

**CITY OF FLORENCE  
ORDINANCE NO. 7, SERIES 2019**

**AN ORDINANCE ADOPTING LEGISLATIVE AMENDMENTS TO THE FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN, FLORENCE ZONING MAP LEGEND, AND FLORENCE CITY CODE TITLES 10 AND 11, TO REVISE RESIDENTIAL DEVELOPMENT STANDARDS AND PROCESSES AND AMEND LAND DIVISION PROCESSES.**

RECITALS:

1. City Council via their 2019/2021 City of Florence Work Plan, Priority 1, Objective 1, Tasks 1 through 7 tasked amendments to the governing documents related to residential code and land use.
2. After completing Tasks 1-6, Planning Commission initiated on October 9, 2019, legislative amendments to Florence City Code Titles 10 & 11, Florence Realization Comprehensive Plan and Zoning Map legend. notice of the proposed amendments was sent on October 14, 2019 to the Department of Land Conservation and Development, 35 days prior to the first evidentiary hearing.
3. On November 2 & 6, 2019, notice of hearing was published in the Siuslaw News prior to the Planning Commission and City Council hearing of November 18, 2018.
4. Planning Commission opened their public hearing November 18, 2019 and deliberated to a decision for a recommendation to the City Council.
5. City Council conducted a public hearing on November 18, 2019 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. Florence Realization 2020 Comprehensive Plan, Chapter 2, Florence Zoning Map legend, Titles 10 and 11 as explained in Exhibit A, and shown in Exhibits B through Y, and initiated through Planning Commission.
2. This ordinance shall become effective thirty days following adoption. (December 18, 2019).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 18<sup>th</sup> day of November 2019.

Second Reading on the 18<sup>th</sup> day of November 2019.

This Ordinance is passed and adopted on the 18<sup>th</sup> day of November 2019.

AYES	5	Councilors Woodbury, Preisler, Greene, Lucio and Mayor Henry
NAYS	0	
ABSTAIN	0	
ABSENT	0	

  
\_\_\_\_\_  
Joe Henry, Mayor

Attest:

  
\_\_\_\_\_  
Kelli Weese, City Recorder

**CITY COUNCIL FINDINGS  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT**

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**Public Hearing Date:** November 18, 2019  
**File:** CC 19 03 TA 01

**I. PROPOSAL DESCRIPTION**

The proposal amends the Florence City Code (FCC) and elements of the Florence Realization 2020 Comprehensive Plan by revising standards related to housing to support further housing development in line with the City's needs and goals, by expanding residential development opportunities and removing barriers to development. The code amendments generally expand permitted residential uses across zones to expand the mix and density of housing, while removing or amending development standards for those housing types, to provide or enhance a clear and objective approval for residential projects.

The City's 2017 Housing Needs Analysis (HNA) identified a need for more housing to serve all income levels, with greater variety of options beyond traditional single-family detached homes, including townhouses and apartments. The proposed code amendments will help to implement the HNA and Comprehensive Plan goals related to housing, consistent with state law that requires a "clear and objective" review path for all types of housing<sup>1</sup> that does not cause "unreasonable cost or delay" to increase the feasibility and certainty surrounding residential development. (ORS 197.307)

The overarching goal for the code amendments is to remove regulatory barriers to the development of a wide variety of housing types in compliance with both the letter and the spirit of Oregon's clear and objective requirements, to better meet the City's identified needs for housing. The proposed changes to Florence City Code Titles 10 and 11, Florence Realization 2020 Comprehensive Plan and the Florence Zoning Map legend are summarized as follows:

- 1. Revise comprehensive plan residential designations and references.** Changes in Chapter 2 adjust descriptions of residential plan designations to address desired housing types and densities within each designation, and identify the implementing zoning district. Supporting changes throughout Chapter 2 revise references to the residential designations and encompass the expanded range of housing types.
- 2. Rename and consolidate zoning districts.** Changes to FCC 10-10 will rename

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<sup>1</sup> State law requires clear and objective standards for all "needed housing," which implies a certain subset of residential development, however, recent changes to the definition of "needed housing" expand the term to cover all residential development in residential, commercial and mixed-use zones. (ORS 197.303)

existing districts and consolidate standards for all residential zoning districts into one chapter, allowing deleting of FCC 10-11, 10-12, and 10-13. The Florence Zoning Map legend is amended to reflect the renamed zoning districts.

3. **Expand the allowed housing types in residential and mixed-use zones.** New housing types and more housing types across all residential zones are proposed in FCC Table 10-10-2-A. Additional residential opportunities are proposed in the Commercial, Highway, Old Town, and North Commercial zones in FCC 10-15, 10-16, 10-17 and 10-30.
4. **Implement new density range for high density residential areas.** A minimum density of 12 and maximum of 25 units per acre is proposed for the HDR (formerly RM) zone; there were previously no explicit density standards.
5. **Align dimensional and design standards with desired housing types.** Proposed FCC 10-10 revises dimensional standards refined by zone and housing type, see FCC Tables 10-10-4-A, B, C, and D, along with new design standards specific to residential types in FCC 10-10-6 through 10-10-11.
6. **Update subdivision and PUD standards.** Revisions to FCC 10-23 and Title 11 add options for phased development of PUDs and subdivisions, and permit Type II review of subdivision and partition tentative plan applications.
7. **Simplify site review requirements for residential projects.** Changes to FCC 10-6 introduce a Type II review path for residential projects and revisions to applicable review criteria to provide a clear and objective review option for residential development.
8. **Clarify parking requirements.** Changes to FCC 10-3 implements parking minimums for all new residential uses consistent with existing standards and reduces the number of covered parking spaces for single family, duplex and duet housing; no reductions to minimum parking spaces are proposed.
9. **Related changes.** FCC 10-2-13 (new residential terms and delete or revise existing terms), FCC 10-4 (RV occupancies at places of worship, construction sites and for medical hardship), and FCC 10-5 (new Type II adjustment review option).

## II. NOTICE AND REFERRALS

### 1. Notice:

The notice of a public hearing was published in the Siuslaw News on November 2 and November 6, 2019, as required by state law and the Florence City Code.

Notice of the proposed City Code Amendments was sent to the Department of Land, Conservation and Development (DLCD) on October 14, 2019, not less than 35 days prior to the proposed first evidentiary hearing of November 18, 2019, as required by State law and the Florence City Code.

Notice was also sent to property owners potentially affected by the implementation of a new maximum density standard in the High Density Residential zone and properties plan designated High Density on October 29, 2019, as required by State law and the Florence City Code.

### **III. APPLICABLE CRITERIA**

- 1. Florence City Code (FCC) Title 10: Zoning Regulations**
  - Chapter 1: Zoning Administration, Section 10-1-3 Amendments and Changes, Section C Legislative Changes
  - Chapter 1: Zoning Administration, Section 10-1-6-4 Type IV Procedure (Legislative)
  
- 2. Florence Realization 2020 Comprehensive Plan**
  - Plan Adoption, Amendments, Review and Implementation
  - Chapter 1 Citizen Involvement
  - Chapter 2 Land Use
  - Chapter 8 Parks, Recreation and Open Space
  - Chapter 10 Housing Opportunities
  - Chapter 11 Utilities and Facilities
  - Chapter 12 Transportation
  - Chapter 13 Energy Facilities and Conservation
  
- 3. Oregon Land Use Planning Goals**
  - Goal 10 Housing
  
- 4. Oregon Revised Statutes (ORS)**
  - ORS 197.303
  - ORS 197.307
  - ORS 197.480
  - ORS 197.485(1)
  - ORS 197.610(1) – (6)
  - ORS 227.186
  
- 5. Oregon Administrative Rules (OAR)**
  - OAR 660-008-0015
  - OAR 660-012-0060
  - OAR 660-018-0020
  - OAR 660-015-000

## IV. FINDINGS

### Florence City Code (FCC)

#### Title 10 Zoning Regulations, Chapter 1 Zoning Administration

#### FCC 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.**

#### Section C Legislative Changes

1. **Initiation: A legislative change in zoning district boundaries, in the text of this Title, 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.**

**Finding:** This legislative change was initiated by a resolution of the Florence Planning Commission, Resolution PC 19 19 TA 01, adopted by the Planning Commission on October 8, 2019. The resolution noted work by itself and the City Council to update the city zoning code to implement the Florence Realization 2020 Comprehensive Plan and City Work Plans to address housing needs.

2. **Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.**

**Finding:** Notification of the combined Planning Commission and City Council public hearing for this application was published in the Siuslaw News on November 2 and November 6, 2019. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

### Realization 2020, Florence Comprehensive Plan

#### Plan Adoption, Amendments, Review and Implementation

**Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)**

**Finding:** The proposed amendments to the City comprehensive plan and devel-

opment code refine the Plan proposals and better support residential development consistent with the Plan and the adopted Housing Needs Analysis (2018). The proposed Plan and code amendments are internally consistent. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

## **Chapter 1: Citizen Involvement**

**Citizen Involvement Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.**

### **Policies**

- 2. A Citizen Advisory Committee, appointed by the City Council, shall serve in an advisory capacity to the Florence Planning Commission to assure the broadest input during periodic review and post acknowledgment Plan and zoning amendments.** [SEP](pg. I-1)

**Finding:** This policy is met. The City Council appointed the Housing and Economic Advisory Committee to advise on development of the previous Comprehensive Plan amendment in 2018, including a revised Housing Needs Analysis, and they directed the Community & Economic Development Committee (CEDC) work on the proposed Plan and zoning amendments proposed herein. The CEDC met three times during the development of the proposed amendments.

- 3. The City Council shall ensure that a cross-section of Florence citizens is involved in the planning process, primarily through their appointments to the Planning Commission, Design Review Board, Citizen Advisory Committee and other special committees.** [SEP](pg. I-1)

**Finding:** This policy is met. The City Council appointed a cross-section of Florence citizens to serve on the CEDC, including representatives of the banking, development, education, utility provider, health, young adult, and retirement communities.

- 4. Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.** (pg. I-1)

**Finding:** This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the newspaper prior to public hearing before the Planning Commission and City Council, as required by state law. Notice was published in the Siuslaw News on November 2 and 6, 2019. Staff also updated the City's website to state when City meetings are scheduled. Materials for City Council meetings are posted on the website prior to the meeting. The

agendas are also posted in City Hall.

- 5. Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public. (pg. I-1)**

**Finding:** The proposal for these actions is consistent with this policy because minutes of all meetings are kept at City Hall, posted on the City's website, and made available on request to the public.

- 6. Planning documents and background data shall be available to interested citizens. (pg. I-1)**

**Finding:** The proposal for these actions is consistent with this policy because the Resolution, Ordinance, Findings of Fact, staff report and proposed amendments were available prior to the public hearing. The documents were available to view at the Planning Department or online on the City's website.

## **Chapter 2: Land Use Policies**

- 3. The quality of residential, commercial and industrial areas within the City shall be assured through the enforcement of City zoning, design review, applicable conditions of development approval, parking and sign ordinances, and the enforcement of building, fire, plumbing and electrical codes. (pg. II-1)**

**Finding:** The proposal for these actions is consistent with this policy because the proposed code standards:

- Include zoning standards addressing quality of residential development, including new development standards for attached housing (FCC 10-10-7), cluster housing (FCC 10-10-8), multifamily dwellings (10-10-9) and revisions to individual manufactured home (FCC 10-10-10) and manufactured home park (FCC 10-10-11) standards.
- Require design review of more intensive forms of residential development beyond single-family detached and duplex dwellings, through a Type II design review process (FCC 10-6-3-B).
- Continue to enforce parking standards in FCC 10-3.

- 7. The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports. (pg. II-2)**

**Finding:** The proposal for these actions is consistent with this policy because subdivision and design review applications must address infrastructure in the following criteria:



- Proposed design review criteria FCC 10-6-5-2-K for residential development requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Subdivision tentative plan review criteria FCC 11-3-4-C requires that adequate public facilities be available to serve proposed subdivision and FCC 11-5-3 requires all utilities to comply with applicable development standards in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-4-A and -B requires new development to address sanitary sewers, water and stormwater systems based on plans approved by the City that are consistent with applicable construction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as wells FCC Title 9, Chapters 2, 3 and 5.

## **Residential**

### **Policies**

1. **The City shall encourage the use of residential planned unit development subdivisions and may trade off some conventional zoning requirements and density limitations in order to achieve:**
  - **high quality, innovative residential lot and building design,** [L] [SEP]
  - **incorporation of unique land forms into the final subdivision design,** [L] [SEP]
  - **significant open space,** [L] [SEP]
  - **on-site amenities reflecting the value for both active and passive recreational facilities,** [L] [SEP]
  - **natural resource protection, where identified as part of a preliminary site investigation report,** [L] [SEP]
  - **a mix of dwelling unit types and densities, and a mix of residential, commercial, [L] [SEP] and recreational uses, where appropriate.** [L] [SEP](pg. II-4)

**Finding:** The proposal for these actions is consistent with this policy because PUD standards in FCC 10-23 make the PUD process more flexible by adding phasing provisions (FCC 10-23-15), outlines expectations for enhanced public benefits through a PUD (FCC 10-23-5-H), promote mix of unit types and densities (FCC 10-23-5-G), and enhance standards for required active and passive recreational facilities while maintaining existing 20% open space requirement (FCC 10-23-5-E).

2. **The City shall initiate an evaluation of its residential ordinances following adoption and acknowledgment of this Plan with respect to increasing residential densities through the use of smaller lot sizes, encouraging cluster developments, and providing developers with density bonus options based on public benefit criteria.** [L] [SEP](pg. II-4)

**Finding:** The proposal for these actions is consistent with this policy be-

cause it adopts smaller lot sizes in all residential zones (FCC Table 10-10-4-B), including smaller lot sizes in the HDR zone as small as 2,000 square feet relative to current 5,000 square foot standard. Proposed code also permits cluster housing in the MDR, RMH, and HDR zones with implementing standards (FCC Table 10-10-2-A and 10-10-8) and allows higher densities relative to base zones through the PUD process provided public benefits such as high quality design, additional open space, variety of residential types, and mix of uses are provided (FCC 10-23-5-H).

3. **Where conventional subdivision techniques are employed for a residential development, no more than the base level of density under the applicable zoning district shall be considered available.** [L] [SEP] (pg. II-4)

**Finding:** The proposal for these actions is consistent with this policy because the subdivision standards require compliance with the base zone density standards, including minimum lot sizes (FCC 11-3-4-B).

5. **Residential developers shall, in order to obtain planned unit development approval, to provide recreational area as a percentage of the required open space consistent with the amount indicated in Florence City Code. The recreation area shall satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan.** [L] [SEP] (pg. II-4)

**Finding:** The proposal for these actions is consistent with this policy because the PUD standards continue to require 20% open space dedication with PUDs (FCC 10-23-5-E). Proposed revisions add greater clarity about how open space facilities must facilitate active or passive recreation activities. The proposal also allows a fee-in-lieu option for up to half of the required open space dedication, with fees being used to improve unimproved parkland planned for development consistent with the Florence Parks and Recreation Master Plan.

6. **New multi-family developments with four or more dwelling units on a single lot shall contribute recreation area appropriate to the needs of intended occupants as determined in the standards set out in the Florence Parks and Recreation Master Plan and Florence City Code.** (pg. II-5) [L] [SEP]

**Finding:** The proposal for these actions is consistent with this policy because residential developments with four or more units are required to provide open space. Multifamily standards in residential zones require a minimum of 100 square feet of open space per unit (FCC 10-10-9-B-3), and other types of residential development with four or more units also require open space including townhouses in FCC 10-10-7-C-3 and cluster housing in 10-10-8-C-4. Residential development with four or more units in other zones is also required to provide 100 square feet of open space

per unit in the Commercial zone (FCC 10-15-5-H), Highway zone (FCC-10-16-7-N), Old Town zone (FCC 10-17B-3-E and 10-17C-3-E), and North Commercial zone (FCC 10-30-5-N).

- 7. Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards.** [§§](pg. II-5)[§§]

**Finding:** The proposal for these actions is consistent with this policy because residential uses in Commercial and Old Town districts are shielded away from areas with high traffic, noise or other nuisance levels. Residential uses in the Commercial zone (FCC 10-15), Highway zone (FCC-10-16), Old Town zone (FCC 10-17), and North Commercial zone (FCC 10-30) are required to be set back 25 feet from the street.

- 9. The use of upper levels of commercial structures for residential living shall be encouraged where such a mix will add to the overall vitality of the immediate area.** [§§](pg. II-5)[§§]

**Finding:** The proposal for these actions is consistent with this policy because upper story residential uses are permitted in the Commercial zone (FCC 10-15), Highway zone (FCC-10-16), Old Town zone (FCC 10-17), and North Commercial zone (FCC 10-30). While these uses were already permitted conditionally, the proposed revisions make upper story residential uses permitted in the Old Town, Mainstreet, Commercial, Highway and North Commercial zones subject to a Type II site design review (FCC 10-6-3-B-1).

- 8.2 An adequate supply and mix of housing types (single family, duplex, multiple family) shall be maintained throughout the 20-year planning period for all projected ages and income levels.** [§§](pg. II-5)[§§]

**Finding:** The proposal for these actions is consistent with this policy because it provides for housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing, across existing zoning districts (FCC Table 10-10-2-A). While there are no proposed changes to the mapped designations or the extent of the district, the proposed change support greater flexibility to build more variety of units across more of the existing

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<sup>2</sup> Sic; duplicative numbering is used in this policy section.

zones.

- 9.2 **The City shall permit a manufactured home to be located in any residential area in accordance with Oregon law, the provisions of the City's zoning code and applicable building and specialty codes.**

(pg. II-5)

**Finding:** The proposal for these actions is consistent with this policy because individual manufactured homes are permitted under the same terms as single-family detached homes in all residential zones, permitted outright in the LDR, MDR and RMH zones and conditionally in the HDR zone (FCC Table 10-10-2-A). Manufactured homes outside of manufactured home parks are subject to standards in FCC 10-10-10, which regulates homes consistent with standards in ORS 197.307(8).

10. **Single family residential uses (including manufactured homes) shall be located in low and medium density residential areas, and shall be discouraged from high density residential areas to protect that land for the intended uses.**

(pg. II-5)

**Finding:** The proposal for these actions is consistent with this policy because single-family residential uses and manufactured homes are permitted outright in the LDR, MDR and RMH zones, but require conditional review in the HDR zone (FCC Table 10-10-2-A). Further, all residential uses including single-family uses in the HDR zone will be required to meet a minimum density standard of 12 units per acre (FCC 10-10-4-E), ensuring higher density projects that implement the purpose of the high density residential areas.

## Residential Plan Designation Categories and Background

**Low Density Residential:** The Low Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 9,000 square feet or larger and newly platted lots are 7,500 sq. ft., and for areas where environmental constraints preclude smaller lots. The corresponding zoning district is **Restricted Low Density Residential**. This designation provides primarily for single family homes and for manufactured homes meeting certain minimum standards. (pg. II-7)

**Finding:** The proposal for these actions is consistent with this portion of the comprehensive plan because the proposed revisions establishes the direction for low density residential designation that is then implemented by the proposed LDR zone standards (FCC 10-10) including corresponding minimum lot sizes and use standards.

**Medium Density Residential:** The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and 10,000-3,000 square feet, depending on the development

type (Quadplex and single family attached, respectively), for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is ~~Single-Family Residential Medium Density~~. Single family homes, ~~and~~ manufactured homes meeting certain minimum standards, ~~and duplexes~~ are allowed. ~~Tri and quad-plexes, and cluster housing Duplexes~~ are allowed with a conditional use. (pg. II-7)<sup>[1][2][3]</sup><sub>[SEP]</sub>

**Finding:** The proposal for these actions is consistent with this portion of the comprehensive plan because the proposed revisions establishes the direction for medium density residential designation that is then implemented by the proposed MDR zone standards (FCC 10-10) including corresponding minimum lot sizes and use standards.

**High Density Residential:** The High Density Residential designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment of areas close to parks, schools and shopping. Existing lot sizes are, ~~or would be,~~ less than 5,000 square feet per unit with new development at 12 to 25 units per acre net density. The applicable zoning district is ~~Multi-family High Density~~. (pg. II-7)<sup>[1][2][3]</sup><sub>[SEP]</sub>

**Finding:** The proposal for these actions is consistent with this portion of the comprehensive plan because the proposed revisions establishes the direction for high density residential designation that is then implemented by the proposed HDR zone standards (FCC 10-10) including corresponding minimum lot sizes, minimum and maximum density standards, and use standards.

**Heceta Beach Neighborhood Cluster:** The implementing zoning districts are ~~Multi-family High Density~~ along Highway 101 and ~~Single-family Medium Density~~. Residential lands designated on the Comprehensive Plan Map within the Heceta Beach Neighborhood Cluster will be available for the development of a mix of housing units at densities not exceeding 3,000 ~~6,000~~ square feet per unit. Housing developments may include a mix of duplexes, triplexes, ~~quadplexes~~, townhouses, ~~cluster housing~~ and multi-family units, as well as single family units, with a mix of owned and rented units. (pg. II-8)<sup>[1][2][3]</sup><sub>[SEP]</sub>

**Finding:** The proposal for these actions is consistent with this portion of the comprehensive plan because the proposed revisions reflect proposed revisions to the Medium and High Density Residential zones as directed by the corresponding plan designations herein. The proposed average density of 3,000 square feet per unit reflects a mix of the proposed minimum lot sizes and density standards for the Medium and High Density Residential designations, which range from 1,742 square feet per unit for High Density up to 2,500 to 5,000 square feet for Medium Density depending on unit type.

## **Commercial**

## Policies

- 3. The City shall promote the efficient use of available lands designated for the establishment of commercial uses.** [§§](pg. II-9)[§§]

**Finding:** The proposal for these actions is consistent with this policy because it does not change the extent or location of lands designated for commercial uses. Residential uses continue to be permitted, outright rather than conditionally, in the Commercial zone (FCC 10-15), Highway zone (FCC-10-16), Old Town zone (FCC 10-17), and North Commercial zone (FCC 10-30), but must be setback 25 feet from the street to promote highly visible commercial uses along the primary façade.

