of public water systems and private systems for the same purposes when approved by the Director.

7. Hazardous materials contained in properly operating sealed units (including, but not limited to: transformers, refrigeration units) that are not opened as part of routine use.

8. Local natural gas distribution lines, when available.

9. Fuel for emergency generators located at facilities that provide essential community services (including, but not limited to: hospitals, fire/life safety, police, public shelters, and telephone systems)

10. Any commonly used office supply – including, but not limited to: correcting fluid for typewriters, toner for computer printers or cleaners for windows and bathrooms – where the supplies are purchased off-site for use on-site.

11. Aggregate quantities equal to or less than 20 gallons of hazardous materials that do not contain DNAPLs. [1]

10-32-7: STANDARDS FOR HAZARDOUS MATERIALS WITHIN TOTZ: Applications shall comply with the following standards. Where the following standards are more restrictive than the standards of the Florence Fire Code, the following standards shall apply:

A. Five to Ten Year TOTZ Standards.

1. The storage, handling, treatment, use, application, or production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs are allowed only upon compliance with containment and safety standards specified by the most recent applicable Fire Code.

[1] DNPLs are organic substances that are relatively insoluble in water and more dense than water. DNAPLs tend to sink vertically through sand and gravel aquifers to the underlying layer. The most common are chlorinated solvents. Significant amounts of DNAPLs are present at chlorinated solvent-contaminated sites, such as manufacturing and degreasing facilities, dry cleaners, wood treators, and former manufacturing gas plants.

2. Unless exempted, all hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Fire Code).

3. All new use of DNAPLs are prohibited.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following certain types of facilities or changes in chemical use and/or storage of hazardous or other materials that pose a risk to groundwater are prohibited:

   a. Hazardous material product pipelines used to transport the hazardous material off of the tax lot where it is produced or used;

   b. Injection wells, except for dry wells for roof drainage;

   c. Solid waste landfills and transfer stations;

   d. Fill materials containing hazardous materials;

   e. Land uses and new facilities that will use, store, treat, handle, and/or produce DNAPLs.

6. Requirements found in the Fire Code for a monitoring program and monitoring methods to detect hazardous or other materials in the secondary containment system shall be met for all amounts of hazardous materials that pose a risk to groundwater unless exempted.

7. The following requirements for inspection and record keeping procedures for monthly in-house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring and emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

B. Ten to Twenty Year TOTZ Standards.

1. The storage, handling, treatment, use, production or otherwise keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities not containing DNAPLs is allowed upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

2. All hazardous or other materials that pose a risk to groundwater shall be stored in areas with approved secondary containment in place (Fire Code).

3. All new use of DNAPLs are prohibited.

4. Any change in the type of use or an increase in maximum daily inventory quantity of any DNAPL is considered a new use and is prohibited.

5. The following requirements for inspection and record keeping procedures for monthly in- house inspection and maintenance of containment and emergency equipment for all amounts of hazardous or other materials that pose a risk to groundwater shall be met unless exempted: Schedules and procedures for inspecting safety and monitoring emergency equipment. The applicant shall develop and follow a written inspection procedure acceptable to the Director for inspecting the facility for events or practices which could lead to unauthorized discharges or hazardous materials. An inspection check sheet shall be developed to be used in conjunction with routine inspections. The check sheet shall provide for the date, time, and location of inspection; note problems and dates and times of corrective actions taken; and include the name of the inspector and the countersignature of the designated safety manager for the facility.

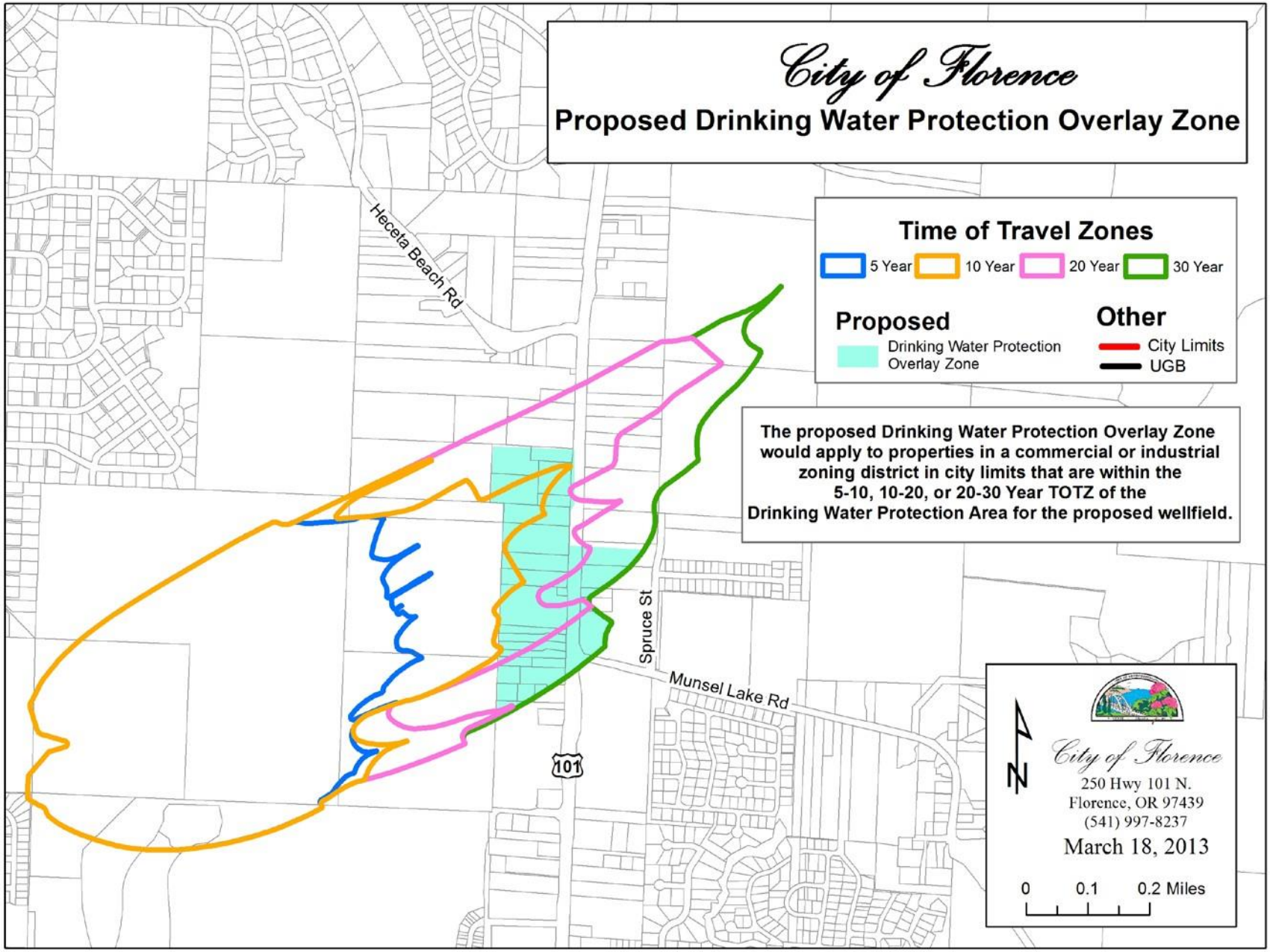
C. Twenty to Thirty Year TOTZ Standards. The storage, handling, treatment, use, production or keeping on premises of more than 20 gallons of hazardous materials that pose a risk to groundwater in aggregate quantities is allowed only upon compliance with containment and safety standards specified by the most recent Fire Code adopted by the City.