- 10. Within the Old Town area, commercial redevelopment or infill shall encourage compatibility with the character of the surrounding area, including architectural characteristics, the unique physical nature of the Old Town area, and views of the Siuslaw River, and shall not adversely impact the development potential of adjoining properties.**

[§§](pg. II-10)[§§]

**Finding:** The proposal for these actions is consistent with this policy because any residential or mixed-use projects within the Old Town area will be required to comply with design standards applicable to residential development (FCC 10-6-6-3-C, 10-6-6-4, 10-6-6-5) that are also applied to commercial development, to support compatibility.

## Chapter 8: Parks and Recreation

### Policies

- 2. To improve human health and well being by providing opportunities for people to exercise and interact.** [§§§§](pg. VIII-1)

**Finding:** The proposal for these actions is consistent with this policy because proposed residential standards will require open space to be integrated into new developments that provides active and passive recreation opportunities. Multifamily standards in residential zones require a minimum of 100 square feet of open space per unit (FCC 10-10-9-B-3), as well as townhouses in FCC 10-10-7-C-3 and cluster housing in 10-10-8-C-4. Residential development with four or more units in other zones is also required to provide 100 square feet of open space per unit in the Commercial zone (FCC 10-15-5-H), Highway zone (FCC-10-16-7-N), Old Town zone (FCC 10-17B-3-E and 10-17C-3-E), and North Commercial zone (FCC 10-30-5-N). PUDs are required to provide 20% of the site area for open space including recreational activities (FCC 10-23-5-E). These standards will ensure that residential development provides recreational opportunities that supports human health and well being.

- 5. To increase the level of service of parks and recreation amenities.**

{SEP}(pg. VIII-1)

**Finding:** The proposal for these actions is consistent with this policy because they strengthen existing requirements for PUDs to provide 20% of the site area for open space including recreational activities including 25% of that for recreation area to satisfy recreational needs identified in the Florence Parks and Recreation Master Plan (FCC 10-23-5-E). The proposed amendments also provide a new fee-in-lieu option for PUD developers to contribute funds to support development of undeveloped public parkland (FCC 10-23-5-E-5), which will support improvements to parks and recreation amenities.

## **Chapter 10, Housing Opportunities**

7. **Periodically review development code regulations and the zoning map to ensure they encourage a variety of housing types, such as accessory dwelling units, tiny houses, big houses, senior housing, manufactured homes, etc.** {SEP}(pg. X-2)

**Finding:** The proposal for these actions is consistent with this policy because the proposal was developed around the core goal of expanding residential development opportunities, including expanding the variety of housing types permitted and encouraging their construction through clear and objective standards tailored to each housing type. In particular, the proposal includes new provisions for townhouses, duets, triplexes, quadplexes and cluster housing, and revises existing standards for single-family detached, ADUs, duplexes, manufactured homes in and out of a manufactured home park, and residential care facilities/nursing homes (FCC 10-10, including Table 10-10-2-A). Proposed standards encourage development of these varied types through application of smaller minimum lot sizes per unit for many of the proposed types, and yard setbacks consistent with development characteristics, such as 0-foot side yard setbacks for townhouses (FCC Table 10-10-4-B, Table 10-10-4-D).

10. **Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the acknowledge Housing Needs Analysis.** {SEP}(pg. X-2)

**Finding:** The proposal for these actions is consistent with this policy because the proposed regulations support the mix of housing types identified in the 2017 Housing Needs Analysis (HNA). The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing, across existing zoning districts (FCC Table 10-10-2-A). While there are no proposed changes to the mapped designations or zoning districts, the proposed change support greater flexibility to build more variety of units

across more of the existing zones.

13. **The City shall update codes to support and recognize workforce housing, mobile homes, manufactured housing and multifamily dwellings as an important part of the overall housing stock, if well situated.** [REDACTED] (pg. X-2)

**Finding:** The proposal for these actions is consistent with this policy because it supports a range of housing types suitable for workforce housing including townhouses, cluster housing mobile and manufactured homes in and out of manufactured home parks, and multifamily residential across all residential zones with a primary focus in the MDR, RMH and HDR zones (FCC Table 10-10-2-A). Cluster housing and townhouses can be developed in the MDR and RMH zones at higher densities relative to single-family detached dwellings, which will help them meet the need for workforce housing (FCC 10-10-4-B and 10-10-8-C-3). Standards for multifamily dwellings (FCC 10-10-9), individual manufactured homes (FCC 10-10-10), and manufactured home parks (FCC 10-10-11) support development through clear and objective development standards. Proposed density standards for development in the HDR zone, including multifamily development, will permit development between 12 to 25 units per acre (FCC 10-10-4-E). The new minimum density standard will ensure efficient use of HDR land and encourage development of smaller units as alternatives to single-family detached dwellings. The new maximum density standard will support development within an expanded building envelope, including expanded provisions for up to 35 feet in height (relative to 28 feet) and 75% building coverage (relative to 50%), to support more practical options to build higher-density development.

## **Chapter 11: Utilities and Facilities**

### **Stormwater Management**

#### **Policies**

4. **Include measures in local land development regulations that minimize the amount of impervious surface in new development in a manner that reduces stormwater pollution, reduces the negative affects from increases in runoff, and is compatible with Comprehensive Plan policies.** (pg. XI-7)

**Finding:** The proposal for these actions is consistent with these policies because the proposed residential standards include limitations on impervious surface ranging from 75 to 85% maximum impervious surface coverage in the residential zones (FCC 10-10-4-C). No changes are proposed to impervious surface coverage standards in other zones. All future residential development in the residential zones must comply with the adopted Stormwater Design Manual (2011) to minimize stormwater runoff and pollution.



## Chapter 12: Transportation

### Policies

8. **The City shall protect the function of existing and planned transportation systems as identified in the TSP through application of appropriate land use and access management techniques.**
- **Pursuant to the State Transportation Planning rule, any land use decisions which significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, level of service of the facility. (pg. XII-3)**

**Finding:** The proposal for these actions is consistent with this policy because the amendments are not tied to any one development application and do not affect the functional classification of any street. These amendments do not change allowable uses or change regulations in ways anticipated to result in the generation of additional vehicle trips compared to estimated traffic generation in the adopted Transportation System Plan (TSP); therefore, the amendments will have no measurable impacts on the amount of traffic on the existing transportation system. Because of this, the proposed amendments do not cause a “significant effect” under OAR 660-012-0060.

9. **Land development shall not encroach within setbacks required for future expansion of transportation facilities. At the time of land development or land division, the City shall require dedication of adequate right-of-way or easements consistent with the adopted TSP in order to achieve connectivity; maintain adequate street widths, bikeways and walk- ways; and to accommodate transit facilities.**
- **New development and redevelopment shall accommodate on-site traffic circulation on the site. For new development and redevelopment, “backing out” maneuvers onto all streets shall be avoided for uses other than single-family and duplex homes. “Backing out” maneuvers shall also be avoided for new single-family and duplexes accessing arterial and collector streets. (pg. XII-3)**

**Finding:** The proposal for these actions is consistent with this policy because existing standards prohibiting backing onto to the street will continue to apply to residential development, except from single family, duet and duplex dwellings (FCC 10-3-8-1). Backing out is also prohibited, except for single family and duplexes, in existing FCC 10-35-2-7-C.

10. **Access to and from off-street parking areas shall be designed to prevent backing onto a public street (other than an alley), except for single-family duplex dwellings are exempt. (pg. XII-3)**

**Finding:** The proposal for these actions is consistent with this policy because existing standards prohibiting backing onto to the street will contin-

ue to apply to residential development, except from single family, duet and duplex dwellings (FCC 10-3-8-l). Further, proposed standards encourage use of rear alleys or shared driveways for townhouses rather than backing onto a public street (FCC 10-3-8-A).

- 26. On-site parking for motor vehicles and bicycles is required except in Downtown Districts where some motor vehicle parking can be provided on the street. (pg. XII-5)**

**Finding:** The proposal for these actions is consistent with this policy because on-site parking will be required for all proposed residential uses (FCC Table 10-3-4-A).

- 27. Bicycle parking facilities shall be provided as part of new development at places of employment, businesses, multi-family residential developments and at public buildings. (pg. XII-5)**

**Finding:** The proposal for these actions is consistent with this policy because long-term bicycle parking continues to be required for all residential uses with three or more units, including triplexes, quadplexes and multi-family (FCC 10-3-8-B-4 and 10-3-10-C).

### **Chapter 13: Energy Facilities and Conservation**

#### **Policies**

- 3. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements. (pg. XIII-1)**

**Finding:** The proposal for these actions is consistent with this policy because the proposed housing types generally encourage smaller dwelling units on smaller lots (e.g. FCC 10-10-4-B, minimum lot sizes, and FCC 10-10-8, cluster housing with maximum average 1,200-square-foot dwelling size), increasing energy conservation by reducing building materials and ongoing heating and cooling costs.

#### **Oregon Revised Statutes (ORS)**

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCDD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

#### **ORS 197.303: "Needed housing" defined.**

**(1) As used in ORS 197.307 (Effect of need for certain housing in urban growth areas), "needed housing" means all housing on land zoned for res-**

idential use or mixed residential and commercial use that is determined to meet the need shown for housing within an urban growth boundary at price ranges and rent levels that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. "Needed housing" includes the following housing types:

- (a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
- (b) Government assisted housing;
- (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 (Policy) to 197.490 (Restriction on establishment of park);
- (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and
- (e) Housing for farmworkers.

**Finding:** The proposal is consistent with this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed amendments meet and exceed the requirement for various needed housing types, by providing for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the MDR, RMH and HDR zones, manufactured home parks in the RMH zone, and multiple-family housing in the HDR zone as well as part of mixed-use development in the C, H, OT and NC commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, duets, triplexes, quadplexes, and cluster housing in appropriate residential zones. (See FCC Table 10-10-2-A.)

**ORS 197.307: Effect of need for certain housing in urban growth areas.**

**(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.**

**Finding:** The proposal is consistent with subsection (3) of this statute because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within the Florence UGB. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed amendments provide for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the

MDR, RMH and HDR zones, manufactured home parks in the RMH zone, and multiple-family housing in the HDR zone as well as part of mixed-use development in the C, H, OT and NC commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, duets, triplexes, quadplexes, and cluster housing in appropriate residential zones. (See FCC Table 10-10-2-A.)

**(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing. The standards, conditions and procedures:**

**(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.**

**(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.**

**(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

**(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;**

**(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and**

**(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.**

**(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:**

**(a) Set approval standards under which a particular housing type is permitted outright;**

**(b) Impose special conditions upon approval of a specific development proposal; or**

**(c) Establish approval procedures.**

**Finding:** The proposal is consistent with subsections (4), (6) and (7) of this statute because it includes options for both clear and objective review standards and discretionary standards for projects at higher densities. Title 11 provides for a clear and objective partition or subdivision process, with the optional, discretionary Planned Unit Development process for projects seeking higher densities or other modifications to the base zoning standards (FCC 10-23). Development standards for residential development in all residential zones are specified in FCC 10-10, including clear and objective standards for uses, minimum lot dimensions, minimum lot area, lot coverage, yard regulations and setbacks, density, height, and site development. Residential uses in residential and commercial

zones are permitted outright or through a Type II site design review process, against limited residential review standards (FCC 10-6-3-B). Specific approval standards for particular housing types that are clear and objective are established for townhouses (FCC 10-10-7), cluster housing (FCC 10-10-8), multifamily dwellings (FCC 10-10-9), individual manufactured homes (FCC 10-10-10), and mobile home/manufactured home parks (FCC 10-10-11).

**(8) In accordance with subsection (4) of this section and ORS 197.314 (Required siting of manufactured homes), a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:**

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

**(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.**

**(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.**

**(d) 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 or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.**

**(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010 (Definitions for ORS chapter 455).**

**(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.**

**(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.**

**Finding:** The proposal is consistent with subsection (8) of this statute because it includes placement standards for individual manufactured homes in FCC 10-10-10 that are the same as or less restrictive than the standards in statute.

**ORS 197.480: Planning for parks; procedures; inventory.**

**(1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured**

dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

**Finding:** The proposal is consistent with this statute because it permits manufactured home parks within lands designated for mobile home and manufactured home parks and simplifies required land use review by making such parks permitted subject to Type II site plan review rather than conditional use review (FCC 10-10-2-A). This proposal does not affect the inventory or need for mobile home or manufactured dwelling parks, which was completed with the 2017 HNA and found adequate acreage within the lands designated for Residential Mobile Home District in the city and UGB to accommodate the projected demand for manufactured housing.

#### **ORS 197.485: Prohibitions on restrictions of manufactured dwelling**

(1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

**Finding:** The proposal is consistent with this statute because there are no restrictions in the proposed mobile home/manufactured home park standards restricting placement of a dwelling based on age (FCC 10-10-11). Both mobile homes, constructed prior to June 15, 1976, and manufactured homes, constructed after that date, are permitted (as defined in FCC 10-2-13).

**ORS 197.610: Submission of proposed comprehensive plan or land use regulation changes to Department of Land Conservation and Development; rules.**

**(1) Before a local government adopts a change, including additions and deletions, to an acknowledged comprehensive plan or a land use regulation, the local government shall submit the proposed change to the Director of the Department of Land Conservation and Development. The Land Conservation and Development Commission shall specify, by rule, the deadline for submitting proposed changes, but in all cases the proposed change must be submitted at least 20 days before the local government holds the first evidentiary hearing on adoption of the proposed change. The commission may not require a local government to submit the proposed change more than 35 days before the first evidentiary hearing.**

**(2) If a local government determines that emergency circumstances beyond the control of the local government require expedited review, the local government shall submit the proposed changes as soon as practicable, but may submit the proposed changes after the applicable deadline.**

**(3) Submission of the proposed change must include all of the following materials:**

**(a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;**

**(b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;**

**(c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;**

**(d) The date set for the first evidentiary hearing;**

**(e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and**

**(f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.**

**(4) The director shall cause notice of the proposed change to the acknowledged comprehensive plan or the land use regulation to be provided to:**

**(a) Persons that have requested notice of changes to the acknowledged comprehensive plan of the particular local government, using electronic mail, electronic bulletin board, electronic mailing list server or similar electronic method; and**

**(b) Persons that are generally interested in changes to acknowledged comprehensive plans, by posting notices periodically on a public website using the Internet or a similar electronic method.**

**Finding:** The proposal is consistent with this statute because notice to DLCD

was sent on October 14, 2019 at least 35 days prior to the November 18, 2019 (first) joint public hearing and the notice contained the information required in this statute. The notice of proposed change was circulated widely within the city consistent with subsection (4), as detailed in response to Comprehensive Plan Goal 1. (See pg 5.)

**ORS 227.186: Notice to property owners of hearing on certain zone change**

**(4) At least 20 days but not more than 40 days before the date of the first hearing on an ordinance that proposes to rezone property, a city shall cause a written individual notice of a land use change to be mailed to the owner of each lot or parcel of property that the ordinance proposes to rezone.**

**(5) An additional individual notice of land use change required by subsection (3) or (4) of this section shall be approved by the city and shall describe in detail how the proposed ordinance would affect the use of the property. The notice shall: [...*details of required notice format*...]**

**(9) For purposes of this section, property is rezoned when the city:**

- (a) Changes the base zoning classification of the property; or**
- (b) Adopts or amends an ordinance in a manner that limits or prohibits land uses previously allowed in the affected zone.**

**Finding:** The proposal is consistent with this statute because notice was mailed to property owners advising of a proposed zone change meeting the definition of (9)(b); the proposed adoption of a maximum density standard of 25 units per acre for the HDR zone in FCC 10-10-4-E potentially limits land uses compared to previous standards that did not include a maximum density standard. The notice contained all elements required by subsection (5) and was mailed on October 29, 2019, in advance of the November 18, 2019 first hearing.

**Oregon Administrative Rules (OAR)**

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCDC and these local regulations effectively implement state law. The sections of State rules that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

**OAR 660-008-0015: Clear and Objective Approval Standards Required**

**(1) Except as provided in section (2) of this rule, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of needed housing on buildable land. The standards, conditions and procedures may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.**



**(2) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in section (1) of this rule, a local government may adopt and apply an optional alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:**

**(a) The applicant retains the option of proceeding under the approval process that meets the requirements of section (1);**

**(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and**

**(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in section (1) of this rule.**

**(3) Subject to section (1), this rule does not infringe on a local governments prerogative to:**

**(a) Set approval standards under which a particular housing type is permitted outright;**

**(b) Impose special conditions upon approval of a specific development proposal; or**

**(c) Establish approval procedures.**

**Finding:** The proposal is consistent with this rule as detailed in the findings for ORS 197.307(4), (6) and (7).

**OAR 660-012-0060: Transportation Planning, Plan and Land Use Regulation Amendments**

**(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**

**(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**

**(b) Change standards implementing a functional classification system;**  
or

**(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

**Finding:** The proposal is consistent with this rule as detailed in the findings for Comprehensive Plan Policy 12.8. (See pg 14.)

**OAR 660-018-0020: Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation**

(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department's Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.

**Finding:** The proposal is consistent with this rule as detailed in the findings for ORS 197.610.

**OAR 660-015-0000 (Goal 10):**

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

[...]

**Needed Housing Units --** means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government's acknowledged comprehensive plan, "needed housing units" also includes government-assisted housing. For cities having populations larger than 2,500 people and counties having populations larger than 15,000 people, "needed housing units" also includes (but is not limited to) attached and detached single-family housing, multiple-family housing, and manufactured homes, whether occupied by owners or renters.

[...]

**Finding:** The proposal is consistent with this rule because it provides for development of the needed housing types identified in the 2017 Housing Needs Analysis within existing buildable lands designated for residential use. The HNA identified a need for single-family detached homes, manufactured housing units, townhomes/duplexes, multifamily housing units and special needs housing units. The proposed code amendments support this full range of housing types, in addition to triplexes, quadplexes, and cluster housing (FCC Table 10-10-2-A), across four residential zones at differing density ranges (FCC 10-10-2-B for minimum lot sizes and 10-10-4-E for density) to provide for flexibility of housing type and density both within individual zones and across the city as a whole in multiple zones. The population of the City of Florence exceeds 2,500 people, so the requirement for various housing types applies. The proposed amendments exceed the requirement, by providing for single-family detached dwellings and manufactured homes in all residential zones, single-family attached dwellings in the MDR, RMH and HDR zones, manufactured home parks in the RMH zone, and multiple-family housing in the HDR zone as well as part of mixed-use development in the C, H, OT and NC commercial zones, with no limitations on owner or rental occupancy. In addition, the proposed amendments permit additional forms of housing including duplexes, duets, triplexes, quadplexes, and cluster housing in appropriate residential zones.

## **B. IMPLEMENTATION**

**5. Additional methods and devices for achieving this goal should, after consideration of the impact on lower income households, include, but not be limited to: (1) tax incentives and disincentives; (2) building and construction code revision; (3) zoning and land use controls; (4) subsidies and loans; (5) fee and less-than-fee acquisition techniques; (6) enforcement of local health and safety codes; and (7) coordination of the development of urban facilities and services to disperse low income housing throughout the planning area.**

**Finding:** The proposal is consistent with this rule because it includes proposed zoning and land use controls that support implementation of the adopted HNA, including needed housing types as identified above.

## **V. CONCLUSION**

The proposed amendments to the Florence Realization 2020 Comprehensive Plan and Florence City Code Title 10 and 11 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code, Oregon Revised Statutes and Oregon Administrative Rules.

## **VI. EXHIBITS**

- A. Findings of Fact
- B. Proposed new FCC Title 10 Chapter 1, Zoning Administration
- C. Proposed new FCC Title 10 Chapter 2, General Provisions
- D. Proposed new FCC Title 10 Chapter 3, Off-Street Parking and Loading

- E. Proposed new FCC Title 10 Chapter 4, Conditional Uses
- F. Proposed new FCC Title 10 Chapter 5, Zoning Adjustments and Variances
- G. Proposed new FCC Title 10 Chapter 6, Design Review
- H. Proposed new FCC Title 10 Chapter 8, Nonconforming Lots and Uses
- I. Proposed new FCC Title 10 Chapter 10, Residential Districts
- J. Proposed new FCC Title 10 Chapter 15, Commercial District
- K. Proposed new FCC Title 10 Chapter 17, Old Town District
- L. Proposed new FCC Title 10 Chapter 23, Planned Unit Development
- M. Proposed new FCC Title 10 Chapter 30, North Commercial District
- N. Proposed new FCC Title 10 Chapter 16, Highway District
- O. Proposed new FCC Title 11 Chapter 1, Subdivision Administration, General Provisions
- P. Proposed new FCC Title 11 Chapter 2, Partitioning Procedure
- Q. Proposed new FCC Title 11 Chapter 3, Subdivision Tentative Plan Procedure
- R. Proposed new FCC Title 11 Chapter 4, Partition and Subdivision Final Plat
- S. Proposed new FCC Title 11 Chapter 5, Platting and Map Standards
- T. Proposed new FCC Title 10 Chapter 11, Single Family Residential (repealed)
- U. Proposed new FCC Title 10 Chapter 12, Mobile Home/Manufactured Home Regulations (repealed)
- V. Proposed new FCC Title 10 Chapter 13, Multi-Family Residential District (repealed)
- W. Proposed City of Florence Zoning Map
- X. Florence Realization 2020 Comprehensive Plan
- Y. Proposed new FCC Title 10 Chapter 35, Access and Circulation

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

**10-1-1: 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: PURPOSE**

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:

1. To fulfill the goals of Florence's Comprehensive Plan.
2. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.
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.

EXHIBIT B

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.
5. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
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.
7. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
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.

- 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.
  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.
- 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 10-1-1-6. (Amd. by Ord. No. 30 Series 1990)
- 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
  - 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 <del>or Map</del>	<del>Type III</del> Type II 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 <del>or Map</del>	<del>Type III</del> Type II Type I <del>or III</del>	See FCC Title 11 See FCC Title 11 and FCC 10-1-1-6
Variance	Type III	See FCC 10-5
Zoning District Map Change	Type III or IV	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: 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.)
  - 1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.
  
- 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. 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 181<sup>st</sup> 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.
- 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. 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.

E. 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.

F. 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, such as initial surfacing, striping, or changes to accesses or stormwater facilities, but not including parking lot resurfacing or restriping which meets current code requirements.
  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. Changes to or the addition of on-site stormwater facilities not reviewed as part of another process.
  17. [Cluster Housing in the High Density Residential District.](#)
  18. 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.

**10-1-1-6-2: TYPE II REVIEWS – ADMINISTRATIVE REVIEWS:**

- A. The Planning Director, or designated planning staff may make administrative decisions (limited land use). The Type II procedure is used when there are clear and objective approval criteria and applying City standards requires 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 -up to and including 1,500 square feet or 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. Type II review is required for modifications to an approved landscaping plan except those changes permitted under the ministerial process, provided the proposed landscaping plan is consistent with the intent and character of the original approval.
  - 7. Special Use Permit
  - 8. Type II 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 certain changes may be approved as indicated under the ministerial process.
  - 9. Adjustments as permitted in Title 10 Chapter 5
  - 10. Design Review for the following residential development types:
    - i. Single-family attached dwellings in the Medium Density Residential and Manufactured Home Park Districts
    - ii. Multi-family residential development in the High Density Residential District.
    - iii. Second-floor residential development in the Old Town, Mainstreet, Commercial, and North Commercial Districts
  - 11. Partitions, tentative plans, not utilizing Title 11 Chapter 7
  - 12. Subdivisions, tentative plans, not utilizing Title 11 Chapter 7.
  - 13. Replats of recorded partition or subdivision plats, not utilizing Title 11 Chapter 7.
- C. The Director may refer a request for administrative review to the Planning Commission/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 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 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 for non-residential uses 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 by the Planning Commission.
6. Planned Unit Developments, preliminary and final plans.
7. Conditional Use Permits.
8. Variances.
9. ~~Partitions, tentative plans.~~
10. ~~Subdivisions.~~
11. ~~Replats.~~
- ~~12.9.~~ Quasi-Judicial Zone Changes.
- ~~13.10.~~ 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 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 35 days before the first evidentiary hearing.
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. Planning Commission 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~~ 4:00pm of the 12<sup>th</sup> 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 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. 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 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 decision, the Council shall review the decision of the Planning Commission. 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 decision, and where appropriate, whether the decision of the Commission 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, 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. 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 10-1-1-6.
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).

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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, and Sections 10-1-4 and 10-1-5 deleted by Ord. 11, Series 2016 (effective 11-16-16)  
 Section 10-1-1-5 amended by Ord. No. 4, Series 2018 (effective 6-21-18)

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.

EXHIBIT C



**10-2-4: HEIGHT:** ~~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:**

A. 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.

B. The City Council may allow emergency shelter by any nonprofit organization or religious institution entity when low temperatures and adverse weather conditions endanger human life.

**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.<sup>3</sup> (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. <b>Cross access</b> 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.

ACCESSORY DWELLING UNIT An accessory building specifically designed and permitted as an additional dwelling, which is incidental, appropriate, and subordinate to a primary dwelling on a property. Accessory dwelling units or ADUs may be part of the same structure as the primary dwelling as an interior dwelling unit, attached dwelling unit, or a detached dwelling unit on the same lot. Also known as a secondary dwelling unit, granny-flat, or in-law suite.

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).

AFFORDABLE HOUSING Dwellings available for rent or purchase, with or without government assistance, by households who meet applicable maximum income limits, not to exceed 80 percent of the Lane County median income, adjusted for family size, as determined based on data from the United States Department of Housing and Urban Development or its successor agency, and in a manner so that no more than 30 percent of the household's gross income will be spent on rent and utilities or on home loan or mortgage payments, amortized interest, property taxes, insurance, and condominium or association fees, if any.

AFFORDABLE HOUSING UNIT A dwelling that meets the definition of affordable housing.

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 Planning Commission or “Florence Design Review Board”.
BOARDING HOUSE	A building <u>with a single kitchen</u> where lodging, with or without meals, is provided for compensation <u>for 10 or fewer occupants, not open to transient and/or overnight guests, in contradistinction to hotels and motels open to transients and/or overnight guests.</u> but. <u>A Boarding House/Dormitory is not occupied as a single-family unit and it</u> shall not include <u>assisted living facilities, or senior housing.</u> 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/ivers, 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 ~~peak average~~ height of the highest gable of a pitch, shed, or hip roof.

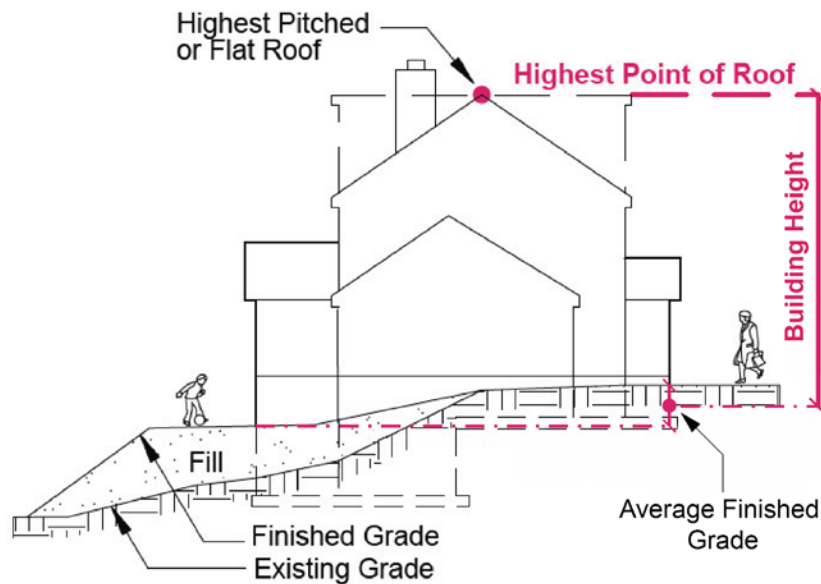


Figure 10-2-13-1: An illustration depicting building height. Image courtesy of the City of Bellevue, WA.

**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.
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 COLLECTOR	Any stream within the coastal zone.  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"
COTTAGE	A small, detached dwelling clustered around a central outdoor common space.
COTTAGE CLUSTER	A cluster of <del>cottages</del> <u>dwellings</u> on a lot. <del>Cottage clusters</del> <u>Cluster housing</u> typically or sometimes can <del>provides</del> <u>provide</u> common outdoor

HOUSING

spaces and common community facilities. ~~Parking is provided in a common lot. Cluster subdivisions are approvable through a Type II land use application process.~~

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.

DENSITY

Density, Gross: The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities.

Density, Net: The number of dwelling units per each acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities.

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. "Develop" also includes, but is not limited to, new building, building alterations or additions, site improvements, or a change in use.

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.



<u>DORMITORY</u>	<u>One or more buildings used principally for sleeping purposes by occupants for more than 30 continuous days where such building is related to an educational or public institution. One common kitchen and some common gathering rooms for social purposes may also be provided.</u>
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.
<u>DUET</u>	<u>A Duplex as defined under "DWELLING, DUPLEX" in which each unit is on a separate lot and can be owned separately.</u>
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. Dwellings include both buildings constructed on-site and manufactured homes.
<u>DWELLING, ATTACHED</u>	<u>A dwelling that shares a common wall or walls, roof, or foundation with adjacent dwellings. Attached dwellings may be on a common lot or with each dwelling on its own lot.</u>



DWELLING,  
DUPLEX A building designated or used exclusively for the occupancy of two (2) families on a single lot living independently from each other and having separate facilities for each family as defined under “DWELLING” above.

DWELLING,  
FOUR-PLEX/  
QUAD-PLEX A building designed and used for occupancy by four (4) families on a single lot, all living independently of each other and having certain separate facilities for each family as defined under “DWELLING” above.

DWELLING,  
MULTIPLE  
MULTI-FAMILY A building designed and used for occupancy by ~~three (3)~~ five (5) or more families on a single lot, all living independently of each other and having certain separate facilities for each family as defined under “DWELLING” above and certain shared facilities such as laundry, open space or other amenities.

DWELLING,  
SECONDARY See ACCESSORY DWELLING ~~UNIT~~.

DWELLING,  
SINGLE-FAMILY  
DETACHED A. A building dwelling on a single lot ~~A building either~~ constructed on-site or a modular constructed in accordance with Oregon Building Codes and assembled 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 A and 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)

DWELLING,  
SINGLE-FAMILY  
ATTACHED A dwelling constructed in a row of two or more attached dwellings, where each dwelling is located on its own lot and shares a common wall or walls, roof, or foundation with adjacent dwellings. Commonly referred to as townhouse or row house.

DWELLING,  
TRI-PLEX A building designed and used for occupancy by three (3) families on a single lot, all living independently of each other and having certain separate facilities for each family as defined under “DWELLING” above.

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.

ESSENTIAL FACILITIES

Buildings and facilities necessary for the provision of basic services to the community and immediate response in the event of emergencies. These facilities typically include (per ORS 455.446):

- A. Hospitals and other medical facilities having surgery and emergency treatment areas;
- B. Fire and police stations;
- C. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;
- D. Emergency vehicle shelters and garages;
- E. Structures and equipment in emergency preparedness centers; and
- F. Standby power generating equipment for essential facilities.

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 or 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; or 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 disabled 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)~~  
A person living alone or any of the following groups living together as a single non-profit unit and sharing common living area:  
A. Any number of persons related by blood, marriage, adoption, guardianship or other duly-authorized custodial relations.  
B. A maximum of 5 unrelated persons.

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.<sup>a</sup>

FINANCE OFFICER	As used in this Title and Title 11, the person so designated by the City Manager.
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

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<sup>a</sup> 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.
HAZARDOUS FACILITY	Structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released (per ORS 455.446).
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	<del>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.</del>
HOME OCCUPATION	Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria: <ul style="list-style-type: none"> <li>A. No employment of help other than the members of the resident family.</li> </ul>

- 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.

HOSTEL

A building with dormitory accommodation and shared facilities used for transient residential purposes permitting up to twenty (20) occupants to live for not more than 30 continuous days. Hostels shall meet the requirements of the Oregon Building Code for maximum occupancy.

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 except that, in the case of a lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner," both lot or parcel lines are the front line. 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 ~~to~~ and most ~~distance~~ distance from the front lot ~~or parcel~~ 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 or 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. A lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.
- C. Interior Lot: A lot or development site other than a corner having frontage only on one street. A lot or parcel having frontage only on one street.
- D. Flag Lot: A lot or parcel that has a narrow frontage on a public street with access provided via a narrow accessway or "pole" to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot: the development area or "flag" which comprises the actual building site, and the access strip or "pole" which provides access from the street to the flag.
- E. Butt Lot: 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.

F. Key Lot: A lot or parcel the rear line of which abuts the lot side line of two (2) or more adjoining lots or parcels.

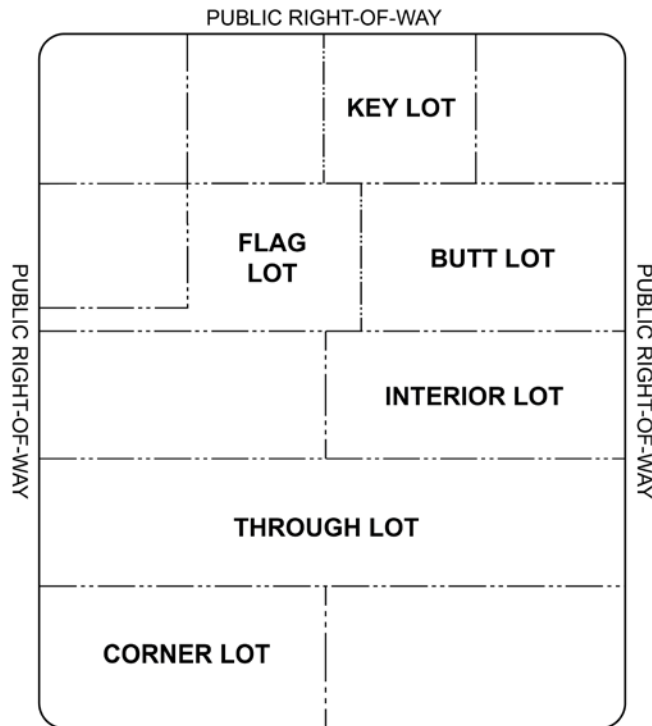


Figure 10-2-13-2: An illustration depicting lot types.

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



MARKET RATE HOUSING UNIT

A single housing unit, or a single space in a manufactured dwelling park, that does not qualify as affordable housing.

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

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 jettted 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.
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	AND	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.  <u>Coastal Recreation</u> occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.  <u>Low-Intensity Recreation</u> does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.  <u>High-Intensity Recreation</u> uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
RECREATIONAL VEHICLE <u>(RV)</u>		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 <u>400</u> square feet <u>in set up mode</u> , 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)
<u>RELIGIOUS INSTITUTION</u>		<u>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 or support religious activities or organizations. Accessory uses may include dwelling(s) for employees of the institution such as a parsonage or rectory.</u>
<u>RESIDENTIAL CARE HOME /</u>		<u>A residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides</u>

ADULT FOSTER CARE

residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. These homes are regulated the same as other residential uses.

RESIDENTIAL CARE FACILITY / NURSING HOME

A residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) or more individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents.

RESOURCE CAPABILITIES ASSESSMENT

An assessment used to determine if a use or activity is consistent with the resource capabilities of an area. The assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, except where an Estuarine Impact Assessment is required instead. In the Natural Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner to protect significant wildlife habitats, natural biological productivity, and values for scientific research and education. In the Conservation Estuary District, a use or activity is consistent with the resource capabilities when the resources of the area are able to assimilate the use or activity and its effects and continue to function in a manner which conserves long-term renewable resources, natural biologic productivity, recreational and aesthetic values and aquaculture.

RESTING AND PASSING SPACE

A turnout from a trail or path, wheelchair rest spots, trash containers, landscape and/or shelter facilities or interpretive displays. (Ord. No. 2, Series 2011)

RESTORE

Revitalizing, returning, or replacing original attributes and amenities, such as natural biological productivity, aesthetic and cultural resources, which have been diminished or lost by past alterations, activities, or catastrophic events. For the purposes of Goal 16, estuarine restoration means to revitalize or reestablish functional characteristics and processes of the estuary diminished or lost by past alterations, activities, or catastrophic events. A restored area must be a shallow subtidal or an intertidal or tidal marsh area after alteration work is performed, and may not have been a functioning part of the estuarine system when alteration work began. The following are more specific definitions of active and passive restoration:

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

Passive Restoration is the use of natural processes, sequences, and timing which occurs after the removal or reduction of adverse stresses

without other specific positive remedial action.

RIGHT OF WAY	A public use area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public agency.
RIPARIAN	Of, pertaining to, or situated on the edge of the bank of a river or other body of water.
RIPRAP	A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.
ROOMING HOUSE	See "Boarding House".
ROOT GUARDS	Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.
SALT MARSH	A tidal wetland supporting salt-tolerant vegetation.
SEAWALL	A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. See also BULKHEAD.
SEDENTARY	Attached firmly to the bottom, generally incapable of movement.
SEDIMENT	Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.
SEDIMENTATION	The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.
SENSITIVE AREA	Natural streams (perennial or intermittent), rivers, including the estuary, lakes, or wetlands hydraulically connected by surface water to streams, rivers, or lakes and areas defined by the City of Florence's Local Wetlands and Riparian Inventory. Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.
SERVICE STATION	A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.

SHOAL	A sandbank or reef creating shallow water, especially where it forms a hazard to shipping A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.
SHOALING	A decrease in water depth, especially near a shoreline.
SHORELINE	The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.
SIGNIFICANT HABITAT AREAS	A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.
SOCIAL CONSEQUENCES	The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

SPECIAL OCCUPANCY STRUCTURES	<p>A class of structures particularly vulnerable to earthquakes and tsunamis due to the nature of their use or occupancy. These structures typically include (per ORS 455.446):</p> <ul style="list-style-type: none"> <li>A. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;</li> <li>B. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;</li> <li>C. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;</li> <li>D. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;</li> <li>E. Jails and detention facilities; and</li> <li>F. All structures and occupancies with a capacity of greater than 5,000 persons.</li> </ul>
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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.
SUBSTANCIAL IMPROVEMENT	Any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure.
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.
<u>TRANSITIONAL HOUSING</u>	<u>A congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns/boardinghouses, hotels or motels.</u>
TSUNAMI INUNDATION MAPS (TIMs)	The map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area within the City of Florence.
TSUNAMI VERTICAL EVACUATION STRUCTURE	A building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.
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
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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.

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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 11-16-16)  
Section 10-2-13 amended by Ord. No. 4, Series 2018 (effective 6-21-18)  
Section 10-2-13 amended by Ord. No. 13, Series 2018 (effective 11-21-18)

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  
Table: Minimum Required Parking By Use (Table 10-3-1)
- 10-3-5: Vehicle Parking - Minimum Accessible Parking  
Table: Minimum Number of Accessible Parking Spaces (Table 10-3-2)
- 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  
Table: Parking Area Layout (Table 10-3-3)
- 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. For single family dwellings, duets and duplexes, one parking space per unit may be provided on a driveway if the criteria in FCC 10-3-8 are met.
- B. For non-residential uses where parking is available on-street, this parking shall count towards the minimum number of required parking spaces along all street frontages of the building where parking is available. Only useable spaces (i.e. those not blocking fire hydrants, mailboxes, etc.) shall count towards the minimum required number of parking spaces.
- C. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the 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 Planning Commission for 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 Planning Commission 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 for non-residential uses, plus additional space(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 <del>on a single lot</del>
Accessory Dwelling Units	1 space per unit



	<u>, see FCC 10-3-8 for additional standards.</u>
<u>Duplex/Duet</u>	<u>2 spaces per dwelling unit</u>
<u>Tri-plex or Quad-plex Cluster Housing</u> Multiple-family dwelling ( <del>except senior citizen &amp; student housing</del> ) — 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/ <u>Manufactured home</u> parks	2 spaces per each mobile home, plus 1 space per each 4 mobile homes
<del>Student housing (fraternities, sororities, &amp; dormitories)</del>	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.
<u>Hostels</u>	<u>1 space per 4 occupancies provided and 1 bicycle space per 2 occupancies provided</u>
Bed and Breakfast Inns	1 space per Bedroom
Boarding and rooming houses <u>and dormitories</u> , <del>excluding group home facilities</del>	1 space per each 2 occupants at capacity.
<u>Residential Care Facility/Nursing Home</u>	<u>1 space per 2 beds</u>

**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 Planning Commission  1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Planning Commission
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 Planning Commission, 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 Planning Commission 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 Planning Commission
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 Planning Commission.
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 Planning Commission.
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 Planning Commission
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Planning Commission
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 Planning Commission

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

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

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

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

- A. In the case of mixed uses, the total requirement of off- street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Planning Commission 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 Planning Commission 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 Planning Commission 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 Planning Commission 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. Decisions may be appealed in accordance with the procedures specified in Code Section 10-1-1-7.

**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 Planning Commission 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 attached and detached dwellings, duets and duplexes shall be provided as follows:

1. 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. Parking for Accessory Dwelling Units may be covered or uncovered.

B2. One parking space per unit may be provided on a driveway if the following criteria are met:

a. Driveway spaces shall measure at least nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments are allowed into the required parking spaces.

b. Driveway spaces shall not extend into the public right-of-way.

c. The number of parking spaces provided as a carport or garage shall not fall below one (1) space per unit.

3. Off-street parking for single-family attached dwellings on the front of the building and driveway accesses in front of a dwelling are permitted in compliance with the following standards:

a. Outdoor on-site parking and maneuvering areas shall not exceed twelve feet (12') wide on any lot.

b. The garage width shall not exceed twelve feet (12'). Garage width shall be measured based on the foremost four feet of the interior garage walls.

4. Off-street parking for single-family attached dwellings not on the front of the building are permitted in compliance with the following standards:

a. Development abutting a rear alley shall take access from the alley.

b. Development that includes a corner lot without a rear alley shall take access from a single driveway on the side of the corner lot. Street classifications, access spacing, or other provisions may require adjustment or variance process. See Figure 10-3-8-A.2.b.

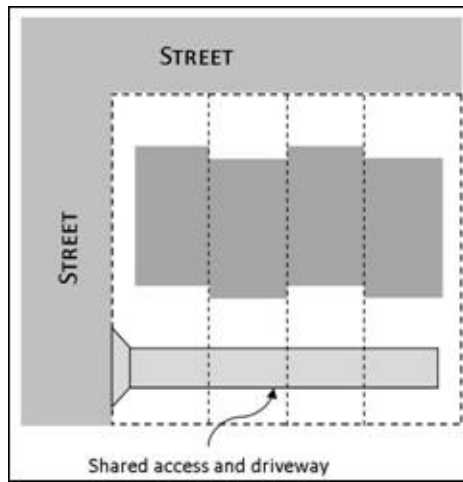


Figure 10-3-8-A.3.b – Single-family attached development with corner lot access. Image courtesy of the City of Milwaukie, OR.

- c. Development that does not include a corner lot and does not abut a rear alley shall consolidate access for all lots into a single driveway. The access and driveway are not allowed in the area directly between the front of the building and front lot line of any of the single-family attached dwellings. See Figure 10-3-8-A.2.c.