10-32-8: CONDITIONS: The Director may attach conditions of approval that will minimize negative impacts of regulated substances on groundwater and ensure that the facility or the proposed development can fully meet the standards specified in Section 10-32-7. These conditions may include, but are not limited to: on-site monitoring wells, Wellhead Protection Area signs, special storm water facilities or other conditions to address specific risks associated with the proposed development.

10-32-9: APPEALS: The only portions of this Section that are subject to appeal are: Section 10-32-5-E, the Director's decision on a DWP application, Section 10-32-6, Exemptions, and Section 10-32-7-A-1, Waiver. The decision to the Director may be appealed as specified in Section 10-1-1-7.

Created by Ordinance No. 2, Series 2013 (effective 10-5-13)

Section 10-32-5 amended by Ordinance No. 11, Series 2016 (effective xx/xx/xx)


City of Florence
Proposed Drinking Water Protection Overlay Zone
Time of Travel Zones
5 Year
10 Year
20 Year
30 Year
Proposed
Drinking Water Protection Overlay Zone
Other
City Limits
UGB
The proposed Drinking Water Protection Overlay Zone would apply to properties in a commercial or industrial zoning district in city limits that are within the 5-10, 10-20, or 20-30 Year TOTZ of the Drinking Water Protection Area for the proposed wellfield.
Heceta Beach Rd
Spruce St
Munsel Lake Rd
101
N
City of Florence
250 Hwy 101 N.
Florence, OR 97439
(541) 997-8237
March 18, 2013
0
0.1
0.2 Miles

TITLE 10
CHAPTER 34

LANDSCAPING

SECTION:

10-34-1: Purpose
10-34-2: Landscape Conservation
10-34-2-1: Applicability
10-34-2-2: Native Vegetation
10-34-2-3: Significant Vegetation
10-34-2-4: Preservation Credit
10-34-3: Landscaping
10-34-3-1: Applicability
10-34-3-2: Landscaping Plan Required
10-34-3-3: Landscape Area and Planting Standards
10-34-3-4: Landscape Materials
10-34-3-5: Irrigation
10-34-3-6: Parking Lot Landscape Standards
10-34-3-7: Buffering and Screening
10-34-3-8: Maintenance
10-34-4: Street Trees
10-34-5: Fences and Walls

10-34-1: PURPOSE: The purpose of Chapter 34 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Landscaping plants and materials are intended to conserve, enhance and be compatible with the coastal village character of Florence, with liberal use of evergreens and native species. The Chapter is organized into the following sections:

10-34-2: Landscape Conservation encourages the incorporation of existing native vegetation in landscaping and provides incentives for the preservation or replacement of particularly significant vegetation.

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

10-34-4: Street Trees sets standards for planting of street trees for shading, water quality, and aesthetic purposes.

10-34-5: Fences and Walls regulate the design of fences and walls, including allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

10-34-2: LANDSCAPE CONSERVATION

10-34-2-1: Applicability. Except for single family homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. “Development sites” do not include any street, alley, or public right-of-way.

10-34-2-2: Native Vegetation. “Native vegetation” means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;

B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;

C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;

D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.

E. Existing noxious weeds[1] within the preservation area are removed prior to approval of the installed landscaping; and

F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

10-34-2-3: Significant Vegetation. “Significant vegetation” means:

A. Native vegetation, or

B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or

C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

10-34-2-4: Preservation Credit. The City may grant a “Preservation Credit” if existing significant vegetation on the site is preserved, in the form of a reduction of the overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

A. Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from

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[1] Noxious and invasive weeds are those identified by the current Lane County Public Works “Noxious and Invasive Weed Management List,” with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in “Noxious Weed Policy and Classification System” will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

construction damage shall be in place prior to site disturbance. For a “Burn to Learn” site, significant vegetation that can be saved shall be protected.

B. Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.

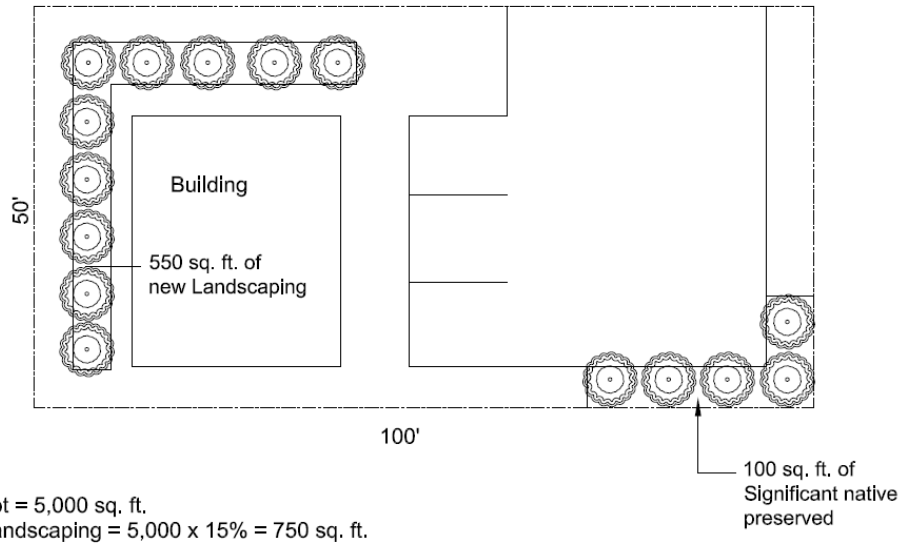
C. Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.

D. Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.

E. Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below 2/3 of the area that would be required with no credit.

F. Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below 2/3 of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.

G. **Figure 10-34(1): Native Preservation Credit Trade-off**



Lot = 5,000 sq. ft.
Landscaping = 5,000 x 15% = 750 sq. ft.
100 sq. ft. of significant native preserved = 200 sq. ft. Landscaping
New Planting = 750 sq. ft. - 200 sq. ft. = 550 sq. ft. new Plantings.
Actual landscaped area coverage = 650 sq. ft./5,000 sq. ft. = 13%

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

A. For new developments, all landscaping shall meet current code requirements. (Ord. 4, 2011)

B. For modifications or additions to existing development, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size. (Ord. 4, 2011)

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

A. The location and height of existing and proposed fences and walls, buffering or screening materials.

B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.

C. The location, size, and species of the new proposed plant materials (at time of planting).

D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

E. Existing and proposed building and pavement outlines.

F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.

G. Other information as deemed appropriate by the City Planning Official.

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district[2] for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

A. Landscaping shall include planting and maintenance of the following:

1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.

2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.

3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.

4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be

[2] Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.

installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.

5. Pocket-planting[3] with a soil-compost blend around plants and trees shall be used to ensure healthy growth.

B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

A. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used, consistent with the purpose of this Chapter. A suggested *Tree and Plant List for the City of Florence* and the *Sunset Western Garden Book* are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope or soil conditions warrant.

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a maximum of 18 inches measured on center, and 1-2 gallon size plants shall be spaced a maximum of 3 feet measured on center.

2. Shrubs. Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.

3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).

4. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.

B. Existing Native Vegetation. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.

C. Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.

D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count

[3] Pocket-planting is used in conjunction with sandy soils by removing existing sand approximately twice the width and the same depth of the pot, and replacing it with a soil-compost blend.

toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;

B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;

C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;

D. Irrigation is required for interior parking lot landscaping to ensure plant survival;

E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and

F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

10-34-3-7: Buffering and Screening. Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-~~8~~7-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

B. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect

pedestrians, landscaping, and buildings from being damaged by vehicles.

C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

Adjoining Land Use / Zoning	**Landscaped Buffer and/or Fence or Wall**
Abutting single family Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or townhouse zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple family or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

10-34-3-8: Maintenance. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

10-34-4: STREET TREES: Street trees are trees located within the right-of-way.

A. **Street Tree List.** Trees shall be selected from the *Tree and Plant List for the City of Florence* based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.

B. **Caliper Size.** The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.

C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-~~13~~14.

D. **Soil Preparation, Planting and Care.** Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

10-34-5: FENCES AND WALLS: Construction of fences and walls shall conform to all of the following requirements:

A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)

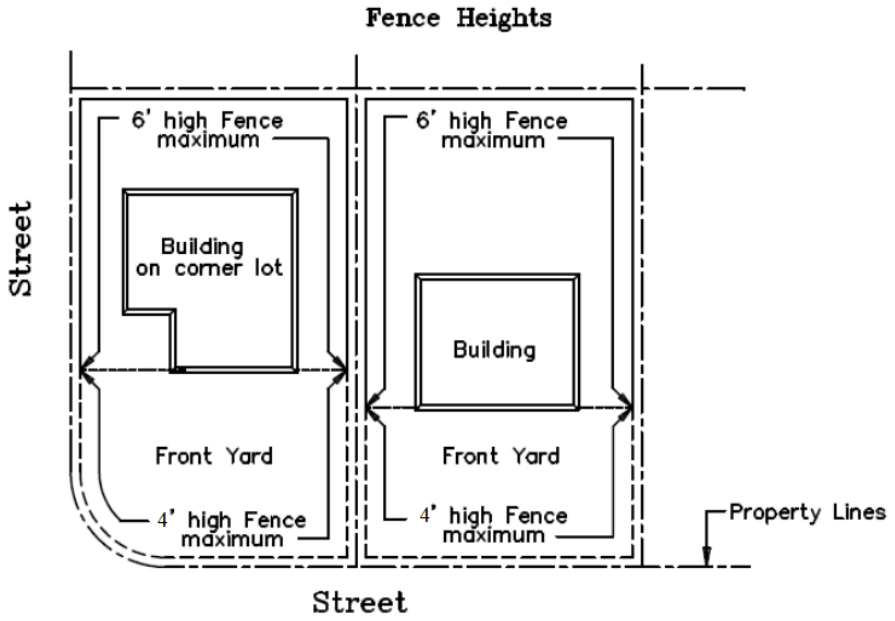
B. **Dimensions.**

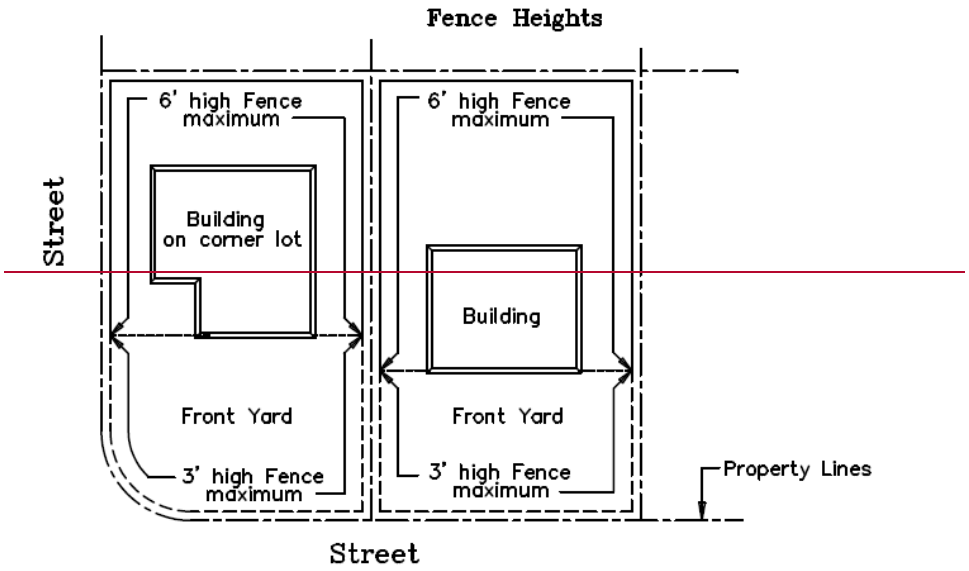
1. Residential Zones: Except as provided ~~-~~below, the height of fences and walls between the building and the front lot line shall not exceed ~~three (3)~~ four (4) ~~-~~feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed ~~three (3)~~four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))

2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed ~~three (3)~~ four (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

Figure 10-34(2): Residential and Commercial Fence Standard

Figure 10-34(2): Residential and Commercial Fence Standard





C. **The following exceptions may be allowed through ~~Design Review or Administrative~~Type I, II or III Review.**

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.