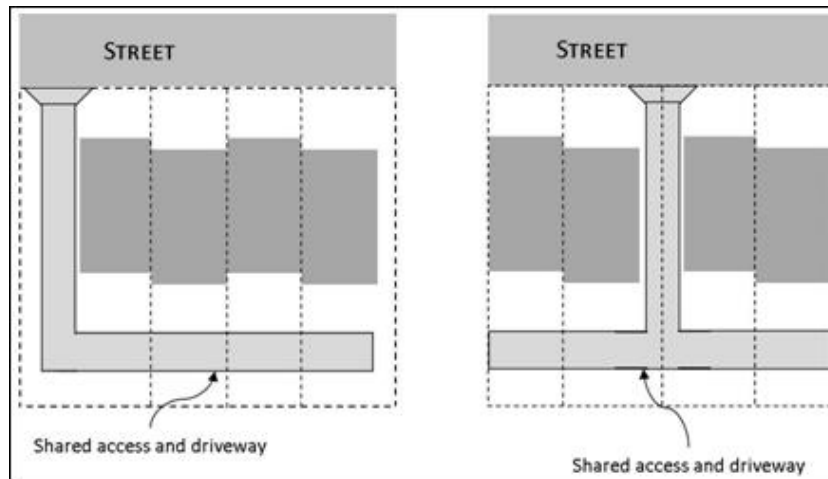


Figure 10-3-8-A.2.c – Single-family attached development with consolidated access. Image courtesy of the City of Milwaukie, OR.

- B. Parking for tri-plexes, quad-plexes or cluster housing may be provided either as a carport or garage or as a parking lot meeting the standards listed in FCC 10-3-9. Spaces shall be located on the rear of the lot and meet the following requirements:
1. Outdoor on-site maneuvering areas shall not exceed a total of forty feet wide or fifty percent of the lot frontage, whichever is less.
  2. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
  3. No encroachments (such as water heaters, steps, door swings) are allowed into the required parking spaces.
  4. Residential uses of three (3) or more units must provide long-term bicycle parking, see FCC 10-3-10.

- C. All parking areas except those required in conjunction with a single-family, duet 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.
- D. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.
- E. Except for parking areas required in conjunction with a single-family attached or detached or; duet, duplex dwelling; or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage, 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 DE2 of this subsection.
  2. Except for places of ingress and egress, a five foot (5') wide 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 Planning Commission 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.
- F. No parking area shall extend into the public way except by agreement with the City.
- G. 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.
- H. Lighting: Refer to Section 10-37 of this Title for requirements.
- I. Except for single-family, duet 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.
- J. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.
- K. Planning review is required for all parking lot construction or resurfacing.
- L. 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.

**M.** In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:

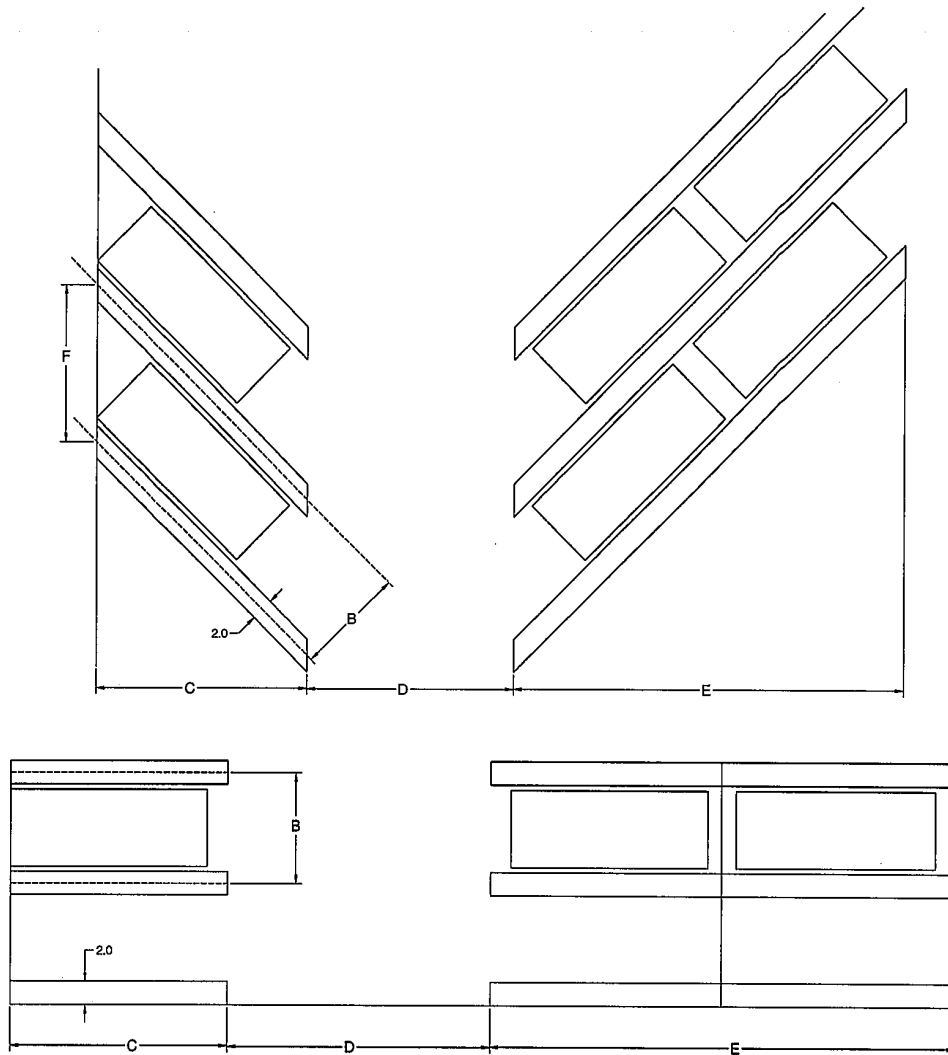
1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.
2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)

**N.** Parking provided for Accessory Dwelling Units:

1.    Parking for Accessory Dwelling Units may be covered or uncovered.
2.    Provided parking shall be hard-surfaced with asphaltic concrete or cement concrete.
3. Parking for Accessory Dwelling Units may be provided on-street where on-street parking is available along the lot frontage and the street meets the minimum width for local streets with parking available on both sides (greater than 34 feet curb to curb). Site conditions may prevent the use of this specific area for that purpose, but shall not restrict the ability to count on-street parking towards the reduction of parking requirements off-street.

**10-3-9: –PARKING STALL DESIGN AND MINIMUM DIMENSIONS:** –All off-street parking spaces (except those provided for a single-family; duet, and duplex dwelling; homes or tri-plex, quad-plex, or cluster housing development that provides off-street parking through a carport or garage) 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)**

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

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

A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.

B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. -In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.

- C. **Long Term Parking.**- Long term bicycle parking requirements are only for new development of group living and ~~multiple family~~ residential uses of (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~~ Tri-plex, Quad-plex, Cluster Housing or Multi-family = 1 per 34 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
1. For residential developments that provide parking through a garage, bicycle parking may be provided as a wall-mounted rack located inside the garage. The minimum clearance distance from the wall to the automobile parking space shall be four feet (4').
- 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 Planning Commission 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

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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 11-16-16

Section 10-3-3-B, 10-3-4, 10-3-8-A & M, amended by Ord. 4, Series 2018, effective 6-21-18

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.

**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.

**EXHIBIT E**

- 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 Planning Commission. 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. Places of Worship:

1. Any building used for worship 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.
2. Places of Worship may provide housing or space for housing in a building that is detached from the place of worship, provided:
  - a. At least 50 percent of the residential units provided are affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County.
  - b. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
3. Housing and space for housing provided under ORS 227.500 and FCC 10-4-12-A-2 must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit designated as affordable housing as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County for a period of 60 years from the date of the certificate of occupancy.

4. Places of Worship may apply for up to three (3) Recreational Vehicles (RVs) or park models for sleeping or living purposes, provided the following requirements are met:

- a. The property owner submit a complete application for the conditional use permit together with a basic site plan (scale drawing not necessary) and allow access by city officials to the project site and the location of the recreational vehicles or park models for the purposes of inspection and enforcement of the terms and conditions of the permit, including towing of the recreational vehicles or park models and removal of temporary sewer and water service connections, whether or not the permit has expired.
- b. The conditional use permit must be issued before the RVs or park models are used for sleeping or living purposes.
- c. Before an RV or park model is used for sleeping or living purposes, the owner and/or occupant of the recreational vehicle or park model must sign a release allowing access to and towing of the recreational vehicle or park model for purposes of inspection and enforcement of the terms and conditions of the permit.
- d. The property owner shall make available connections to an on-site municipal water line and sanitary sewer line in accordance with all applicable state codes and city regulations.
- e. The property owner shall make available electrical connections in accordance with all applicable state codes and city regulations.
  1. Electrical connections may be extension cords from an outlet or permitting and installing a pedestal for plug-in per FCC 4-1.
  2. No hard connections or use of generators shall be permitted



- f. The property owner shall subscribe to and pay for solid waste collection service.
- g. The ~~Recreational Vehicle~~RV or park model occupants are associated with a self-sufficiency service or program.
- h. Areas occupied by ~~Recreational Vehicles~~RVs or park models maintain a minimum fifteen-foot (15') buffer from adjacent single-family residential uses.
- i. The conditional use is limited to two years and one two (2) year extension.

- 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 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~~ building space 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, Recreational Vehicles (RVs), or park models: 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, RV or park model 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 RV or park model 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, park model or RV shall not be expanded or attached to a permanent structure.
      - 3. The mobile home, park model or RV 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, park model or RV 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, park model, or RV shall be removed from the property when the temporary need allowed by this permit ceases. (Ord. 8, Series 1985, 5-28-85).

3. Temporary Construction Site dwelling: A conditional use permit may be issued for a temporary construction site dwelling on sites with an active grading or building permit, provided the following requirements are met:

a. The Temporary Construction Site dwelling may take the form of an RV, park model or similar structure.

b. The dwelling may not occupy public right-of-way or obstruct sidewalks.

c. The dwelling may be occupied either by the property owner or by a person or persons who will be principally engaged in construction associated with an active grading or building permit on-site.

d. One dwelling is permitted per site.

1. Dwellings must be located on the site where construction is taking place.

2. For large projects, such as a Subdivision or Planned Unit Development, more than 1 dwelling may be permitted by Planning Commission.

i. Large projects may have up to one dwelling per ten lots.

ii. Proposals of greater than five (5) Temporary Construction Site dwellings shall provide hygiene trailers and amenities sufficient to provide for adequate health and sanitation.

e. Dwellings may not occupy the setbacks of the base zone or any other applicable setbacks.

f. Construction shall not prevent the removal of a Temporary Construction Site dwelling.

g. Temporary Construction Site dwellings must be removed prior to the issuance of a Certificate of Occupancy. A Certificate of Occupancy will not be issued until the dwelling is removed. For projects where no Certificate is issued, then the dwelling must be removed within 3 days of final inspection approval.

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 as follows: a straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the premises of a retailer or dispensary. 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 conditional use application is deemed complete.

4. All medical marijuana and recreational marijuana uses 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.
  - 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.

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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)

Section 10-7-7 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 11-16-16)

Section 10-4-12-A amended by Ord. 4, Series 2018 (effective 6-21-18)

TITLE 10  
CHAPTER 5

**ZONING ADJUSTMENTS AND VARIANCES**

SECTION:

- 10-5-1: Purpose
- 10-5-2: Limitations
- 10-5-3: Application
- 10-5-4: ~~Conditions~~ Approval Criteria
- 10-5-5: ~~Public Hearing~~ Review Required
- 10-5-6: Effective Date
- 10-5-7: Expiration of Adjustment or Variance

**10-5-1: PURPOSE:** The purpose of an adjustment or 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~~An adjustment or variance shall not be granted as a substitute for, or in lieu of, a change in zone. ~~A~~An adjustment or variance does not apply to use regulations.

A. Adjustments: An adjustment may be granted through the Type II Review process in Section 10-1-1-6-2 as prescribed by this Title to numerical standards by up to 10% including:

- 1. Minimum Lot Dimensions.
- 2. Minimum Lot Area.
- 3. Yard Regulations and Setbacks.
- 4. Distance between structures.
- 5. Exceptions: The following standards are not eligible for adjustments:
  - a. Building Height
  - b. Lot Coverage

B. Variances: Requests to vary standards beyond the adjustments allowed in Section 10-5-2-A shall be subject to the review process and approval criteria for variances. The Planning Commission may grant a variance to a regulation through the Type III Review process in Section 10-1-1-6-3 as prescribed by this Title with respect to the following:

- A 1. Fences, hedges, walls or landscaping.
- B 2. Site area, width, depth, square footage, frontage and building coverage.
- C 3. Front, side or rear yards.
- D 4. Height of structures.
- E 5. Distance between structures.
- F 6. Accessory buildings.

EXHIBIT F

~~G~~ 7. Parking requirements.

~~H~~ 8. Width of rights of way and roadways.

~~I~~ 9. Any request to vary numerical standards beyond 10%

~~\_\_\_\_\_10.~~ ~~Grant only the minimum variance necessary to meet the hardship or practical difficulties.~~

~~J~~ 11. ~~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:**

~~A.~~ The application for an adjustment shall be made in writing to the Planning Director by the owner(s) of the land in consideration or their agent(s), duly authorized in writing.

~~AB.~~ 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~~ 1. ~~The practical difficulties and physical hardships involved.~~

~~B~~ 2. ~~Existing conditions on the site.~~

~~C~~ 3. ~~Reasons for at the proposed variance being the most practicable solution to the problem.~~

~~D~~ 4. ~~Any other pertinent information requested by the Planning Commission.~~

**10-5-4: ~~CONDITIONS:~~ APPROVAL CRITERIA:**

~~A.~~ General: An application for an adjustment or variance must describe in detail:

~~\_\_\_\_\_1.~~ The practical difficulties and physical hardships involved.

~~\_\_\_\_\_2.~~ Existing conditions on the site.

~~\_\_\_\_\_3.~~ Reasons for the proposed adjustment or variance being the most practicable solution to the problem.

~~\_\_\_\_\_4.~~ A site plan, drawn to scale, showing the dimensions and arrangement of the proposed development in comparison to the existing standard(s).

~~\_\_\_\_\_5.~~ Any other pertinent information requested by the Planning Director or Planning Commission.

~~B.~~ Adjustments: The Planning Director may grant an adjustment to a regulation prescribed by this Title if, on the basis of the petition, investigation and evidence submitted, the Planning Director finds:

~~\_\_\_\_\_1.~~ There are topographic or built conditions, such as steep slopes, wetlands, water areas, structures, streets, utilities, lot patterns, street patterns or similar conditions which justify departure from strict adherence to the standard to be modified,

~~\_\_\_\_\_2.~~ No significant adverse impacts to neighboring properties or to the environment will result from the modification; the cumulative effects of more than one adjustment shall be considered in this regard.

~~\_\_\_\_\_3.~~ The adjustment is consistent with sound engineering principles, and will be safe, practical and efficient.



- 4. The modification is not contrary to the purpose section of this chapter, or to any applicable policy or provision of the Florence City Code or Comprehensive Plan,
- 5. There are no other remedies prescribed in this title or the city engineering standards to alleviate the practical problem identified in subsection (1) of this section.
- 6. The proposed adjustment is the minimum necessary to resolve the identified problem, and
- 7. The proposed adjustment is no greater than ten percent (10%) of the relevant numeric standard.

AC. Variances: The Planning Commission may grant a variance to a regulation prescribed by this Title and may attach such conditions to the granting of all or a portion of any variance as necessary to achieve the purpose of this chapter, if, on the basis of the petition, investigation and evidence submitted, the Planning Commission finds:

A1. 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.

B2. One of the following:

a. 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

b. 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,~~

B3. 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.

4. The Variance is the minimum necessary to address the special or unique physical circumstances related to the subject site.

**10-5-5: REVIEW REQUIRED:**

A. Adjustments shall be reviewed through a Type II process in accordance with requirements of Section 10-1-1-6-2 of this Title.

B. Variances shall be reviewed through a Type III process in accordance with requirements of Section 10-1-1-6-3 of this Title.

**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-~~3~~ of this Title. (Ord 26, 2008)

**10-5-6: EFFECTIVE DATE:** AAn adjustment or variance shall become effective at the close of the appeal period.

**10-5-7: EXPIRATION OF ADJUSTMENT OR VARIANCE:**

A. Authorization of aan adjustment or variance shall ~~be void~~ expire concurrently with its associated land use approval or one (1) year after the date of approval of aan variance application, whichever is

greater, 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.~~ 1. The request for an extension is made in writing prior to expiration of the original approval

~~B.~~ 2. There are special or unusual circumstances that exist which warrant an extension

~~C.~~ 3. No material changes of surrounding land uses or zoning has occurred.

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

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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 11-16-16)

TITLE 10  
CHAPTER 6

**DESIGN REVIEW**

SECTION:

- 10-6-1: Purpose
- 10-6-2: Planning Commission
- 10-6-3: General Applicability
- 10-6-4: Drawings to be Approved
- 10-6-5: General Approval Criteria
- 10-6-6: Architectural Design
- 10-6-7: Non-Residential Design Requirements
- ~~10-6-8: Drawing Submittal~~
- 10-6-~~8~~9: Drawings Submitted to the Planning Commission
- ~~10-6-9: Appeal~~
- 10-6-10: Appeal
- ~~10-6-11: 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/ shall:

1. Unless otherwise directed by the underlying zoning district or subsection (B) below, review new the following through a Type III process consistent with FCC 10-1-1-6-3 prior to issuance of a building permit:

a. New construction, alterations;

b. Alterations to the exterior of non-residential structures or additions involving twenty-five percent (25%) or more of the floor area of a building; and changes

4. c. Changes of use from less intensive to greater intensive use not eligible for Type I or Type II review (see FCC 10-1-1-6-1 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 10-6-5-1 and, when applicable, 10-6-6 or 10-6-7;

**EXHIBIT G**

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 Planning Commission or their designee 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 Commission 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.

**B. The Planning Director or designee shall:**

**1. Unless otherwise directed by the underlying zoning district, review the following through a Type II process consistent with FCC 10-1-1-6-2 prior to issuance of a building permit:**

**a. Construction or expansion of a residential or mixed-use building that includes residential uses, including but not limited to:**

**i. Single-family attached dwellings in the Medium Density Residential and Manufactured Home Park Districts**

**ii. Multi-family Housing in any zone.**

**iii. Residential development in a building containing a non-residential use in the Commercial and North Commercial Districts.**

**iv. Second-floor residential development in the Old Town and Mainstreet Districts**

**iv. Residential uses permitted outright in Table 10-10-2-A are exempt from Design Review.**

**b. Alterations to the exterior of structures or additions involving twenty-five percent (25%) or more of the floor area of a residential building or mixed-use building including residential uses for any building not shown on the historic resources map of the Comprehensive Plan;**

**c. Changes of use from less intensive to greater intensive use not eligible for Type I review (see FCC 10-1-1-6-1).**

**2. Determine whether the proposed development meets applicable design standards listed in Section 10-6-5-2; and,**

**3. Have authority to impose conditions for approval to meet applicable standards.**

**B-C.** 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, ~~Planning Director, Planning Commission~~ or their designee. (Ord. 625, 6-30-80)

**10-6-5: -GENERAL APPROVAL CRITERIA:**

**10-6-5-1: GENERAL CRITERIA FOR NONRESIDENTIAL DEVELOPMENT:** ~~Nonresidential projects shall meet the following criteria.~~ The Planning Commission or Planning Commission or their designee may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. ~~The Commission shall, consider the effect of its action on the availability and cost of needed housing. The~~

~~Commission or their designee shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Commission, or their designee from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Commission, or their designee shall have no authority to affect dwelling unit densities.~~ The Commission or their designee shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- 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:~~ **10-6-5-2: GENERAL STANDARDS FOR RESIDENTIAL DEVELOPMENT:** Residential projects and mixed-use buildings with a residential component shall meet the following standards. The Planning Director shall approve or approve with conditions the proposed development based on compliance with the following standards:

- A. Setbacks, yards, height, density, lot area, dimensions, percentage of coverage, and similar design features according to the underlying zoning district.
- B. Design standards set forth in FCC 10-10 for the proposed residential type, if applicable, except buildings with residential uses in the Old Town or Main Street Districts shall meet Downtown

Architectural Design Standards of 10-6-6 subsections: 3-C, 4, and 5 as implemented by the Comprehensive Plan. Multi-family dwellings and mixed-use buildings with a residential component located in any zone other than Old Town or Mainstreet Districts shall comply with the Multi-family Dwelling Standards in FCC 10-10-9.

- 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.
- 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.
- I. Exterior lighting according to the standards set forth in FCC 10-37 Lighting.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities, or issuance of a performance bond or suitable substitute as agreed upon by the City has been filed with the City in an amount sufficient to assure the completion of all required public facilities and infrastructure.

**10-6-6: DOWNTOWN 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 Development in the Old Town and Mainstreet, ~~the districts shall comply with the standards in this section.~~~~

~~±~~ The City Planning Official, the City Planning Official's designee, or the Planning Commission may require any of the following conditions in order to establish a minimum level of design quality and compatibility between buildings. The Planning Commission 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 fascia 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 fascia, 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. Secondary materials may be used on up to 30% of the façade.

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, primary, and “day-glow” colors and finishes are prohibited. The Planning Commission/Planning Commission or their designee 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 do 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 NON-RESIDENTIAL DESIGN 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.

**10-6-78: DRAWING SUBMITTAL:** 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 exits, 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.

**10-6-89: DRAWINGS SUBMITTED TO THE PLANNING COMMISSION:** 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 Planning Commission. 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 Planning Commission.

**10-6-910: APPEALS:** See Code Section 10-1-1-7.

**10-6-4011: 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)

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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)

Sections 10-6-3 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 11-16-16)

**NONCONFORMING LOTS AND USES**

SECTION:

- 10-8-1: Purpose
- 10-8-2: Expansion of Pre-Existing, Nonconforming Use
- 10-8-3: Undersized Lots of Record
- 10-8-4: Destruction of Nonconforming Buildings
- 10-8-5: Abandonment of Nonconforming Use
- 10-8-6: Change of Nonconforming Uses
- 10-8-7: Removal of Nonconforming Uses
- 10-8-8: Repairs and Maintenance
- 10-8-9: Definition of Replace

**10-8-1: PURPOSE:-** There were lots, structures and uses that were lawful before the effective date hereof, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Title. -They shall hereafter be referred to as pre-existing, nonconforming uses or buildings.

It is recognized that significant expenditures of personal and financial energy may have been invested in the development of such uses and structures and that to dismiss these expenditures as no longer relevant would be harmful to the public welfare, both in regards to the community harmony and with respect to support that will be needed to improve the quality, esthetics and functional aspects of the community.

It is therefore the intent of this Chapter to allow these structures and uses that existed prior to the effective date hereof to continue, including normal maintenance, repair or replacement in case of damage due to fire or other disaster.

**10-8-2: EXPANSION OF PRE-EXISTING, NONCONFORMING USE:** -A pre- existing nonconforming use may make a normal expansion of the existing structure for the same use up to twenty five percent (25%) of the existing square footage of floor area. -Expansions larger than twenty five percent (25%) require a conditional use permit issued by the Planning Commission under the terms and conditions of Chapter 4 of this Title. -Any expansion of a pre- existing, nonconforming use shall be subject to design review under the provisions of Chapter 6 of this Title.

**10-8-3: UNDERSIZED LOTS OF RECORD:**

- A. Any lot having an area or dimension less than the minimum shall be designated a building site, provided the following criteria are met:
  - 1. The lot is shown on an officially approved and recorded subdivision map.
  - 2. A deed or a valid contract of sale is recorded with the Lane County Clerk.
  - 3. The lot was of legal area and dimension for a building site at the time the sale was recorded.
- B. No lot or combination of contiguous lots, either vacant or containing a ~~single-family or multiple-family residential~~ dwelling, shall be platted, partitioned or replatted so that an undersized lot is created, nor shall a lot be platted, partitioned or replatted if setbacks or dimensions less than the minimum would result.

**10-8-4: DESTRUCTION OF NONCONFORMING BUILDINGS:** -In the event of damage or destruction due to fire or other disaster, a nonconforming building or structure may be replaced in accordance with the Building Codes and use which existed at the time of such damage or destruction.

EXHIBIT H

Replacement shall be commenced within one year from the date of destruction and shall be diligently followed to completion. The Planning Commission, with a written request of the applicant, may extend the period an additional one year.

**10-8-5: ABANDONMENT OF NONCONFORMING USE:** -The discontinuance of a nonconforming use for any six (6) consecutive months shall constitute abandonment. The pre-existing use shall be deemed to have been terminated and every building, structure and use occupying the premises thereafter shall conform to the regulations of the zoning district in which is located.

**10-8-6: CHANGE OF NONCONFORMING USES:** -A change from one nonconforming use to another nonconforming use requires a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapter 4 of this Title.

**10-8-7: REMOVAL OF NONCONFORMING USES:**- If, after holding public hearings, the Planning Commission determines that the continuance of a nonconforming use is detrimental to the health, safety or welfare of a neighborhood, the nonconforming use shall be completely removed or converted to a conforming use within an amortization period prescribed by the City Council. The Planning Commission shall establish conditions for the operation of the nonconforming use during the amortization period (not less than 5 years nor more than 40 years, depending upon the impact the nonconforming use has on the surrounding neighborhood). The Planning Commission shall then grant a conditional use permit subject to the procedures set forth in Chapter 4 of this Title.

**10-8-8: REPAIRS AND MAINTENANCE:** -Nothing in this Title shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety. (Ord. 625, 6-30-80).

**10-8-9: DEFINITION OF REPLACE:**—\_To rebuild a structure such that it is brought back to its original use. In replacing a damaged nonconforming structure, the structure does not need to conform to the prior design, but the design may not be altered in a manner that increased its nonconformity.

Amended by Ordinance No. 15, Series 1988  
Sections 10-8-4 and 10-8-5 amended and section 10-8-9 added by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)



TITLE 10  
CHAPTER 10

~~RESTRICTED RESIDENTIAL DISTRICT (RR)~~ **RESIDENTIAL DISTRICTS**

SECTION:

- 10-10-1: Residential Districts and 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
- 10-10-6: Accessory Dwelling Units
- 10-10-7: Attached Housing
- 10-10-8: Cluster Housing
- 10-10-9: Multi-Family Dwellings
- 10-10-10: Manufactured Homes Outside of MH Subdivisions or Parks
- 10-10-11: Mobile Home/Manufactured Home Parks
- 10-10-12: Undersized Residential Lots of Record

**10-10-1: RESIDENTIAL ZONES AND 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.~~

- A. Low Density Residential (LDR): The Low Density Residential District is intended to provide a quality environment for low density, urban residential uses and other Planned Unit Development as determined to be necessary and/or desirable.
- B. Medium Density Residential (MDR): The Medium Density Residential District is intended to provide a quality environment for medium density, urban residential uses and other compatible land uses determined to be necessary and/or desirable.
- C. Mobile Home/Manufactured Home Residential (RMH): The Mobile Home/Manufactured Home Residential District is intended 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 District 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.
- D. High Density Residential (HDR): The High Density Residential District is intended to provide a quality environment for high density, urban residential uses together with other compatible land uses determined to be necessary and/or desirable.

**10-10-2: PERMITTED RESIDENTIAL 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.~~

EXHIBIT I

A. Table 10-10-2-A. The following table indicates which uses are permitted in each residential zone.

<u>Uses</u>	<u>LDR</u>	<u>MDR</u>	<u>RMH</u>	<u>HDR</u>
<u>Single-family detached dwelling</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Accessory structure</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Accessory dwelling unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Single-family attached dwelling</u>	<u>N</u>	<u>SR</u>	<u>SR</u>	<u>P</u>
<u>Duplex/duet</u>	<u>N</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Tri-plex</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Quad-plex</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Multi-family (5+ units)</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>SR</u>
<u>Cluster housing</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>P</u>
<u>Temporary dwelling/RV – Medical hardship</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Manufactured home</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
<u>Manufactured home park/subdivision</u>	<u>N</u>	<u>C</u>	<u>SR</u>	<u>SR</u>
<u>Mobile home park</u>	<u>N</u>	<u>N</u>	<u>SR</u>	<u>SR</u>
<u>Residential Care Facility/Nursing Home</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>	<u>SR</u>
<u>Boarding house/dormitory</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>SR</u>
<u>Transitional housing</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Religious institution housing or parsonage</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Planned Unit Development</u>	<u>D</u>	<u>D</u>	<u>D</u>	<u>D</u>

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted, D=Type III Planning Commission Review

~~**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.~~
- ~~C. Churches, except rescue missions or temporary revivals.~~
- ~~D. Mobile home placement – medical hardship.~~
- ~~E. Child care centers, as defined by OAR 414-300-1998(8)~~

**10-10-3: NON-RESIDENTIAL USES**

A. Table 10-10-3-A. The following table indicates which uses are permitted in each residential zone.

<u>Uses</u>	<u>LDR</u>	<u>MDR</u>	<u>RMH</u>	<u>HDR</u>
<u>Public and semi-public buildings and uses (e.g. fire stations, pumping stations, reservoirs, etc.)</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public and private parks, playgrounds, community centers and recreation facilities</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Religious institutions</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Child care centers</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Day nurseries (must retain residential character of building)</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Recreation facilities for use of residents or guests as part of an approved PUD</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Home occupations</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Neighborhood Commercial</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Bed and Breakfast Facility</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>
<u>Professional offices</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<u>Public parking areas</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>C</u>
<u>Agricultural uses</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>
<u>Gardens and greenhouses for the harvest of fruits, vegetables and flowers for noncommercial use</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Hospitals</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Public or private schools</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Cemeteries</u>	<u>N</u>	<u>C</u>	<u>C</u>	<u>N</u>

P=Permitted with Type I review, SR=Type II site review required, C=Type III conditional use review required and N=Not permitted

**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'). meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type<sup>12</sup>

<u>Type</u>	<u>LDR</u>		<u>MDR</u>		<u>RMH</u>		<u>HDR</u>	
	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>	<u>Width</u>	<u>Depth</u>
<u>All development types including single-family detached<sup>24</sup>, except:</u>	<u>50 ft.</u>	<u>80 ft.</u>	<u>50 ft.</u>	<u>80 ft.</u>	<u>50 ft.</u>	<u>80 ft.</u>	<u>50 ft.</u>	<u>80 ft.</u>
<u>Single-family attached dwelling or duet (single unit)</u>	<u>N/A</u>	<u>N/A</u>	<u>25 ft.</u>	<u>80 ft.</u>	<u>25 ft.</u>	<u>80 ft.</u>	<u>25 ft.<sup>3</sup></u>	<u>80 ft.<sup>3</sup></u>
<u>Duet (single unit)</u>	<u>25 ft.</u>	<u>80 ft.</u>	<u>25 ft.</u>	<u>80 ft.</u>	<u>25 ft.</u>	<u>80 ft.</u>	<u>25 ft.</u>	<u>80 ft.</u>
<u>Manufactured Home Park</u>	<u>N/A</u>	<u>N/A</u>	<u>50 ft.</u>	<u>80 ft.</u>	<u>35 ft.</u>	<u>70 ft.</u>	<u>35 ft.</u>	<u>70 ft.</u>

<sup>1</sup> Undersized lots of record with dimensions below the minimum may still be eligible for development. See Section 10-10-12. <sup>2</sup> Lots need to meet minimum lot sizes in Table 10-10-4-B, cCluster useshousing shall meet minimum lot sizes in FCC 10-10-8-C-2-b. <sup>3</sup>The single-family attached dwelling dimensions shall also apply to single-family detached dwellings in the HDR zone.

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

Table 10-10-4-B. Minimum Lot Area by Development Type.<sup>1</sup>

<u>Development Type</u>	<u>LDR</u>	<u>MDR</u>	<u>RMH</u>	<u>HDR</u>
<u>Single-family detached dwelling</u>	<u>7,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>2,000 sq. ft.</u>
<u>Single-family attached dwelling</u>	<u>N/A</u>	<u>3,000 sq. ft.</u>	<u>3,000 sq. ft.</u>	<u>2,000 sq. ft.</u>
<u>Duplex or Duet (both units)</u>	<u>N/A</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>4,000 sq. ft.</u>
<u>Tri-plex</u>	<u>N/A</u>	<u>7,500 sq. ft.</u>	<u>7,500 sq. ft.</u>	<u>5,000 sq. ft.</u>
<u>Four-plex</u>	<u>N/A</u>	<u>10,000 sq. ft.</u>	<u>10,000 sq. ft.</u>	<u>5,000 sq. ft.</u>
<u>All other development types<sup>24</sup></u>	<u>7,500 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>

<sup>1</sup>Undersized lots of record with dimensionsarea below the minimum may still be eligible for development. See Section 10-10-128 of this Title. <sup>2</sup>-Cluster housing usesshall meet minimum lot sizes in FCC 10-10-8-C-2-a.

- 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. shall not exceed the following:

	<u>LDR</u>	<u>MDR</u>	<u>RMH</u>	<u>HDR</u>
<u>Maximum building coverage</u>	<u>50%</u>	<u>50%</u>	<u>50%</u>	<u>75%</u>
<u>Maximum coverage by all impervious surfaces</u>	<u>75%</u>	<u>75%</u>	<u>75%</u>	<u>85%</u>

D. Yard Regulations: Unless an adjustment or 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.~~

Table 10-10-4-D. Minimum setbacks and yard regulations.

	<u>LDR</u>	<u>MDR</u>	<u>RMH</u>	<u>HDR</u>
<b><u>Front</u></b>				
<u>Primary</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>5 ft.<sup>1</sup></u>
<u>Garage or Carport vehicular entrance wall</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<b><u>Side</u></b>				
<u>Primary<sup>2</sup></u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.<sup>1</sup></u>
<u>Accessory Building</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Accessory Dwelling Unit</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Parking Lot, Garage or Carport</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Garage or Carport vehicular entrance wall</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<b><u>Rear<sup>1</sup></u></b>				
<u>Primary</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.<sup>1</sup></u>
<u>Accessory Building</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Accessory Dwelling Unit</u>	<u>10 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>	<u>5 ft.</u>
<u>Parking Lot, Garage or Carport</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>	<u>10 ft.</u>
<u>Garage or Carport vehicular entrance wall</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>	<u>20 ft.</u>
<sup>1</sup> Single-family detached and duplex dwellings in the HDR District shall have the same front, side and rear yard regulations as the MDR District. <sup>2</sup> Minimum side setbacks may be reduced to zero feet (0') for attached primary structures where they share a common wall with a structure on an adjacent lot. <sup>3</sup> For a corner lot or parcel which adjoins the point of intersections of two streets as defined in "Lot Type Corner" both lot or parcel lines are the front line. The sum of these setbacks shall not fall below the sum of the minimum front and side yard requirements for primary building and no setback shall be below the minimum primary side yard requirement for the district.				

1. 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, except as permitted under 10-3-8-A.
  2. All patio and playground equipment structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.
  3. When a multi-family use adjoins a single-family detached use, the multi-family use shall be set back from shared 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.
- E. Residential Density Standards: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum and maximum density standards shall be as listed below:

	<u>LDR<sup>2</sup></u>	<u>MDR<sup>3</sup></u>	<u>RMH<sup>3</sup></u>	<u>HDR</u>
<u>Minimum net density (units/acre)</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>12</u>
<u>Maximum average net density (units/acre)</u>	<u>-</u>	<u>12</u>	<u>12</u>	<u>25<sup>1</sup></u>
<u><sup>1</sup>Maximum average net density may be increased in the High Density Residential District through a PUD. See FCC 10-23. <sup>2</sup>Maximum Density is calculated using minimum lot size for use(s) proposed. <sup>3</sup>Existing undeveloped (infill) lots use lot sizes in Table 10-10-4-B. Subdivisions, partitions, lot line consolidations, and replats use 12 units per acre for MDR and RMH.</u>				

**10-10-5: SITE DEVELOPMENT PROVISIONS:**

- A. Building or Structural Height Limitations:
1. Residential Buildings Primary Structures: The maximum building or structural height shall be ~~twenty-eight feet (28')~~, thirty-five feet (35'), excepting High Density District which shall permit forty feet (40'), limited to three (3) stories.
  2. Accessory Buildings Structures: The maximum building height shall be ~~fifteen feet (15')~~, twenty feet (20').
  3. Accessory Dwelling Units: The maximum building height shall be ~~twenty-eight feet (28')~~.
  4. Nonresidential Buildings Structures: The maximum building height shall not exceed ~~twenty-eight feet (28')~~ in height, thirty feet (30').
  5. Structures in the HDR, LDR, MDR and RMH shall have a minimum roof pitch of 3/12, except mobile homes in the mobile/manufactured home parks or district.
- B. Fences: See Code Section 10-34-5 of this Title
- C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 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.

**10-10-6: ACCESSORY DWELLING UNITS:**

A. Accessory Dwelling Units are permitted within all Residential Districts on all parcels with previously-existing primary detached single-family dwellings subject to a Type I approval process and the following criteria:

1. Construction Criteria:

- a. The total floor area of the ADU shall be no fewer than 201 square feet. The floor area shall also not exceed 1,000 square feet, or 75 percent of the area of the primary unit; whichever is less.
- b. Where the primary dwelling is fewer than 500 square feet of living area, an Accessory Dwelling Unit may be constructed within up to 100% of the living area of the primary dwelling.
- c. Adequate provisions shall be made for stormwater, water, and wastewater as well as other utilities such as power.
- d. ADUs may be interior to, attached to, or detached from the structure of the primary dwelling, but are permanent structures built on a foundation, with the following exception:
  - i. Dwellings built on an axled frame designed for transportation on streets and highways do not qualify as ADUs unless made permanent through the payment of System Development Charges.
  - ii. ADUs built on an axled frame may be considered a permanent dwelling through the removal of tongue and running gear, addition of blocking, and the addition of skirting.

2. Siting & Design Criteria:

- a. Separate access shall be provided to each dwelling through a hard-surfaced pedestrian walkway leading to the nearest developed right-of-way or sidewalk. Connection through an existing sidewalk or driveway is permitted.
- b. Parking for each dwelling shall be denoted on a site plan, established, and maintained per FCC 10-3-4 and 10-3-8.
- c. One hundred square feet (100 sq. ft.) of open space, denoted on a site plan, shall be provided for the use of occupants of the ADU meeting the following criteria:
  - i. Not less than ten feet (10') in width or depth at any point.
  - ii. Located on land with less than a five percent (5%) slope.

- iii. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.
  - iv. Not used for temporary or regular parking of automobiles or other vehicles.
- d. Accessory Dwelling Units shall meet the architectural standards of the underlying zoning district. ADUs need not match the architecture of the primary dwelling if located within the side or rear yards of the primary dwelling. ADUs within the front yard of the primary dwelling must match the appearance, building material (in appearance) and color of the primary dwelling.
  - e. Sites with more than one primary dwelling (i.e. a duplex or triplex), where an Accessory Dwelling Unit is proposed may be approved through a Type II process.
  - f. Within the ~~Restricted Residential, Single-Family Residential,~~ Low Density Residential, Medium Density Residential, Mobile Home / Manufactured Home, and Coast Village zoning districts: One ADU may be constructed per legal, buildable lot.
  - g. Within the ~~Multi-Family Residential District (High Density Residential District),~~ both a detached ADU and an attached ADU may be constructed on the same lot. The number of Accessory Dwellings per legal, buildable lot shall not exceed two. Applications with more than one ADU may be approved through a Type II review. All other criteria in place for ADUs shall be met.
  - h. ADUs may be constructed or placed according to the standards of the ~~Single-Family Residential District~~ this chapter within other non-residential districts. One ADU may be constructed per legal, buildable lot.
3. Safety Requirements:
- a. All Accessory Dwelling Units shall meet the standards of Building and Fire Code.
  - b. All Accessory Dwelling Units shall be inspected by the Building Official prior to their occupancy in order to determine the safety of the structure for habitation.
- B. Residential Development Density Standards do not apply to Accessory Dwelling Units.
- C. Accessory Dwelling Units shall not be used for Short Term Rentals.
- D. The standards of code section 10-10-6 regarding accessory dwelling units supercede those of all other residential districts.

**~~10-10-7: RESIDENTIAL ZONE GENERAL DEVELOPMENT STANDARDS~~**

<b>TABLE 10-10-2</b>				
<b>Residential Zone General Development Standards</b>				
<b>Standard</b>	<b>District</b>			
	<b>Restricted Residential</b>	<b>Single-Family</b>	<b>Multi-Family</b>	<b>Coast Village</b>

		Residential	Residential	
<b>Minimum Building Setbacks</b>				
<b>Front Setback</b>				
Primary Building (excluding garages and carports)	40'	40'	5/10'	20'
Garages and Carports	20'	20'	20'	20'
<b>Side Setback</b>				
Primary Building	40'	5'	5'	8'
Accessory Buildings, Patio Structures, and Pools	5'	5'	5'	5'
Accessory Dwellings	40'	5'	5'	8'
<b>Rear Setback</b>				
Primary Building	40'	5'	5'	10'
Accessory Buildings, Patio Structures, and Pools	5'	5'	5'	5'
Accessory Dwellings	40'	5'	5'	8'
<b>Maximum Lot Coverage (in percent)</b>				
All Lots, Impervious Surface, except where specifically addressed below	65	65	75	65
Enclosed Building Area, All Lots	35	35	50	35
Enclosed Building Area, Lots with Accessory Dwellings	55	55	70	55
Enclosed Building Area, Multi-Family Dwellings and Other Uses	-	-	50	-

The standards of Table 10-10-2 supercede the setback and lot coverages listed within all other residential districts.

~~Amended by Ordinance No. 15, Series 1988~~

~~Amended by Ordinance No. 3, Series 1999~~

~~Section 10-10-**10-10-7: ATTACHED HOUSING:**~~

~~A. Applicability: Single-family attached dwellings, duplexes, tri-plexes, and four-plexes are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Attached Housing standards shall apply.~~

~~B. Intent.~~

~~1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.~~

~~2. To ensure that the overall size and visual impact of the attached development be comparable to standard residential development, by balancing bulk and mass of individual residential units with allowed intensity of units.~~

~~3. To ensure minimal visual impact from vehicular use and storage areas for residents of the attached housing development as well as adjacent properties.~~

~~C. Approval Criteria.~~

~~1. Construction Criteria:~~

~~a. Maintenance easement: No building permit shall be issued for an attached development unless the applicant provides a copy of a recorded easement from the owner(s) of contiguous properties providing for reasonable ingress, egress, and use of such properties for the purpose of maintaining, repairing and replacing the premises. The easement shall be in a form approved by the City Attorney.~~



- b. Number of attached units allowed: No more than 4 consecutive units that share a common wall or walls, roof, or foundation are permitted. A set of 4 attached units is allowed to be adjacent to a separate set of 4 attached units.
- 2. Dimensional Standards: In addition to the standards listed in 10-10-4, attached housing must meet the following:
  - a. Interior side setback: Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet. This standard shall also apply to accessory structures
- 3. Open Space: Developments of four (4) or more units shall provide and maintain open space for the use of all occupants. Open space shall have the following characteristics:
  - a. Not less than ten feet (10') in width or depth at any point.
  - b. Located on land with grade less than five percent (5%) slope.
  - c. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.
  - d. Not used for temporary or regular parking of automobiles or other vehicles.
  - e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80).
  - f. Includes one or more of the following: indoor or 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.
  - g. Open space may be provided as private open space for single-family attached dwellings.
- 4. Architectural Details
  - a. Approved exterior building wall materials:
    - i. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted
    - ii. Vinyl siding is permitted if it meets the following standards:
      - 1. The style emulates lap siding, board and batten siding, shingles and/or shakes.
      - 2. The vinyl is ultraviolet- and heat-stabilized.
      - 3. Panels are a minimum thickness of 0.044 inches.
      - 4. Soffit panels are a minimum thickness of 0.050 inches.
      - 5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.