2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).

3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in

height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.

4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.

5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

D. **Specific Requirements**

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-~~6~~7.

2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-~~13~~14.

3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than ~~six (6~~seven (7) feet in height require a building permit

4. Sheet Metal Fencing (as permitted) shall meet the following criteria:

   a. Must have appropriate weatherization coating to address vulnerability to rust in Florence's coastal climate.

   b. Must be installed and maintained as per warranties to ensure longevity. Warranty documentation must be submitted to the Planning Director before approval.

   c. Shall be maintained in good condition (rust and hole free, non-peeling, and absent of similar signs of disrepair), or otherwise replaced by the property owner.

   d. Sheet metal fencing, due to its manufacturing design, will be either horizontally or vertically dominant depending on the manner of installation. To break up the dominant vertical or horizontal orientation, the fence design along streets shall incorporate variable architectural detail. This can be accomplished through one or more of the following a minimum of every eight (8) feet;

      1. Addition of vertical siding trim strips and cap trim of colors different yet complimentary to the fence color.

      2. Change in orientation of sheet metal.

      3. Vertical offsets (staggered fence line).

E. **Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

F. **Materials.**

1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.

2. Materials permitted with Administrative Design Review: Sheet metal is permitted within the Limited Industrial District with Administrative Design review Approval.

3. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet. Sheet metal is prohibited within all districts except the Limited Industrial District.

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-~~6~~7-14.

Created by Ord. 9, Series 2009
Section 10-34-3-7-D amended by Ord. No. 4, Series 2010 (effective 4/5/10)
Sections 10-34-3-1-A, 10-34-3-1-B, 10-34-3-4-A-1, 10-34-5-B-1, and 10-34-5-B-2 amended by Ord. No. 4, Series 2011 (effective 4/22/11)
Section 10-34-3-1 amended by Ord. No. 18, Series 2011 (effective 9/19/11)
Section 10-34-3-4 amended by Ord. No. 3, Series 2013 (effective 7-31-13)
Section 10-34-5-D and F amended by Ord. 4, Series 2013 (effective 1-8-14)
Sections 10-34-4 and 10-34-5 amended by Ord. 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-~~D~~E, Traffic Impact Studies.

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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:

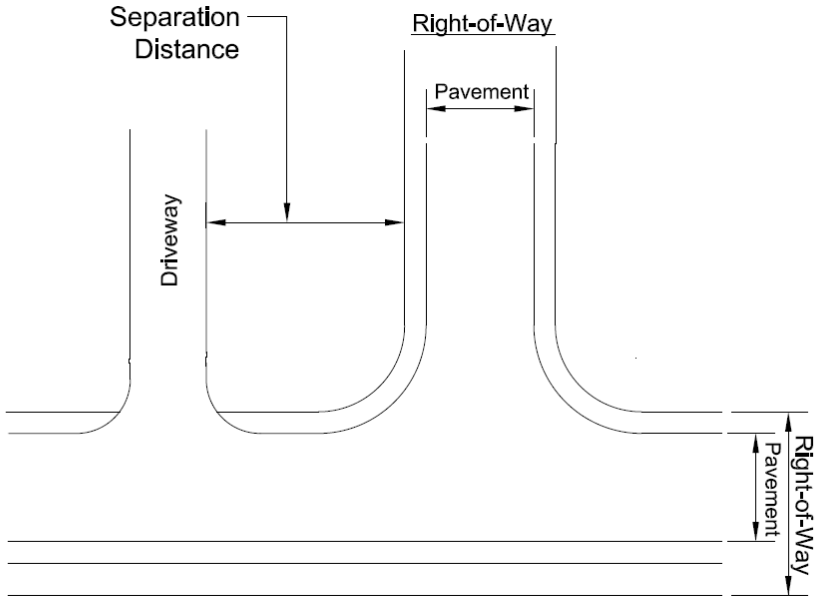
A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as

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:

a. 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

b. 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.

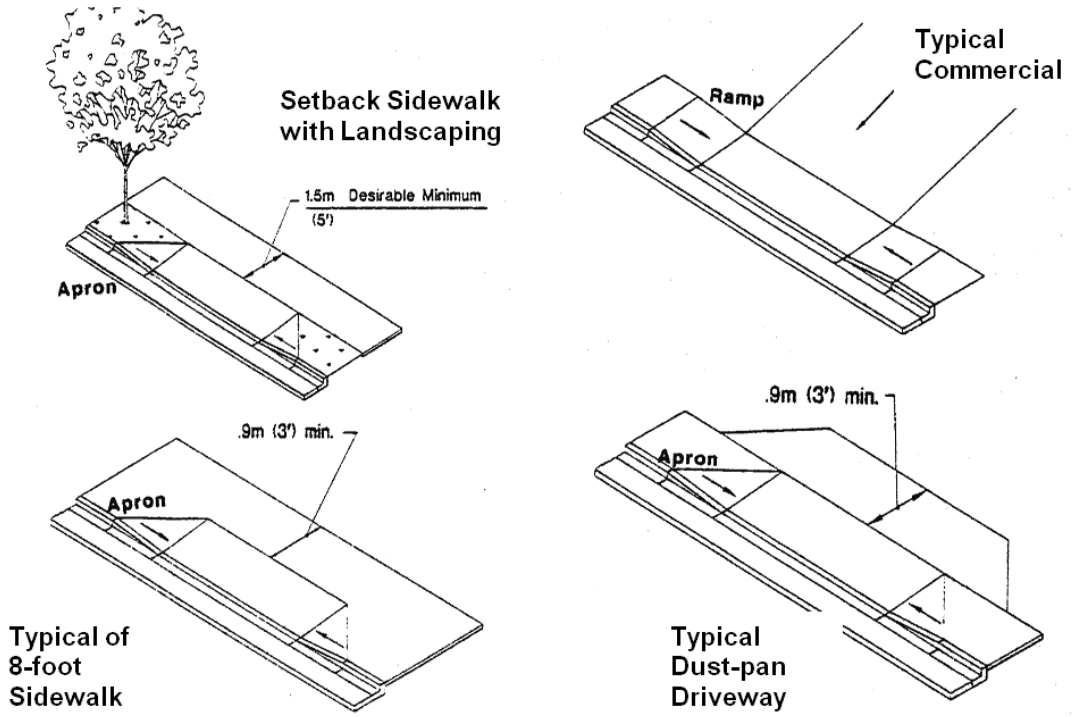
3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.