6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

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

iv. Cement-based stucco

v. 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. Secondary materials may be used on up to 30% of the façade.

b. Single-family attached and duet dwellings shall include an area of transition between the public realm of the right-of-way and the entry to the private dwelling with one of the following options:

i. A covered porch or patio of at least sixty square feet with a minimum depth of five feet (5') between the main entrance and the street.

ii. Uncovered stairs that lead to the front door or front porch of the dwelling. The stairs shall rise at least three feet (3'), and not more than six feet (6'), from grade.

5. Off-Street Parking: Attached Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.

6. Fences: Attached Housing must meet all of the applicable standards outlined in Section 10-34-5 of this Title.

#### **10-10-8: CLUSTER HOUSING:**

A. Applicability: ~~Cluster housing is permitted within all residential districts subject to a Type II site review.~~ Cluster developments are subject to all the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Cluster Housing standards shall apply.

B. Intent.

1. To provide a variety of housing types that respond to changing household sizes and ages, including but not limited to retirees, small families, and single-person households.

2. To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.

3. To ensure that the overall size and visual impact of the cluster development be comparable to standard residential development, ~~by Ordinance~~ balancing bulk and mass of individual residential units with allowed intensity of units.

4. To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cluster housing developments.

5. To ensure minimal visual impact from vehicular use and storage areas for residents of the cluster housing development as well as adjacent properties.

C. Development Standards.

1. Unit Standards:

- a. Maximum average gross floor area: One thousand and two hundred (1,200) square feet per dwelling unit
- b. Maximum height for primary dwellings: twenty-eight feet (28')
- c. Minimum roof slope of all structures: 4:12
- d. Permitted Housing Types:
  - i. Medium Density Residential and Mobile Home/Manufactured Home Residential Districts: Units may be single-family detached or up to four units attached.
  - ii. High Density Residential District: Units may be single-family detached or any number of units attached.

2. Dimensional Standards: In addition to the standards listed in 10-10-4, cluster developments must meet the following:

- a. Minimum Lot size: Shall meet standards of Table 10-10-8-A.

	<u>Minimum lot size for development on a single lot</u>	<u>Minimum lot size for development with individual lots</u>
<u>MDR and RMH</u>	<u>10,000 square feet</u>	<u>2,000 square feet</u>
<u>HDR</u>	<u>8,000 square feet</u>	<u>1,500 square feet</u>

- b. Minimum lot dimensions: Minimum lot width for individual lots shall be twenty (20) feet, with a minimum lot depth of fifty (50) feet.
- c. Minimum setbacks from site perimeter: Same as the base zone.
- d. Minimum setbacks for single-family and duplex dwellings on individual lots within a Cluster Housing development:

	<b><u>Setback</u></b>
<u>Front</u>	<u>10 ft.</u>
<u>Porch or stairs</u>	<u>5 ft.</u>
<u>Side</u>	<u>3 ft.</u>
<u>Rear</u>	<u>5 ft.</u>

- e. Setbacks for accessory buildings shall comply with 10-10-4-D.
- f. Maximum building coverage shall be the same as the underlying zone.
- g. Minimum distance separating dwelling units (excluding attached dwellings and accessory structures): Six feet (6').

3. Density.

- a. For developments in the Medium Density Residential and Mobile Home/Manufactured Home Park Residential Districts: Maximum net density is ~~double the density allowed under 10-10-4-E~~ 17.4 units per acre.
- b. For developments in the High Density Residential District: Maximum net density shall be the same as allowed under 10-10-4-E.
- c. Units Per Cluster:
  - i. Medium Density Residential District: There may be 4-12 units per cluster.
  - ii. High Density Residential District: There may be 4-12 units per cluster with no limit on the number of clusters.

4. Open Space:

- a. Cluster Housing shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:
  - i. Located on land with a grade less than a five percent (5%) slope.
  - ii. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.
  - iii. Not used for temporary or regular parking of automobiles or other vehicles.
  - iv. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)
  - v. Provides at least 50% of open space in the form of a single, contiguous, centrally located open space that:
    - A. Has a minimum dimension of twenty feet (20')
    - B. Abuts at least fifty percent of the dwellings in a cluster housing development.
    - C. Has dwellings abutting on at least two sides.
    - D. The common open space shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, or a community building built for the sole use of the cluster housing residents. Impervious elements of the common open space, excluding community buildings, shall not exceed 30 percent of the total open space.
    - E. Shared non-recreational facilities such as shared laundry or storage facilities shall not count towards the open space requirement.
- b. If private open space is provided for dwelling units, it shall be adjacent to each dwelling unit. Private open space may include landscaping, porches, patios and decks. The minimum dimension for private open spaces shall be ten feet (10'), except that porches shall have a minimum dimension of five feet (5'). 2<sup>nd</sup> story decks are excluded.

5. Architectural Details

a. Approved exterior building wall materials:

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

ii. Vinyl siding is permitted if it meets the following standards:

1. The style emulates lap siding, board and batten siding, shingles and/or shakes.

2. The vinyl is ultraviolet- and heat-stabilized.

3. Panels are a minimum thickness of 0.044 inches.

4. Soffit panels are a minimum thickness of 0.050 inches.

5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.

6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

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

iv. Cement-based stucco

v. 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. Secondary materials may be used on up to 30% of the façade.

6. Off-Street Parking: Cluster Housing must meet all of the applicable standards outlined in Section 10-3 of this Title.

7. Fences: Cluster Housing must meet all of the applicable standards outlined in Section 10-34-5 of this Title.

8. Existing dwelling unit onsite: One existing single-family home incorporated into a Cluster Cottage Housing Development that does not meet the requirements of this chapter is permitted to remain on a site developed for cluster housing and shall be considered a dwelling in the development. The existing single family dwelling unit shall not be part of the average gross floor area calculations. Modifications or additions to the existing dwelling unit not consistent with the provisions of this chapter shall not be permitted.

**10-10-9: MULTI-FAMILY DWELLINGS:**

A. Applicability: Developments of five (5) or more attached residential units are subject to all of the applicable sections of this Title. Where there is a conflict between these standards and standards elsewhere in the code, the Multi-Family Dwellings standards shall apply.

B. Siting and Design Criteria:

1. Separation Between Buildings: The minimum separation between multiple-family buildings shall be thirty feet (30') except where buildings are arranged end to end. Except 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.

2. Public Facilities: In addition to requirements listed in Section 10-36 of this Title, the developer of a multi-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.
3. Open Space: Developments of five (5) 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:
  - a. Not less than ten feet (10') in width or depth at any point.
  - b. Located on land with less than a five percent (5%) slope.
  - c. Cleared sufficiently of trees, brush and obstructions so that intended recreational use proposed is possible.
  - d. Not used for temporary or regular parking of automobiles or other vehicles.
  - e. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)
  - f. Includes one or more of the following: indoor or 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.
4. Design Standards: Multi-family buildings must meet all applicable design criteria of FCC 10-6-6-4 and 10-6-6-5, with the following exceptions:
  - a. 10-6-6-4. G.
  - b. 10-6-6-5. F. 2.
  - c. 10-6-6-5. G. 3.
  - d. Vinyl siding may be permitted if it meets the following standards:
    1. The style emulates lap siding, board and batten siding, shingles and/or shakes.
    2. The vinyl is ultraviolet- and heat-stabilized.
    3. Panels are a minimum thickness of 0.044 inches.
    4. Soffit panels are a minimum thickness of 0.050 inches.
    5. Siding is installed with corrosion-resistant fasteners such as aluminum or galvanized nails.
    6. Siding is installed with sufficient space at openings, stops and nailing slots to allow for expansion and contraction of the material without warping, buckling or cracking.

5. Off-Street Parking: Multi-family development must meet all of the applicable standards outlined in Section 10-3 of this Title.
6. Fences: Multi-family development must meet all of the applicable standards outlined in Section 10-34-5 of this Title.

#### **10-10-10: 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 feet (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.

#### **10-10-11: MOBILE HOME/MANUFACTURED HOME PARKS:**

##### **10-10-11-1: 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 and approved by the Planning Director through a Type II Process as defined in 10-1-1-6-2.
- 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 Director.
- C. Conformity to the Comprehensive Plan: The mobile home/manufactured home park development shall conform to the City Comprehensive Plan of that portion of the City with which the development is located.

##### **10-10-11-2: 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 by the Planning Director.
  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 Director.
- 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 Director, 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 Director.
- 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 Director. The proposed landscaping must meet the standards outlined in Section 10-34 of this Title. ~~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.

**10-10-11-3: SITE AND DEVELOPMENT PLAN:**

A. All applications submitted for approval of a mobile home/manufactured home park development shall consist of ~~four (4)~~ two (2) 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 foundations 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)~~ two (2) 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 Director.~~

**10-10-11-4: DEVELOPMENT PLAN PROCEDURE:**

**A. Review Types.**

- ~~1. Development plans for new manufactured home parks and alterations or expansions of existing parks by 25 percent or more of the shall be reviewed as a Type II review consistent with FCC 10-1-1-6-2.~~
- ~~2. Alterations or expansions of existing parks by less than 25 percent shall be reviewed as a Type I review consistent with FCC 10-1-1-6-1.~~
- ~~3. Approvals shall expire in two (2) years unless the plan is substantially implemented.~~

**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. Phased Development Plan. The development of a manufactured home park may be phased. No development may occur without receiving tentative phased development plan approval as set forth in this section. When the development of a manufactured home park is phased, one tentative plan is approved by Planning Commission for the entire phased development plan, and each individual phase receives separate approval from the Planning Director. Planning Commission shall approve a phased development plan, provided affirmative findings can be made that:~~

- ~~1. The proposed development plan meet the approval criteria for manufactured home parks.~~
- ~~2. The proposed development plan includes the following elements:
  - ~~a. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase.~~
  - ~~b. Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.~~
  - ~~c. Each phase is substantially and functionally self-contained and self-sustaining with regard to required public improvements.~~
  - ~~d. Each phase is designed in such a manner that all phases support the infrastructure requirements for the phased subdivision as a whole.~~~~

3. If the approval of an individual phase requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased development plan shall be modified prior to the approval of the individual phase.

4. Tentative development plan approval shall be effective for two years within which time the application and development plan must be submitted as required by this Title. An applicant may apply to the Planning Director for two (2) extensions of two (2) years 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.

~~C. 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.~~

~~D. 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).~~

Section

**10-10-5 amended 11-5: 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 Ordinance No. 9, Series 2009 the Planning Director shall be completed before first occupancy is permitted.

~~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, 2014  
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 11-16-16  
Section 10-10-6 and 7 amended by Ord. 4, Series 2018 — effective 6-21-18~~

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 Director Commission and City Council on the signed approved copies of the development plan.

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

**10-10-11-6: 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.

**10-10-11-7: 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.

**10-10-12: UNDERSIZED RESIDENTIAL LOTS OF RECORD**

- A. Any pre-existing residential lot of record meeting the standards listed in FCC 10-8-3 shall be designated a building site.
- B. A pre-existing lot of record that is less than or equal to 30 feet wide must conform to all applicable standards outlined in Title 10, with the following exceptions:
  - 1. Parking:
    - a. Minimum parking space requirements for residential uses may be reduced to one space per unit, and may be covered or uncovered.
    - b. A street facing garage of up to 12 feet wide per lot may be permitted but is not required to satisfy the minimum parking space requirement.
  - 2. Dimensional Standards:
    - a. Minimum Lot Width, Depth and Size: Minimum Lot Width, Depth and Size do not apply for undersized lots of record.
    - b. Height: Primary structure height is limited to 1.2 times the width of the structure.

c. Setbacks:

i. Detached Structures: Detached residential primary structure building envelopes with less than twenty-five feet (25') in width may reduce side setbacks equal to one half foot (0.5') per foot of building envelope less than twenty five feet (25') under the base zone setback. The minimum side setback shall not fall below three feet (3').

ii. Attached Structures; Attached residential primary structures may reduce the minimum side setback to zero feet (0') where they are attached to a structure on an adjacent lot.

d. Maximum Lot Coverage: The maximum coverage for buildings may not exceed 50% of the site area nor may the maximum coverage for all impervious surfaces exceed 75%, unless expressly permitted by the base zone.

3. Density: Density standards do not apply for undersized lots of record.

C. No lot or combination of contiguous lots, either vacant or containing a residential dwelling, shall be platted or replatted so that an undersized lot is created, nor shall a lot be platted or replatted if setbacks or dimensions less than the minimum would result.

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 Planning Commission that the proposed use meets the general criteria in Section 10-15-4 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 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

EXHIBIT J



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,

Home occupations,

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

Residential unit(s), provided that the building contains a non-residential use or uses permitted or permitted conditionally on the ground floor, and that the unit(s) shall not occupy the front twenty five feet (25') of the ground floor of the building or site facing the street; if access to the dwelling is from the principal commercial street, it shall be a separate entrance and not more than ten feet (10') wide.

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.

Woodworking and cabinet shops, provided that the business includes retail sales of product(s) produced on the premises.

Public and private elementary or secondary schools.

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.
- D. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 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 residential~~ housing developments of 4 or more units as follows:
  - 1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be 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.
- J. Residential development must meet the provisions for Multi-Family Dwellings listed in FCC 10-10-9.

**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.

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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 11-16-16)

**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.

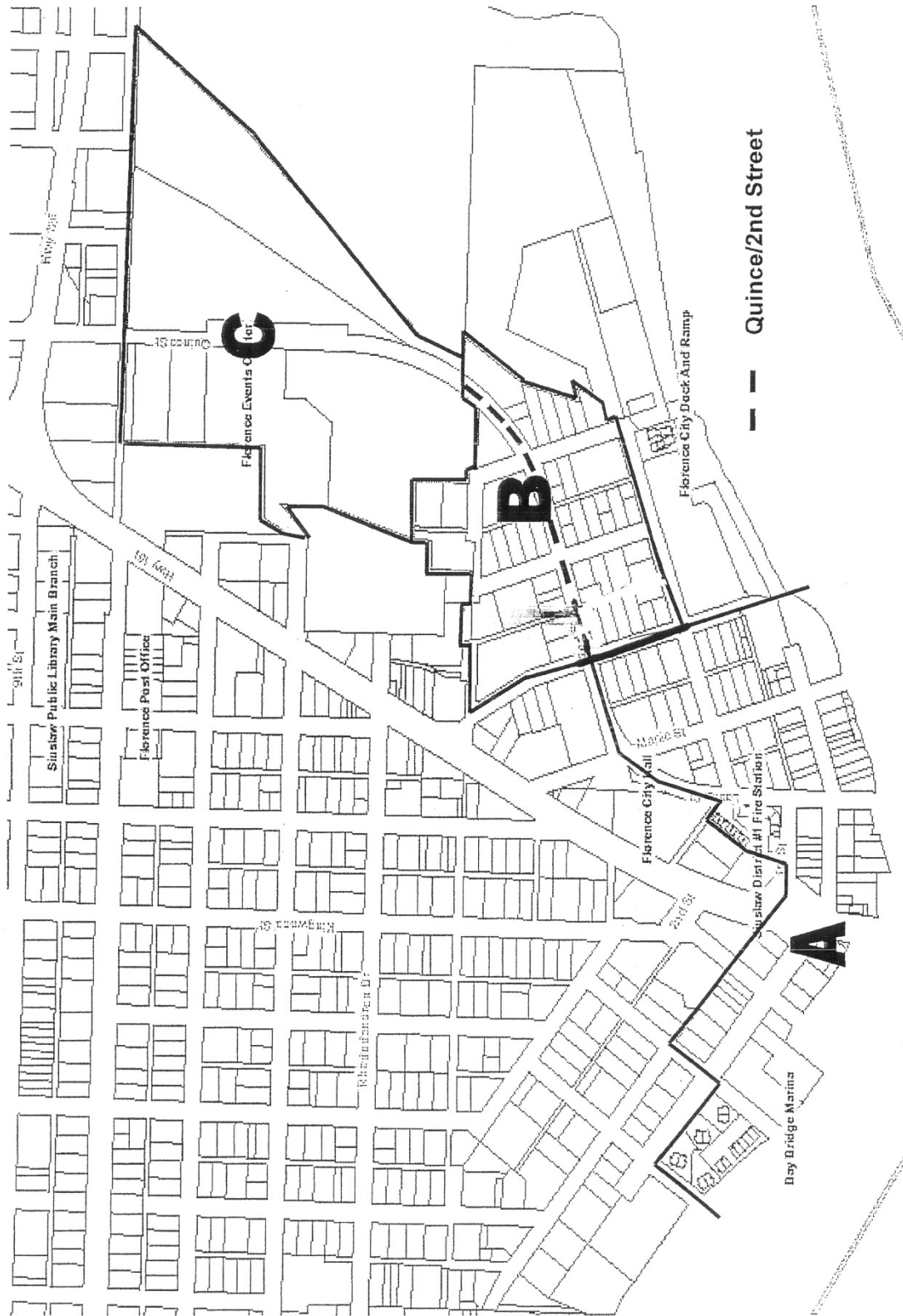
The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with Figure 17.1. The purpose of these sub-areas is described in each subsection.

|

<b>EXHIBIT K</b>
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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 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.

VISUAL AID  
(continued)

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.

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### OLD TOWN DISTRICT AREA A

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**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

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 ten feet (10') wide. Residential uses shall be reviewed through a Type II Site Review as defined in Section 10-1-1-6.

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 ( $\leq 5000$  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 Planning Commission or their designee 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').

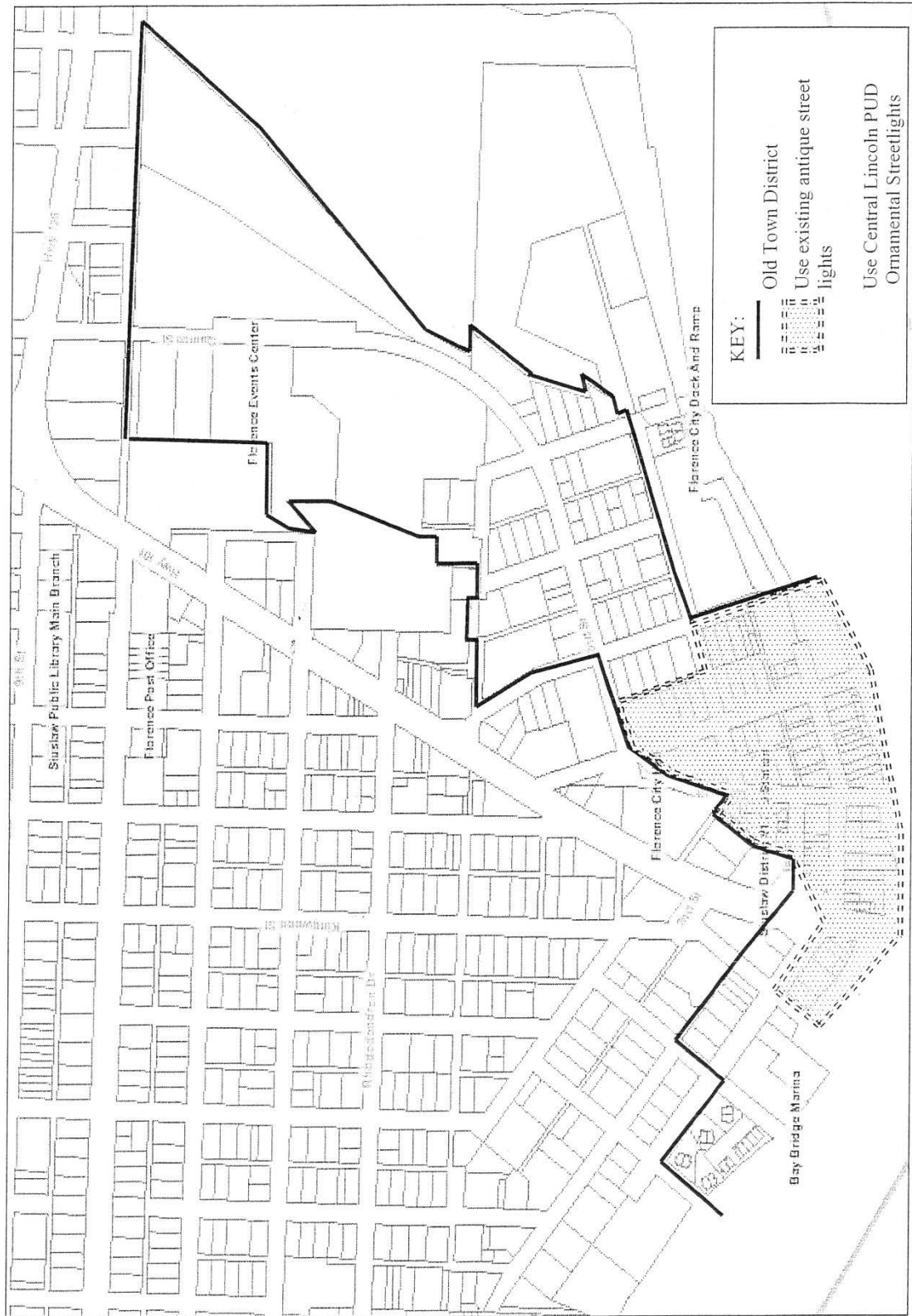
For any building two (2) stories above grade, two (2) or more of the following design options shall be employed to reduce the perceived scale of the structure:

- 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 Area 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 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 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 and 10-35-2-14 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 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.



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## OLD TOWN DISTRICT AREA B

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**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/2<sup>nd</sup> 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 Uses:** 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 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/2<sup>nd</sup> Street, the Planning Commission 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/2<sup>nd</sup> Street:** The maximum height for buildings or other structures in the Old Town District Area B south of Quince/2<sup>nd</sup> Street shall be two (2) stories above grade with a maximum of thirty feet (30').
2. **North of Quince/2<sup>nd</sup> Street:** The maximum height for buildings or other structures in the Old Town District Area B north of Quince/2<sup>nd</sup> 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/2<sup>nd</sup> 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 10-2-13 and 10-35-2-14 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 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.

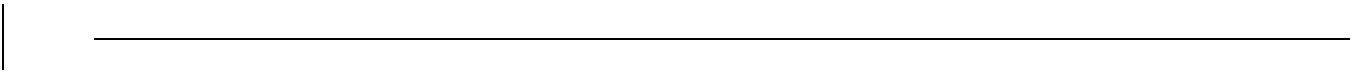
**K. Design Review:** All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design 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

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**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 Planning Commission or their designee 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 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/2<sup>nd</sup> Street, the Planning Commission 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/2<sup>nd</sup> 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 10-2-13 and 10-35-2-14 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 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.

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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 11-16-16

**PLANNED UNIT DEVELOPMENT (PUD)**

SECTION:

- 10-23-1: Purpose
- 10-23-2: Definitions
- 10-23-3: Development Options
- 10-23-4: General Criteria
- 10-23-5: Development Standards
- 10-23-6: Dedication and Maintenance of Facilities
- 10-23-7: Professional Design
- 10-23-8: General Procedures
- 10-23-9: Application Conference
- 10-23-10: Preliminary Approval
- 10-23-11: Approval of the Final Development Plan
- 10-23-12: Adherence to Approved Plan
- 10-23-13: Guarantee of Performance
- 10-23-14: Expiration of Approval for a PUD
- 10-23-15: Phased Planned Unit Development

**10-23-1: -PURPOSE:-** The Planned Unit Development authorization is intended to:

- A. Encourage the coordinated development of unplatted land.
- B. Encourage innovative land utilization through a flexible application of zoning regulations.
- C. Preserve the natural amenities of land and water.
- D. Create opportunities for a wide variety of life styles by creating a variety of dwelling types that help meet the needs of all income groups in the community.
- E. Provide for the efficient use of public utilities, services and facilities.
- F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.

**10-23-2: -DEFINITIONS:-** As used in this chapter, the following words shall mean:

- COMMON IMPROVEMENTS: Include utilities and other facilities reserved in common ownership.
- NET DEVELOPMENT AREA: Area of property exclusive of public or private roads, or parkland.
- PUBLIC IMPROVEMENTS: Improvements that include utilities, parklands, and facilities that will be dedicated to the public and maintained by the City.
- PLANNED UNIT DEVELOPMENT: Development of a unified site design for an area of land that allows deviation from specific site development standards while observing general purposes of the zoning regulations.

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

- A. For the ~~Restricted~~ Low Density Residential District:

EXHIBIT L

1. ~~Residential units at the density of one unit for every nine thousand (9,000) square feet of building site, exclusive of private and public roadway and private or dedicated parkland:~~

a. ~~\_\_\_\_\_ All uses permitted in the designated zoning district including uses requiring design review. Single-family dwellings.~~

b. ~~\_\_\_\_\_ Single Duplexes.~~

~~c. \_\_\_\_\_ Multiple-family attached dwellings. Duplexes.~~

~~c. \_\_\_\_\_ Duplexes, triplexes, and quadplexes, and~~

~~d. \_\_\_\_\_ Multiple-family dwellings.~~

~~ed.~~ Open Space and Parklands (Ord. No. 2, Series 2011)

B. For all other districts:

a. All permitted uses ~~normal to in~~ the designated zoning district including uses requiring design review.

~~b. \_\_\_\_\_ Triplexes, quadplexes, and multiple-family dwellings.~~

~~c. \_\_\_\_\_ Open Space and Parklands (Ord. No. 2, Series 2011)~~

~~ed.~~ Commercial uses.

~~de.~~ Temporary use of vacant lots for RV use. (Ord 12, 1998)

**10-23-4: -GENERAL CRITERIA:-** Applicant must demonstrate that the development conforms to all the following criteria:

A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.

B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.

C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.

D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.

E. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.

**10-23-5: -DEVELOPMENT STANDARDS: -**To ~~insure~~ ensure that a PUD fulfills the intent of this Chapter, the following standards and those of FCC 10-36 shall apply.

A. ~~Minimum Size:-~~ Two (2) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than two (2) acres is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area.

~~B. Building Coverage: In a residential PUD, not more than fifty percent (50%) of the land area being developed, exclusive of public or private streets, shall be covered by buildings. When the PUD is not entirely residential, maximum building coverage shall be consistent with the purpose and general criteria of this Chapter as determined by the Planning Commission.~~

**CB.** ~~Perimeter Yards:-~~ The Planning Commission may require a yard at least as deep as that required by the front yard regulations of the district adjacent to the PUD on any, or all, sides of the PUD. Such a perimeter yard does not qualify as open space unless the Planning Commission finds that such a dual purpose use of land is desirable.

~~D.~~ ~~Maximum Building Height: Primary buildings shall not exceed the height limitations prescribed in the zoning district(s) in which the PUD is located. Accessory buildings shall not exceed the height limitations for primary buildings. (Ord 12, 1998)~~

~~EC.~~ Off-Street Parking: The requirements for off-street parking and loading shall be in accordance with Chapter 3 of this Title. The Planning Commission may allow one parking space for single family dwellings in a PUD. ~~Parking spaces or garages may be grouped together when the Planning Commission determines that such grouping of parking spaces, and the location thereof, will be accessible and useful to the residents, guests and patrons of the PUD. (Ord 12, 1998)~~

~~FD.~~ Underground Utilities: All electrical, telephone, cable television, fire alarm, street light and other wiring, conduits and similar utility facilities and accessories shall be placed underground by the developer.

~~GE.~~ Open Space:- A minimum of 20% of the net development area shall be open space and must be platted for that purpose. (Easements are not acceptable). At least 25% of the 20% shall include an area designated and intended for recreation use and enjoyment. The required recreation area may be provided as:

- Public dedication for use by public in general, and/or
- Property owned by the Home Owners Association (or other legal entity) for use by residents of the development.

The recreation area may provide for passive and/or active recreational activities. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons with amenities, and private parks. Recreation areas shall include high-quality and durable amenities and incorporate ADA accessibility features such as, but not limited to:

- Indoor or outdoor recreation area
- Play fields or outdoor playgrounds
- Indoor or outdoor sports courts
- Swimming pools
- Walking or running fitness courses
- Pedestrian and bicycle amenities meeting park industry durability standards
- Other recreational amenities determined by Planning Commission to fulfill the purpose of this Chapter

The recreational area is required to be developed to satisfy one or more recreational needs identified in the latest Florence Parks and Recreation Master Plan. If the Master Plan or Comprehensive Plan shows a need for public recreation area in the location of the PUD (such as a trail connection or neighborhood park), the recreation area shall be dedicated to the public. If the recreation area is not meeting a need for public recreation, the city may choose not to accept dedication of the recreation area. (Ord. No. 2, Series 2011)

1. Open space will be suitably improved for its intended use, except that common open space (outside the required 25% of recreation use area) containing natural features worthy of preservation may be left unimproved. ~~The buildings, structures and improvements to be permitted in the common open spaces shall be appropriate to the uses, which are authorized for the open space.~~
2. The development schedule which is part of the development plan shall coordinate the improvement of the open space and the construction of buildings and other structures in the open space with the construction of residential dwellings in the planned unit development.
3. If buildings, structures or other improvements are to be made in the open space, City may require that the development provide a bond or other adequate assurance that the buildings, structures and improvements will be completed. ~~In this case, the City Council~~

shall release the bond or other assurances when the buildings, structures and other improvements have been completed according to the development plan.

4. The following areas are not acceptable for recreation area required as part of a PUD: (Ord. No. 2, Series 2011)
  - a. Hillside over ~~twenty-five~~ (25) percent slope; (Ord. No. X, Series 2019)
  - b. Land in the floodway, floodplain, or required riparian or wetland buffer, unless trails, benches, picnic tables and similar above are incorporated;
  - c. Roadside ditches;
  - d. Monument entry areas and central landscaped boulevards;
  - e. Stormwater retention or detention ponds that are designed to hold stormwater runoff from less than one hundred (100) year events;
  - f. Parking areas and road rights-of-way that are located within the parkland, open space, or common area, except for parking that is required specifically for use of the parkland;
  - g. Yards, court areas, setbacks, or other open areas required by the zoning and building ordinances and regulations shall not be included in the computation.

5. A portion not to exceed 50% of open space and recreation area requirements may be met with a fee-in-lieu if the proposed PUD is within one quarter (¼) mile of underdeveloped parkland as measured on public rights-of-way with reasonable pedestrian and bicycle connections to the parkland. The fee for open space shall be calculated by multiplying the sq. ft. of open space area being met with fee-in-lieu multiplied by the average square foot value of abutting real property as shown on the current Lane County assessment roll, less a percentage for easement retained for public use. The fee for recreation area will include the open space methodology and additional fee for improvements planned for the underdeveloped parkland as identified in the Florence Parks and Recreation Master Plan or in a City Council approved community park plan for that park.

F. Natural Resource Protection and Unique Land Forms: Development plans shall incorporate measures to preserve, enhance or protect significant natural resources or unique land forms where identified as part of a Phase 1 site investigation report. Areas designated for preservation or protection may count towards meeting the open space requirement but may not count towards meeting the recreation area requirement.

G. Mixed Uses, Unit Types, and Density: Where supported by the zoning district, development plans shall incorporate a mix of dwelling unit types and densities consistent with the base zone as well as a mix of residential, commercial, and recreational uses.

H. The project shall meet the development standards for the underlying zone including but not limited to height, density, coverage, setbacks, lot area. However, the applicant may propose modifications to those standards as part of the PUD application without the need for a separate variance or adjustment application subject to FCC 10-5. For all proposed modifications, the applicant shall submit application and show how the proposed modification achieves the following:

1. High quality building design using of Old Town and Mainstreet Architectural Standards or higher standard
2. Incorporation of unique land forms into the final PUD design
3. More recreation space than the minimum required
4. On-site amenities reflecting the value for both active and passive recreational facilities
5. Natural resource protection, where identified as part of a preliminary site investigation report
6. A mix of dwelling unit types and densities
7. A mix of residential, commercial, and recreational uses, where zoning permits.

**10-23-6: -DEDICATION AND MAINTENANCE OF FACILITIES:-** The City may require that space be set aside, improved, conveyed or dedicated for the following uses:

- A. Easement necessary to accommodate existing or proposed public utilities.



- B. Streets, bikeways and pedestrian paths necessary for the proper development of either the PUD or adjacent properties.
- C. Common open space, recreation facilities, parks and playgrounds necessary and appropriate for the owners, residents, patrons and employees of the PUD. -Maintenance, repair, insurance and related obligations are the responsibility of either:
  - 1. The developer; or
  - 2. An association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

**10-23-7: -PROFESSIONAL DESIGN:-** The developer is required to employ a design team to ensure that the project is well planned, and to coordinate the process of application. -The design team shall include an Architect or Engineer, a Landscape Architect, a Planner, a Surveyor, and in some cases, a Soils Engineer. Designation of a professional coordinator doesn't prohibit the owner from taking part in the process.

**10-23-8: -GENERAL PROCEDURES:-** There shall be a three-stage review process for all PUD's.- The first step is the application conference, followed by preliminary development review and approval and final review.

**10-23-9: -APPLICATION CONFERENCE:-** An outline development plan accompanied by the application fee, shall be submitted to the Planning Commission by the owner(s) of the properties to be developed. -The developer, or the designated professional coordinator, shall meet one or more times together with the Planning Commission's staff and determine whether the requirements of this Chapter have been fulfilled.

Outline Development Plan: -An outline development plan shall include both maps and a written statement as described in this section. -The information shall deal with enough of the area surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining uses, both existing and allowable.

- 1. The maps which are part of the outline plan may be in general schematic form, and shall contain the following information:
  - a. The existing topographic character of the land.
  - b. Existing and proposed land uses and the approximate location of buildings and other structures.
  - c. The character and approximate density of the proposed buildings.
  - d. The approximate location of major thoroughfares.
  - e. General traffic flow patterns within the PUD.
  - f. Public uses, including schools, parks, playgrounds and other public open spaces.
  - g. Common open spaces and a description of the proposed use of these spaces.
- 2. The written statement which is part of the outline development plan shall contain the following information:
  - a. An explanation of the character of the planned unit development and the manner in which it has been planned to take advantage of the planned unit development regulations.
  - b. A statement of the present ownership of all the land included within the planned unit development.
  - c. A general indication of the expected schedule of development.

- d. A preliminary site investigation report.

**10-23-10: PRELIMINARY APPROVAL:** -The Planning Commission shall hold a public hearing, and any continuance thereof, to discuss the PUD proposal. -The public hearing shall not be held until the complete information listed below has been available for review by the Planning Commission's staff for at least thirty (30) days.

Preliminary Development Plan:—A preliminary development plan shall be prepared and shall include the following information:

1. A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
2. Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open spaces around buildings and structures, excepting private single-family lots in a residential PUD.
4. Elevation and perspective drawings of proposed structures.
5. A development schedule indicating:
  - a. The approximate date when construction of the project can be expected to begin.
  - b. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin.
  - c. The anticipated rate of development.
  - d. The approximate dates when each stage in the development will be completed.
  - e. The area, location and degree of development of common open space that will be provided at each stage.
6. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
7. The following plans and diagrams, insofar as the reviewing body finds that the planned unit development creates special problems of traffic, parking and landscaping.
  - a. An off-street parking and loading plan.
  - b. A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. -Any special engineering features and traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern shall be shown.
  - c. A landscaping and tree plan.

After the public hearing, the Planning Commission shall determine whether the criteria and general intent of this section have been fulfilled. -The Planning Commission may require such changes and impose such conditions as they determine to be prudent and desirable.- The Planning Commission may, at its discretion, authorize submission of the final plan in stages, corresponding to the different phases or elements of the development, after receiving evidence assuring completion of the entire project on schedule.

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

1. Within one year following the approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan

containing in final form the information required in the preliminary plan. The Planning Commission may grant 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 the 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 if new land use regulations have been adopted that affect the applicant's proposal.

2. Final development plans shall include plans for proposed:
  - a. Storm drainage.
  - b. Sewer and water utilities.
  - c. Streets, pedestrian ways, trails and paths.
  - d. Preliminary subdivision plan, if property is proposed to be divided.
  - e. Open Space and Parklands to be dedicated to the public or held in Homeowner Association ownership. (Ord. No. 2, Series 2011)
3. Plans for public improvements shall be prepared by a Registered Engineer and shall be approved by City staff before final approval by the Planning Commission.
4. If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the Planning Commission shall advise the applicant to submit an application for amendment of the planned unit development. –An amendment shall be considered in the same manner as an original application.

**10-23-12: ADHERENCE TO APPROVED PLAN:** The final development plan shall continue to control the planned unit development after it is finished and the following shall apply:

1. The use of the land and the construction, modification or alteration of a building or structure within the planned unit development shall be governed by the approved final development plan.
2. An amendment to a completed planned unit development may be approved if it is required for the continued success of the planned unit development, if it is appropriate because of changes in condition that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the comprehensive plan or related land use regulations.
3. No modification or amendment to a completed planned unit development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the planned unit development.

**10-23-13: GUARANTEE OF PERFORMANCE:** –For public improvements, the City may require that a cash deposit, surety bond or other similar guarantee be posted to insure the full and faithful performance by the parties involved, not to exceed a period of two years after required improvements are completed.

**10-23-14: EXPIRATION OF APPROVAL FOR A PUD:**

- A. If the PUD includes creation of a subdivision, and approval of the subdivision has expired or is rejected as provided in Chapter 11-4 of this Code, the PUD approval is revoked as of the expiration or rejection date for the proposed subdivision.
- B. If substantial construction or development of the PUD has not occurred in accordance with the approved final development schedule, said approval shall lapse at two (2) years ~~18 months~~ from the

date of approval and shall no longer be in effect. -The Planning Commission may, upon showing of good cause by applicant, extend approval for a period not to exceed two (2) years ~~18 months~~.

**10-23-15: PHASED PLANNED UNIT DEVELOPMENT:** A Planned Unit Development may be phased. No building permit shall be issued without receiving ~~tentative phased PUD plan~~ preliminary development plan approval as set forth in this section. When a PUD is phased, one ~~tentative plan~~ preliminary development plan is approved by Planning Commission for the entire development, and final development plan for each individual phase is reviewed separately. Planning Commission shall approve a phased ~~tentative plan~~ preliminary development plan, provided affirmative findings can be made that:

A. ~~The proposed PUD meets the Tentative Plan preliminary development plan requirements outlined in 10-23-1 through 10-23-10.~~

B. ~~The proposed PUD includes the following elements:~~

~~1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required city infrastructure in each phase~~

~~2. Connectivity for streets and City utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.~~

~~3. Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.~~

~~4. Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased development as a whole.~~

C. ~~If the approval of a final development plan for a phase of a phased PUD requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the phasing plan for the tentative preliminary phased development plan shall be modified prior to approval of the final plat development plan.~~

D. ~~If a phased PUD includes creation of a subdivision, the application may be processed concurrently.~~

E. ~~Tentative plan approval shall be effective for two years within which time the application and PUD must be submitted as required by this Title. An applicant may apply to the Planning Commission for two (2) extensions of two (2) years each. A decision to extend the approval shall be 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; and~~

~~3. 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.~~

PUDs approved for multi-phased development may apply for final development plan approval by phase, in the following manner:

1. The first phase of development shall apply for final development plan approval within two (2) years from the date of the preliminary development plan approval;

2. The second phase of development shall apply for final development plan approval within two (2) years after the final development plan approval of the first phase;

3. Subsequent phases shall file for final development plan approval within two (2) years after the final development plan approval for the preceding phase, with all phases filed within eight (8) years of the preliminary development plan approval.

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Amended by Ord. No. 21, Series 1988, effective 12-16-88  
Amended by Ord. No. 12, Series 1998, effective 1-21-99  
Amended by Ord. No. 2, Series 2011, effective 3-11-11  
Section 10-23-11 amended by Ord. No. 3, Series 2013, See Exhibit B (effective 7-31-13)  
Section 10-23-5(A) amended by Ord. No. 8, Series 2017, effective 7-12-17

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 district)	Grocery and produce stores and supermarkets
Appliance sales and service	Hardware and garden supply stores
Art sales	Health clubs and studios
Artist studios	Hobby shops
Automobile parts and supply stores	Home furnishings
Bakeries, retail	Home electronics such as televisions, stereos and computers
Banks	Hotels and motels
Barber and beauty shops	Interior decorator studios
Bicycle shops	Jewelry stores
Book store, new books only	Laboratories, medical and dental
Camera store	Laundromat, self service only
Cafes and coffee shops	Leather goods store
Catering services	Locksmith shop
Clothing, apparel shops	Meat and fish market
Confectionery stores	Movie theaters
Data processing center	Museums
Day nurseries	Music stores
Delicatessen stores	Novelty shops
Department stores	Office supplies and equipment stores
Drapery stores	Optometry and optical sales and service
Dress and millenary shops	Paint and wallpaper stores
Drugstores	Parking areas, public and private
Dry cleaners	Parking garages, public and private
Electrical and electronic supplies and service	Personal services
Fabric store	Pet shops
Floor covering and carpet stores	Pharmacies
Florist shops	Photography studios and photo processing
Furniture stores	Planned unit development – commercial
General merchandise store	Planned unit development – mixed use.
Gift shop	Printing and copy shops

Professional offices  
Radio and television broadcasting studios  
Reducing salons

Residential unit(s), provided that the building contains a non-residential use or uses permitted or permitted conditionally on the ground floor, and that the unit(s) shall not occupy the front twenty five feet (25') of the ground floor of the building or site facing the street; if access to the dwelling is from the principal commercial street, it shall be a separate entrance and not more than ten feet (10') wide.

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 10-35-2-14 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- residential~~ 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.

P. Residential Development: Residential development must meet the provisions for Multi-Family Dwellings listed in FCC 10-10-9.

#### **10-30-6: DESIGN CRITERIA FOR NONRESIDENTIAL STRUCTURES**

A. Applicability: The criteria in this section do not apply to residential or mixed-use buildings with a residential component. See FCC 10-10 for applicable residential design criteria.

A.B. 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 not permitted 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.

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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 11-16-16

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.

Exhibit N

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.
- 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') abovegrade.
- 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 sixthousand (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 10-2-13 and 10-35-2-14 of this Title for definitions, and requirements. (Ord. 26, 2008)

- M. Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
- N. Open Space is required for ~~multi-family residential~~ housing developments of 4 or more units as follows:
  1. An area on the site measuring a minimum of 100 square feet per dwelling unit shall be designed and permanently reserved as common open space.
  2. In meeting the open space standard, the multiple 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.

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Amended by Ordinance No. 15 Series 1988  
 Section 10-16-7, F, G, L - Amended by Ordinance No. 26, Series 2008  
 Sections 10-16-5 and 10-16-7 Amended by Ord. No. 9, Series 2009  
 Section 10-16-7-N added by Ord. No. 2, Series 2011  
 Section 10-16-5-F, 10-16-7-F amended by Ord. No. 4, Series 2011 (effective 4/22/11)  
 Section 10-16-2-D added by Ordinance No. 3, Series 2013 (effective 7-31-13)  
 Section 10-16-5-D and 10-16-7-O amended by Ord. No. 12, Series 2014 (effective 12-31-14)  
 Section 10-16-3 amended by Ord. 1, Series 2015 (effective 3-17-15)  
 Section 10-16-2 and 10-16-3 amended by Ord. No. 12, Series 2015 (effective 1-1-16)  
 Sections 10-16-3 and -7-L amended by Ord. No. 11, Series 2016 (effective 11-16-16)

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.