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 turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

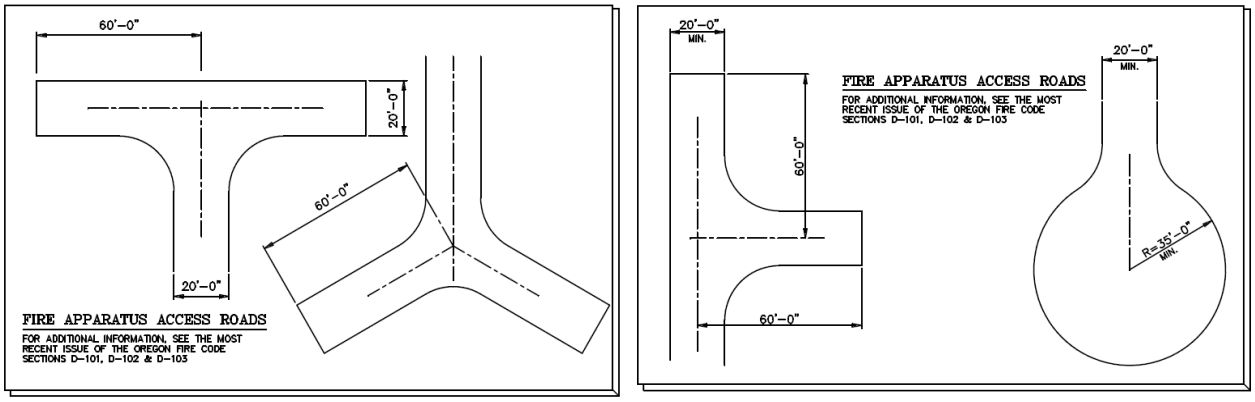


Figure 10-35(3): Examples of Fire Lane Turn-Around

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:

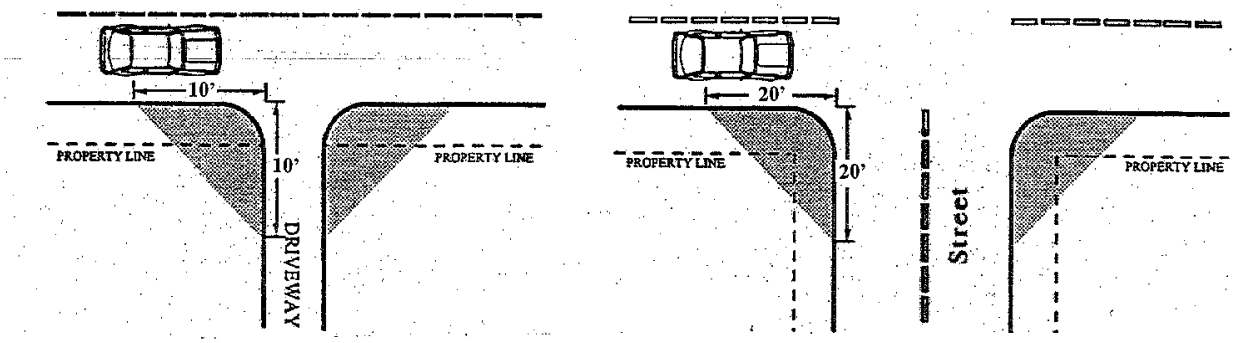
A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').

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-~~1-4~~2-13 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.

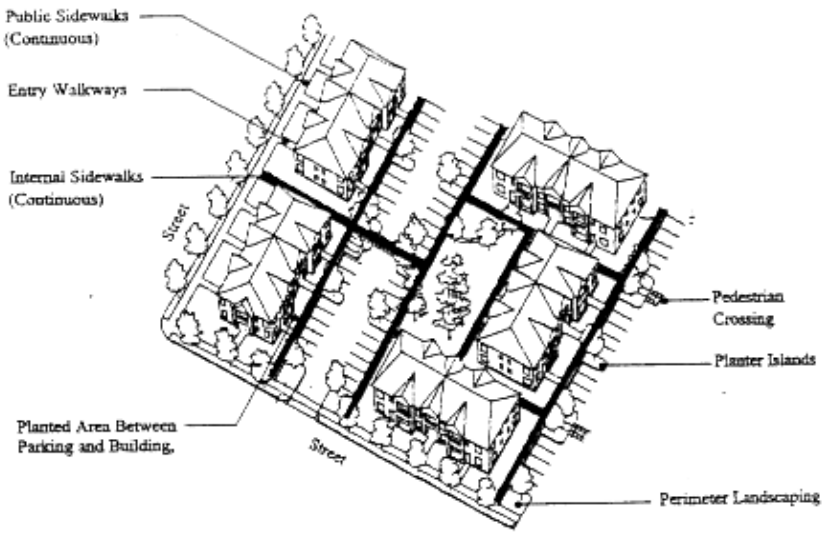


Figure 10-35(5): Pedestrian Pathway System (Typical)

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):

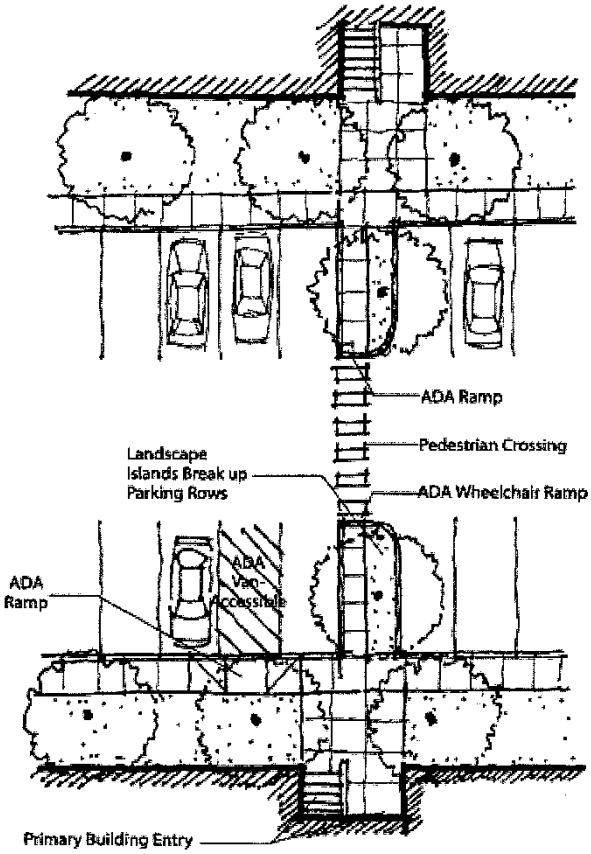
A. Vehicle/Walkway Separation. Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as 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

withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

B. Pedestrian Crossing. Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.

C. Width and Surface. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)

Figure 10-35(6): Pedestrian Walkway Detail (Typical)



D. Accessible routes. Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

10-35-4: Transit Facilities: Proposed uses other than single-family residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

A. If the proposed uses are located on a site within ¼ mile of an existing or planned transit stop, the proposed pedestrian circulation system must demonstrate a safe and direct pedestrian route from building entrances to the transit stop or to a public right-of-way that provides access to the transit stop.

B. Proposed development must accommodate on site any existing or planned transit facility, if identified in the Community Transit Plan, through one or more of the following:

1. Provide a transit passenger landing pad accessible to disabled persons.

2. Provide an easement or dedication of land to accommodate passenger seating or shelter if requested by the transit provider.

3. Provide lighting at the transit facility meeting the requirements of Title 10-37.

Created by Ord. No. 9, Series 2009
Sections 10-35-2-5, 10-35-2-7, 10-35-2-8, 10-35-3-1, and 10-35-4 amended by Ord. No. 5, Series 2012 – effective 1-16-13
Sections 10-35-2-7 and 10-35-2-9 amended by Ord. No. 3, Series 2013 effective 7-31-13

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

TITLE 11
CHAPTER 1

SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

SECTION:

11-1-1: Purpose
11-1-2: Approval of Land Division
11-1-3 Definitions
11-1-4: Relocation of Lot Lines
11-1-5: Replatting of Subdivided Lands
11-1-6: Fees

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

A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.

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

11-1-2: APPROVAL OF LAND DIVISIONS:

A. No person shall dispose of, transfer or sell any lot or parcel of land in a minor partition with respect to which approval is required by this Title until such approval is obtained.

B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for major subdivisions or major partitions under the provisions of this Title until such approval is obtained.

C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision or major partition with respect to which approval is required by this Title until such approval is
obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

11-1-3: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined as follows:

ALLEY	A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
ARTERIAL	A street which is used primarily for through traffic, or which by its location will likely be needed for such use in the normal growth of the community.
BLOCK LENGTH	The distance measured along all that part of one side of a street which is between two (2) intersecting or intercepting streets, or between an intersecting or intercepting street and a watercourse, body of water or undivided acreage.
BUSINESS STREET	Any block length along any street, other than an arterial, within which there is or will be provided access to one or more commercial structures which in the judgment of the Planning Commission will result in a high volume of business traffic on such street.
CITY	The City of Florence, Oregon, and its officials or authorized agents.

CITY COUNCIL	The Common Council of the City of Florence, Oregon, which is the governing body of said City.
COLLECTOR	A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.
COMMISSION	The Florence Planning Commission.
CUL-DE-SAC	A short street having one end open to traffic (Dead End Street)and being terminated by a vehicle turn around.
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 is being committed. (Ord. 2, Series 2011)
DIVISION OF LAND	The creation of lots or parcels.
DRAINAGE FACILITY	Any of a number of types of stormwater conveyance detention, retention or other related facilities, including: pipes, culverts, ditches, natural drainageways, streams, catch basins, inlets, trash racks, and other types of open-channel systems.
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. 2, Series 2011)
LOCAL STREET	A street used primarily for access to abutting property(s).
LOT	A unit of land that is created by a subdivision of land.
Butt Lot or Parcel	A lot or parcel, the lot or parcel side line of which abuts the lot or parcel rear line of two (2) or more adjoining lots or parcels.
Corner Lot or Parcel	A LOT OR PARCEL AT LEAST TWO (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135°).
Through Lot or	A lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.
Key Lot or Parcel	A lot or parcel the rear line of which abuts the lot side line of two (2) or more adjoining lots or parcels.
LOT LINE	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 Title. B. Rear: The lot or parcel line which is opposite to and most distant from the lot or parcel front line. C. Side: Any lot or parcel line which is not a lot or parcel front or rear line.

MAP	A final diagram or drawing, concerning a major or minor partition, suitable for recording.
MAJOR PARTITION	A partition which includes the creation of a road or street and which does not result in the creation of more than two (2) or three (3) lots within a calendar year.
MASTER ROAD PLAN	The plan(s) adopted by the Council of the City according to the procedures provided for in this Title.
MINOR PARTITION	A partition which does not include the creation of a road or street, and which does not result in the creation of more than two (2) or three (3) lots within a calendar year.
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. 2, Series 2011)
MULTI-USE TRAIL	An unpaved path that accommodates pedestrians shared with other non-motorized users. (Ord. 2, Series 2011)
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. 2, Series 2011)
OWNER	An individual, association, partnership or corporation having legal or equitable title to land sought to be divided, other than legal title held for purposes of security only.
PARCEL	A unit of land that is created by a partitioning of land.
PARKLANDS	Lands that provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seating areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. 2, Series 2011)
PARTITION	Either an act of partitioning land, or an area or tract of land partitioned as defined in this Section.
PARTITION LAND	Division of an area or tract of land into two (2) or three (3) parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. "Partitioned Land" does not include: A. Divisions of land resulting from lien foreclosures; B. Divisions of land resulting from the creation of cemetery lots; C. Divisions of land made pursuant to a court order including but not limited to court orders in proceedings involving testate or intestate succession; and

D. Adjustment of a lot or parcel line by the relocation of a common boundary where an additional parcel or lot is not created and where the existing parcel or lot reduced in size by the adjustment is not in conflict with any applicable law or ordinance, including but not limited to, provisions pertaining to minimum area, frontage, minimum width and required setbacks.

When it appears to the approving authority that the area is to be ultimately divided into four (4) or more lots or parcels, provisions of this Title pertaining to subdivisions may be required.

PARTITIONER	An owner commencing proceedings under this Title to effect a partition of land by himself or his lawful agent.
PERFORMANCE AGREEMENT or BOND	A financial commitment by the petitioner or subdivider and executed by an Oregon licensed surety company in an amount equal to the full cost of construction and improvements as required in Chapter 5 of this Title and conditioned upon the faithful performance thereof.
PETITION FOR IMPROVEMENTS	A proper petition submitted to and approved by the City Council for construction and improvements as required by Chapter 5 of this Title.
PLANNING OFFICE	The Florence City Hall, Florence, Oregon.
PLAT	The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning subdivisions.
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. 2, Series 2011)
ROAD OR STREET	A public or private way, other than a public 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.
RIGHT OF WAY	The area between boundary lines of a street or other easement.
SUBDIVIDE LAND	The division of an area or tract of land into four (4) or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year.
SUBDIVIDER	An owner commencing proceedings under this Title to effect a subdivision of land by himself or through his lawful agent.
SUBDIVISION	Either an act of subdividing land, or an area or tract of land subdivided as defined in this Section.
TENTATIVE PLAN	A preliminary drawing or diagram concerning a partition or subdivision. (Ord.625, 6-30-80)

11-1-4: RELOCATION OF LOT LINE:

A. A lot line adjustment shall not create an additional parcel, shall not reduce an existing parcel below the minimum size applicable to that zoning district, shall involve only one common lot line, and shall not redesignate the front lot line as defined in Section 10-~~1-4~~2-13 of this Code.

B. An application for a relocation of a lot line shall be filed with the City Planning Department. The Planning Department shall notify the applicant within five (5) days, whether the application has been approved or denied. If approved, a survey, certified by a licensed surveyor, shall be filed with the Planning Department, within sixty (60) days of notification of approval. The applicant shall cause the survey to be recorded with the appropriate City and County offices at the applicant's expense and shall forward a copy of the recorded survey to the City. If denied, the decision may be appealed to the Planning Commission, by filing written notice of appeal, including the alleged error of the decision, with the Planning Department within ten (10) days of notice of such decision.

11-1-5: REPLATTING OF SUBDIVIDED LANDS: Replatting of an existing, but undeveloped, subdivision shall follow the following procedures:

A. The applicant shall apply to the City for vacation of existing rights of way as applicable, unless proposed streets and/or common open space of equal area is dedicated to the City as public easements. (Ord. 1, Series 1992).

B. The applicant shall apply to the City for partition or subdivision approval as applicable according to the provisions of this Title. (Ord. 669, 5-17-82)

11-1-6: FEES:

A. Application Fee: In order to cover the actual processing costs connected with the application for tentative plan approval of partitions and subdivisions, the applicant is required to submit a filing fee based on average processing costs along with the application, which fees shall be established by resolution of the Common Council.

B. Administrative Fee: In order to defray the administrative costs connected with reviewing and processing land divisions or adjustments of lot lines, the City shall collect a fee according to a schedule adopted by the City Council. This fee will be collected in connection with the following:

Lot Line Adjustments
Minor Partitions
Major Partitions
Subdivisions
Planned Unit Developments
(Ord. 626, 6-30-80; renumbered Ord. 669, 5-17-82)

11-1-5 Amended Ord. 1, Series 1992
Section 11-1-3 amended by Ord. No. 9, Series 2009
Amended by Ordinance No. 2, Series 2011 (effective 3-11-11)
Section 11-1-3 amended by Ord. No. 18, Series 2011 (effective 9-19-11)
Section 11-1-4 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 11
CHAPTER 2

MINOR PARTITIONING PROCEDURE

SECTION:

11-2-1 Application
11-2-2: Tentative Plan Requirements
11-2-3: Review of Proposal by Other Agencies and Departments
11-2-4: Tentative Plan Approval
11-2-5: Ownership Verification of Dedications
11-2-6: Acknowledging Decisions
11-2-7: Return of Approved Tentative Plan
11-2-8: Appeal of Decisions
11-2-9: Final Partition Map
11-2-10: Effective Date of Decisions
11-2-11: Expiration of Approval

11-2-1: APPLICATION: An application shall be made by the person proposing the minor partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and five (5) copies of a tentative plan. (Amd Ord 30, Series 1990).

11-2-2: TENTATIVE PLAN REQUIREMENTS:

A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

B. Drafting: The tentative plan shall be drawn with pencil or India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch; and shall be so selected as to fit the finished drawing to a sheet size of eight and one-half inches by eleven inches (8 1/2" x 11").

C. Information Required: The application or the tentative plan must contain the following information with respect to the subject area:

1. The proposed name of the minor partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.

2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.

3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.

4. The names and addresses of the owner, partitioner and engineer or surveyor.

5. The location, name and present width of all streets and alleys.

6. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.

7. The width and location of all easements for drainage and public utilities.

8. The dimensions, parcel lines and area of all parcels.

9. The existing use or uses of the property, including the location of all existing structures to remain on the property.

10. In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:

a. The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.

b. The names of all recorded subdivisions contiguous to the subject area.

c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

d. The approximate width and location of all proposed public utility easements.

e. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.

f. All proposals for sewage disposal, flood control and easements or deeds for drainage facility, including profiles of proposed drainage ways.

g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.

h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.

i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS: Within five (5) working days after the application is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the minor partition proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted, unless an extension is requested. (Amd. Ord 30, Series 1990).

11-2-4: TENTATIVE PLAN APPROVAL: After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the minor partition tentative plan. The hearing, decision and further consideration of a similar application shall be governed by paragraph~~s~~ 10-1-1-~~5-D and E~~6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder of any adjoining land or access thereto.

B. The minor partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

1. Improvements as required by the City and this Title have been completed, and a certificate of fact has been filed with the Planning Director. (Amd. Ord 30, Series 1990).

2. A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Finance Officer in sufficient amount to ensure the completion of all required improvements; or

3. A petition for improvements has been properly executed by the petitioner who is effecting the partition and will be assessed for said improvements.

C. Public assessments, liens and fees with respect to the minor partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the Council. (Amd Ord 30, Series 1990).

Except as provided for in the procedures for modification as stipulated in Chapter 7 of this Title, approval as of a minor partition tentative plan does not relieve the applicant from other applicable provisions of this Title or Oregon Revised Statutes. (Amd Ord 30, Series 1990).

11-2-5: OWNERSHIP VERIFICATION OF DEDICATIONS: In the event approval of a minor partition is conditioned upon the dedication of a portion of the area to the public, the applicant shall submit to the City a title report issued by a title insurance company licensed in the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public.

11-2-6: ACKNOWLEDGING DECISIONS: Approval of a minor partition tentative plan shall be noted thereon by the chairman of the Planning Commission or its designee with the effective date of such approval. Notice of the Planning Commission's decision shall be given as provided in ~~paragraph~~ FCC 10-1-1-~~5-F~~6~~ of this Code~~. (Amd. Ord 30, Series 1990).

11-2-7: RETURN OF APPROVED TENTATIVE PLAN: Unless appealed, the Planning Director shall return a copy of the tentative plan as approved and so noted thereon to the applicant. (Amd. Ord 30, Series 1990).

11-2-8: APPEAL OF DECISIONS: The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-~~6~~ 7 of this Code. (Amd. Ord 30, Series 1990).

11-2-9: FINAL PARTITION MAP: No more than six (6) months after tentative plan approval, the applicant shall submit to the Planning Director a final partition map drawn by an Oregon registered engineer or licensed surveyor. The final map shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final map conforms to the approved tentative plan, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded map shall be returned to the applicant. (Amd. Ord. 30, Series 1990). (Amd. Ord. No. 12, Series 1999)

11-2-10: EFFECTIVE DATE OF DECISIONS: The minor partition shall become effective upon recording of the final partition map with the County Recorder.

11-2-11: EXPIRATION OF APPROVAL: If the conditions set at the time of approval are not fulfilled within one year, the minor partition approval will be null and void. A new application must be submitted for reconsideration in light of new conditions that may exist. (Ord. 626, 6-30-80)

Amended by Ord. 30, Series 1990
Amended by Ord. 12, Series 1999
Section 11-2-2 Amended by Ord. No. 9, Series 2009
Section 11-2-2-C-10(f) amended by Ord. No. 18, Series 2009 (effective 9-19-11)
Sections 11-2-4, 11-2-6, and 11-2-8 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 11
CHAPTER 3

MAJOR PARTITION, TENTATIVE PLAN PROCEDURE

SECTION:

11-3-1: Application
11-3-2: Tentative Plan Requirements
11-3-3: Review of Tentative Major Partition or Subdivision
11-3-4: Approval of Tentative Major Partition or Subdivision
11-3-5: Acknowledging Tentative Plan Decisions
11-3-6: Tentative Plan, Effective Date
11-3-7: Tentative Plan, Appeal of Decisions

11-3-1: APPLICATION: An application for tentative plan approval shall be made by the person proposing the subdivision or major partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and ten (10) copies of a subdivision tentative plan or five (5) copies for a major partition tentative plan, as the case may be. (Amd. Ord 30, Series 1990).

11-3-2: TENTATIVE PLAN REQUIREMENTS:

A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

B Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.

Tentative plans for major partitions and subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

C. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:

1. Name and block numbering of proposed subdivision. Except for the words, "tow", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.

2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.

3. The names and addresses of the owner and engineer or surveyor.

4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.

5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.

6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.

7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

8. The approximate grades and radii of curves of proposed streets.

9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.

10. The approximate radii of all curves

11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.

12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.

13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.

14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.

15. All proposals for sewage disposal, flood control and easements or deeds for drainage facility including profiles of proposed drainage ways.

16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.

17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.

18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.

19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.

11-3-3: REVIEW OF TENTATIVE MAJOR PARTITION OR SUBDIVISION: Within five (5) working days after the major partition or subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the major partition or subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested. (Amd. Ord 30, Series 1990).

11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION: After giving notice as required by ~~subparagraph 10-1-1-5-B-1~~FCC 10-1-1-6~~ of this Code~~, the Planning Commission or its designee shall grant approval or deny the major partition tentative plan. The hearing decision and further consideration of a similar application shall be governed ~~by paragraphs 10-1-1-5-D and E of this Code~~by FCC 10-1-1-6. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Commission within forty five (45)

days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.

B. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

11-3-5: ACKNOWLEDGING TENTATIVE PLAN DECISIONS: Notice of the Planning Commission's decision shall be given as provided in ~~paragraph 10-1-1-5-F of this Code~~FCC 10-1-1-6. Approval of a tentative plan for a major partition or subdivision shall be noted thereon by the chairman of the Planning Commission with the effective date of said approval. Unless appealed, a copy of the tentative plan as approved and so noted thereon shall be furnished the applicant following the effective date of approval. Where the Planning Commission has appointed a designee to take action on a major partition, the action may be evidenced by the signature of said designee. (Amd. Ord 30, Series 1990).

11-3-6: TENTATIVE PLAN, EFFECTIVE DATE: Unless appealed, the Planning Commission decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for two years within which time the application and major partition map or application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Commission for two (2) extensions of twelve (12) months each. A decision to extend the approval shall be based on compliance with the following criteria:

A. The request for an extension is made in writing prior to expiration of the original approval;
B. There are special or unusual circumstances that exist which warrant an extension; and
C. No material changes of surrounding land uses or zoning has occurred.

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist. (Amd. Ord 30, Series 1990). (Amd. Ord. 12, Series 1999).

11-3-7: TENTATIVE PLAN, APPEAL OF DECISIONS: The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-~~6~~ 7 of this Code. (Amd. Ord 30, Series 1990).

Amended by Ord. 30, Series 1990
Amended by Ord. 12, Series 1999
Sections 11-3-2 and 11-3-6 Amended by Ord. No. 9, Series 2009
Section 11-3-2-C-15 Amended by Ord. No. 18, Series 2011 (effective 9-19-11)
Sections 11-3-4, 11-3-5, and 11-3-7 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)