EXHIBIT O

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)
<u>FINAL PLAT</u>	<u>The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning a subdivision or partition, suitable for recording.</u>
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 <del>Parcel</del>	<del>A LOT OR PARCEL AT LEAST TWO (2) adjacent sides of</del> <u>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°). 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.</u>



<u>Flag Lot or Parcel</u>	<u>A lot or parcel that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are two distinct parts to the flag lot; the development area or “flag” which comprises the developable area, and the access strip or “pole” which provides access from the street to the flag.</u>
<u>Interior Lot or Parcel</u>	<u>Other than a corner lot, a lot or parcel having frontage only on one street.</u>
Through Lot or Parcel	<u>Other than a corner lot, a lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.</u>
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.

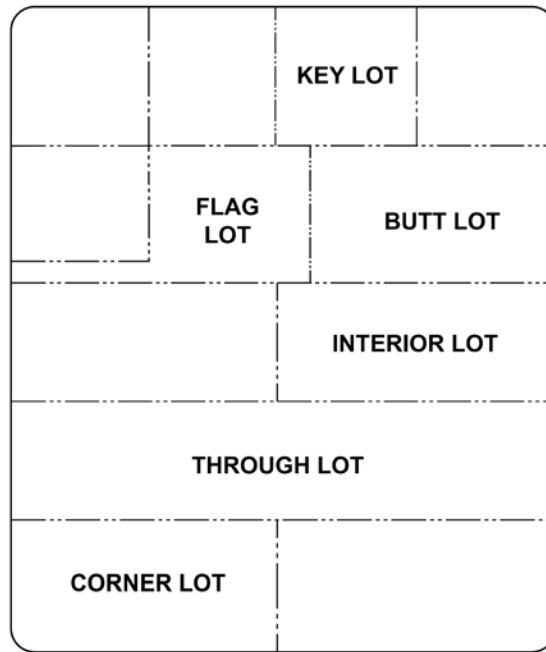


Figure 11-1-3: An illustration depicting lot types.

**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, except that, in the case of a lot of parcel which adjoins the point of intersections of two streets as defined in “Lot: Corner Lot,” both lot or parcel lines are the front line. 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. 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 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	<del>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.</del>
MASTER ROAD PLAN	The plan(s) adopted by the Council of the City according to the procedures provided for in this Title.
MINOR PARTITION	<del>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.</del>
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	<del>Either an act of partitioning land, or an area or tract of land partitioned as defined in this Section.</del> <u>A division of an area or tract of land which does not result in the creation of more than three (3) lots within a calendar year. "Partition" does not include:</u>

A. A division of land resulting from lien foreclosures;

B. A division of land resulting from the creation of cemetery lots;

	<u>C. A division of land made pursuant to a court order including but not limited to court orders in proceedings involving testate or intestate succession; and</u>
	<u>D. Adjustment or elimination of a lot or parcel line by the relocation of a common boundary of two abutting properties 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.</u>
<del>PARTITION LAND</del>	<del>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:</del>
	<del>A. Divisions of land resulting from lien foreclosures;</del>
	<del>B. Divisions of land resulting from the creation of cemetery lots;</del>
	<del>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</del>
	<del>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.</del>
	<del>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.</del>
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	<del>The final map, diagram, drawings, replat or other writing containing all the descriptions, specifications, dedications, provisions and information concerning subdivisions.</del> <u>The map and other writing containing all the descriptions, locations, dedications, specifications, provisions and information concerning a partition or subdivision.</u>
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)

<u>REPLAT</u>	<u>Platting lots, parcels, and easements in a recorded subdivision or partition plat to achieve a reconfiguration of lots or parcels in a recorded partition or subdivision plat or to increase or decrease the number of lots in a subdivision.</u>
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.

**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 10-2-13 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 ~~fifteen~~ **five** (15) 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

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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 11-16-16)

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 ~~Plat 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~~ two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy 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~~ submitted in both hard copy and electronic format and show all pertinent information to scale. -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; ~~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.

EXHIBIT P

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 ~~Director~~ ~~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 reviewed under a Type II process as defined ~~governed~~ by paragraph 10-1-1-6 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 under a Type III process as defined. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

~~A. —~~ A. When the division of land results in remaining parcels that are equal to or greater than twice the minimum lot size of the base zone, the application shall indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code and without interfering with the orderly extension of adjacent streets, bicycle paths, and accessways. ~~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 or any adjoining land or access thereto.~~

- 1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.
- B. All proposed parcels comply with the development standards of the base zone.
- C. Adequate public facilities are available or can be provided to serve the proposed parcels.
- D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.
- E. All proposed improvements meet City and applicable agency standards.
- BF.** The ~~minor~~ partition complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, 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.~~
  - ~~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 applicant 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.~~

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.

**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 FCC 10-1-1-6. (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 10-1-1-7 of this Code. (Amd. Ord 30, Series 1990).

**11-2-9: FINAL PARTITION PLAT MAP:** No more than two (2) years ~~six (6) months~~ after tentative plan approval, the applicant shall submit to the Planning Director a final partition plat map drawn by an Oregon registered engineer or licensed surveyor. The final plat map shall be in a form suitable for recording and shall show the acreage or square footage of each parcel. If the final plat map conforms to the approved tentative plan and applicable approval criteria listed in Section 11-4-4, it shall be endorsed by the City's authorized agent and recorded. A copy of the recorded plat map shall be returned to the applicant. (Amd. Ord. 30, Series 1990). (Amd. Ord. No. 12, Series 1999) (Amd. Ord. No. XX, Series 2019)

**11-2-10: EFFECTIVE DATE OF DECISIONS:** The ~~minor~~ partition shall become effective upon recording of the final partition plat map with the County Recorder.



**11-2-11: EXPIRATION OF APPROVAL:** If the conditions set at the time of approval are not fulfilled within two (2) years after tentative plan approval ~~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.

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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 11-16-16)

TITLE 11  
CHAPTER 3

~~MAJOR PARTITION~~, SUBDIVISION 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
- 11-3-8: Phased Subdivision Tentative Plan

**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~~ two (2) full-size copies, one (1) reduced copy of 11" x 17" or smaller, and an electronic copy 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.~~ The tentative plan shall be submitted in both hard copy and electronic format and show all pertinent information to scale. 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~~

**EXHIBIT Q**

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.

**11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** After giving notice as required by FCC 10-1-1-6, the Planning ~~Commission~~ Director or its designee shall grant approval or deny the ~~major partition~~ subdivision tentative plan. ~~The hearing, decision and further consideration of a similar application shall be reviewed under a Type II process as defined governed by FCC paragraph 10-1-1-6 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. ~~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 based on compliance with the following criteria: granted, provided affirmative findings can be made that:~~ (Amd. Ord 30, Series 1990).

- A. When the division of land results in remaining lots that are equal to or greater than twice the minimum lot size of the base zone, the application shall label it a "Tract" and reserve it for open space as applicable or indicate the location of lot lines and other details of layout that show future land division may be made without violating the requirements of this land use code. In either scenario the tract(s) or future lot layout shall not interfere with the orderly extension of adjacent streets, bicycle paths, and accessways. 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. 1. Any restriction of buildings within future street, bicycle path and accessway locations shall be made a matter of record in the tentative plan approval.
- B. All proposed lots comply with the development standards of the base zone.
- C. Adequate public facilities are available or can be provided to serve the proposed parcels.
- D. The application provides for the dedication or conveyance of public rights-of-way or utility easements necessary and adequate to meet the standards of the applicable master plan.
- BE. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes including ORS Chapter 92, 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 Director's Commission's decision shall be given as provided in 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.~~

**11-3-6: TENTATIVE PLAN, EFFECTIVE DATE:** Unless appealed, the Planning Director 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, unless approved as a phased subdivision tentative plan consistent with Section 11-3-8, 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 Director 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.

**11-3-7: TENTATIVE PLAN, APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-7 of this Code.

**11-3-8: PHASED SUBDIVISION TENTATIVE PLAN:** The subdivision of land may be phased. No land shall be divided as a phased subdivision without receiving tentative phased subdivision plan approval as set forth in this section. When the subdivision of land is phased, one tentative plan is approved by Planning Director for the entire phased subdivision, and each individual phase receives separate final plat approval from the Planning Director. Planning Director shall approve a phased subdivision tentative plan, provided affirmative findings can be made that:

- A. The proposed subdivision meets the Tentative Plan requirements outlined in 11-3-1 through 11-3-4.
- B. The proposed subdivision includes the following elements:
  - 1. A phasing plan that indicates the tentative boundaries of each phase, the sequencing of the phases, the tentative configuration of lots in each phase, and a plan for the construction of all required public infrastructure in each phase
  - 2. Connectivity for streets and public utilities between each phase ensures the orderly and efficient construction of required public improvements among all phases.
  - 3. Each phase will have public improvements that meet the infrastructure capacity requirements for the development and meet the requirements of City Code and city design standards.
  - 4. Each phase is designed in such a manner that each phase supports the infrastructure requirements for the phased subdivision as a whole.
- C. If the approval of a final plat for a phase of a phased subdivision requires the change of a boundary of a subsequent phase, or a change to the conditions of approval, the tentative phased subdivision plan shall be modified prior to approval of the final plat.
- D. Phasing: Subdivisions approved for multi-phased development may apply for final plat approval by phase, in the following manner:
  - 1. The first phase of development shall apply for final plat approval within two (2) years from the date of the tentative plat approval;
  - 2. The second phase of development shall apply for final plat approval within two (2) years after the final plat approval of the first phase;
  - 3. Subsequent phases shall file for final plat approval within two (2) years after the final plat approval for the preceding phase, with all phases filed within eight (8) years of the tentative plan approval.

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 11-16-16)

**MAJOR PARTITION MAP, PLAT PROCEDURE PARTITION AND SUBDIVISION FINAL PLAT**

SECTION:

- 11-4-1: Application
- 11-4-2: Requirements
- 11-4-3: Review by Other Agencies and Departments
- 11-4-4: Approval of Map, Final Plat
- 11-4-5: Acknowledging Decisions
- 11-4-6: Expiration of Approvals
- 11-4-7: Delivery of Map or Final Plat to County Recorder
- 11-4-8: Delivery of Recorded ~~Plats, Maps~~ Final Plat to City

**11-4-1: APPLICATION:** An application for ~~major partition map or~~ a partition or subdivision final plat approval shall be made by the person proposing the partition or subdivision ~~or major partition~~, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director after the effective date of tentative plan approval. Applications for a Final Plat are reviewed through a Type I Review as defined in Section 10-1-1-6. Said applications shall be accompanied by revised plans ~~plats or maps~~ and additional information as prescribed in this Chapter. (Amd. Ord 30, Series 1990).

**11-4-2: REQUIREMENTS:**

A. Drafting: Provisions for drafting shall be as follows:

1. Partition or Subdivision Plats: Two (2) full-size copies, one (1) reduced copy of 11" x 17" or less, and an electronic copy. ~~One original and ten (10) copies eighteen inches by twenty seven inches (18" x 27") in size and drawn with black India ink. -Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Lane County Surveyor's specifications and requirements pertaining to material that has characteristics of adequate strength and permanency as well as suitability for binding and copying.~~

Plats shall be in clear and legible form and may be placed on as many sheets as necessary but a face sheet and an index page shall be included for all plats placed on both sides of a sheet. -Scale requirements shall be the same as specified for tentative plans. Lettering and the dedication and affidavit of the surveyor shall be of such size or type as will be clearly legible and no part of the plat shall come nearer than one inch (1") to any edge of any sheet.

2. ~~Major Partition Maps: One original and five (5) copies drawn in black India ink in clear and legible form. Original maps shall be in substantial conformity to the approved tentative plan and shall otherwise conform to the Lane County Surveyor' specifications and requirements, but in any event, scale requirements shall be the same as specified for tentative plans. Sheet dimensions and size shall be as specified by the County Recording Officer for major partition maps offered for recording.~~

B. Information Required: The application itself, or the proposed partition or subdivision plat ~~or the major partition map~~, must contain the following with respect to the subject area:

1. ~~Transverse~~ Traverse computation sheets, ~~subdivisions only.~~ The registered engineer or licensed land surveyor signing the surveyor's affidavit on the plat shall submit transverse traverse computation sheets for the use of the City in checking the plat. Said sheets shall include the calculation of each course and distance by latitude and departure of all the boundary lines and of all lot lines in the subdivision area, and for all boundaries and all lots in the plat which are not completely rectangular in shape. Each course and distance, and each latitude and departure shall be tabulated on the transverse traverse computation sheet in the proper order to show the closure limits of each area, and rectangular coordinates of every angle point shall be extended and shown from a single meridian and from a single point of origin.

2. The lengths of all chords, radii points of curvature and tangent bearings.
3. The lot lines of all lots or parcels within the ~~within the subdivision, or all parcel lines within the major partition~~ partition or subdivision, with dimensions in feet and hundredths of feet and with all bearings shown; the acreage or square footage of each lot.
4. Numbers designating each block and lot in subdivisions, lots in each block to be numbered consecutively.
5. Where a plat is an addition to a plat previously recorded, numbers of blocks and lots in consecutive continuation from such previous plat.
6. The description and location of all permanent reference monuments.
7. An affidavit of a surveyor, who is an Oregon registered engineer or Oregon licensed land surveyor and who surveyed the partition or ~~subdivision or major partition~~, conforming to the requirements of ORS 92 ~~the Oregon Revised Statutes~~.
8. The date, north point and scale of the drawing, and a sufficient description to define the location and boundaries of the partition or ~~subdivision or major partition~~.
9. The locations, names and widths of all streets, existing or being created.
10. The width and location of all existing easements for public utilities, and such easements being created, and also all reserve strips required as provided for by this Chapter.
11. A designation of all areas covered by water, and the location, width and direction of flow of all watercourses.
12. A designation of all area being dedicated by the applicant including proposed uses, and an effective written dedication thereof.
13. Designation of all donations to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water systems, the donation of which was made a condition of approval of the tentative plat for the partition or ~~subdivision or major partition~~.
14. A copy of all protective deed restrictions, Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat. ~~being proposed.~~
15. A title report issued by a title insurance company licensed by the State of Oregon verifying ownership by the applicant of the real property that is to be dedicated to the public (Ord. 626, 6-30-80)
16. A landscaping plan will be required delineating shrubs, trees, screen planting and natural vegetation corridors. -The plan will show approximate height, species (and alternatives), placement and areas.- The location of all trees measuring ten inches (10") minimum (DBH) existing prior to development will be shown and those proposed to be removed. -A maximum number of these trees will be retained, subject to provision of adequate area for building, parking and yard area, protection from windthrow hazard and solar access. (Ord. 626, 6-30-80; amd. Ord. 669, 5-17-82)

**11-4-3: REVIEW BY OTHER AGENCIES AND DEPARTMENTS:** Within five (5) working days after the partition or ~~subdivision or major partition~~ 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~~ division that may be affected by the application 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 application as submitted unless an extension is requested. (Amd. Ord 30, Series 1990).



**11-4-4: APPROVAL OF FINAL PLAT MAP, PLAT:** Within ten (10) days of the receipt of all comments and recommendations requested from appropriate agencies and departments or within forty five (45) days of the receipt of a ~~major partition map or~~ partition or subdivision plat application as provided for in this Title, the Planning Commission Director shall approve, deny or, when further information is required, postpone a decision on the application. The Planning Commission Director may or its designee shall approve, deny or, when further information is required, postpone a decision on the application. ~~The Planning Commission Director may require its designee to submit any tentative approval to the Director Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Director Commission within forty five (45) days. Approval shall be based on the following criteria: granted provided affirmative findings can be made that:~~ based on the following criteria: (Amd. Ord 30, Series 1990).

- A. Streets, roads and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
- B. Streets and roads held for private use and indicated on the tentative plan of such partition or subdivision ~~or major partition~~ have been approved by the City.
- C. The proposal conforms to the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, Comprehensive Plan, and all other applicable laws and regulations as well as Section 11-1-1, Purpose, of this Title.
- D. ~~The plat or map is in substantial conformity with the provisions of the tentative plan for the subdivision or the major partition as approved.~~ The final plat is consistent in design with the approved preliminary plat, and all conditions of approval have been satisfied.
- E. The plat ~~or map~~ and deed contains a donation to the public of all common improvements including but not limited to streets, roads, parklands, multi-use trails and paths, sewage disposal and water supply systems, the donation of which was made a condition of the approval of the tentative plan for the partition or subdivision ~~or major partition~~ or in the case of parklands could also have been voluntarily donated.
- F. Explanations of all common improvements required as conditions of approval of the tentative plan of the partition or subdivision ~~or the major partition~~ have been accounted for and referenced on the plat or map.
- G. ~~There exists an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed plat or map.~~ Verification by the City that water and sanitary sewer service is available to every lot depicted on the plat.
- H. Either:
  - 1. Improvements as required by this Title, or as a condition of tentative plan approval have been completed and filed with the City; or
  - 2. A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the Finance Officer in a sufficient amount of time to insure the completion of all required improvements; or
  - 3. A petition for improvements has been properly executed by the applicant ~~who is effecting the partition or subdivision~~ and will be assessed for said improvements.
- I. Taxes, as well as public liens, assessments and fees with respect to the partition or subdivision ~~or major partition~~ area have been paid; or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
- J. As applicable, the applicant has furnished acceptable copies of Covenants, Conditions, and Restrictions (CC&R's), easements, maintenance agreements and other documents pertaining to common improvements recorded and referenced on the plat.
- K. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, indicating the initial point of the survey, and giving the dimensions and kind of each



monument and its reference to some corner approved by the County Surveyor for purposes of identifying its location.

~~11-4-5: **ACKNOWLEDGING DECISIONS:** Subdivision or major partition approval shall be evidenced by the signature thereon of the chairman of the Planning Commission with the date of such approval. In the event of denial, the chairman of the Planning Commission shall cause notice and the reasons for same to be furnished to the applicant. Where the Planning Commission's designee has taken action on major partitions subdivisions, the action may be evidenced by the signature of the designee. (Amd. Ord 30, Series 1990).~~

**11-4-6: EXPIRATION OF TENTATIVE PLANT APPROVALS:** If the conditions set at the time of approval are not fulfilled and the plat or map offered for recording by the partitioner or subdivider in the office of the County Recording Officer within two (2) years, unless approved as a phased subdivision tentative plan consistent with FCC 11-3-8, ~~one year, subdivision or major partition~~ the tentative plan approval, ~~as the case may be,~~ is null and void, and a new application for plat or map approval must be submitted for reconsideration.

An extension of the tentative plan may be pursued consistent with FCC 11-3-6.

An applicant may apply to the Planning Director Commission for two (2) extensions of twelve (12) months each for subdivisions. 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.

~~If, in the opinion of the Planning Commission, conditions have changed to a sufficient degree to warrant reconsideration of the tentative plan, an application for tentative plan approval must be resubmitted and approved prior to subdivision plat or major partition map application submittal and reconsideration.~~

**11-4-7: DELIVERY OF MAP OR FINAL PLAT TO COUNTY RECORDER:**

A. ~~In the case of an approved major partition,~~ Partition: Within sixty (60) days of City approval of the final plat, the Planning Director shall ~~deliver it to the office of the County Clerk and~~ notify the partitioner that such has been done and that the ~~major~~ partition may be offered for recording.

B. ~~In the case of a subdivision,~~ Subdivision: Within sixty (60) days of City approval of the final plat, the Planning Director shall:

1. Obtain on the approved subdivision plat the signature of the County Assessor, whose signature shall certify that all taxes on the property have been paid;
2. Obtain on the approved subdivision plat the signature of the Planning Director, whose signature shall certify that the platting laws of the State and the requirements of this Title have been complied with; (Amd. Ord 30, Series 1990).
- ~~3. Obtain the signature on the approved subdivision plat of a majority of the Board of County Commissioners whose signatures shall certify that the plat is approved by them;~~
4. Deliver the approved subdivision plat to the office of the County Clerk;
5. Notify the subdivider that the approved subdivision plat has been delivered to the office of the County Clerk and may be offered for recording.

C. Prerequisites to Recording the Plat:

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92.

2. No plat shall be recorded until the County Surveyor approves it in the manner provided by ORS Chapter 92.

**11-4-8: DELIVERY OF RECORDED FINAL PLAT PLATS, MAPS TO CITY:** In addition to the requirements of Oregon Revised Statutes pertaining to filing and recording of approved partition or subdivision plats, the ~~subdivider~~ applicant shall furnish the City one exact reproducible copy thereof, composed of the same materials as required by the County Surveyor, of if not so required, of such materials and specifications as required by the City. -Said copy shall be furnished to the City within two (2) working days of recordation.

~~In the case of an approved and recorded major partition map, the partitioner shall furnish the City one exact reproducible transparency of same; otherwise, the procedures and requirements shall be the same as specified in connection with delivery of subdivision plats to the City. (Ord. 626, 6-30-80)~~

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Amended by Ord No. 30, Series 1990

11-4-2-B13 & 11-4-4-E Amended by Ord 2, Series 2011 (effective 3-11-11)

TITLE 11  
CHAPTER 5

**PLATTING AND MAPPING STANDARDS**

SECTION:

- 11-5-1: Streets
- 11-5-2: Lots and Parcels
- 11-5-3: Public Facilities
- ~~11-5-4: Partial Development~~
- 11-5-5: Unsuitable Areas
- ~~11-5-6: Mobile Homes~~

**11-5-1: STREETS:**

- A. All streets shall comply with applicable development standards of Title 10 Chapter 36, Street Standards.
- B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.
- C. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:
  - 1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
  - 2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or
  - 3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or
  - 4. To prevent access to land unsuitable for building development.

**11-5-2: LOTS AND PARCELS:**

- A. Size and Frontage:
  - 1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
  - 2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan for later division of said lot(s) into lots meeting the minimum lot sizes for single-family detached dwellings in the underlying zone ~~standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.~~
  - 3. Frontage: Each lot shall have frontage upon a street of not less than the required minimum lot width for the underlying zone and development type ~~twenty-five feet (25') for single-family attached or duet developments or fifty feet (50') for all other development upon a street~~, except that a lot with a required minimum width of fifty feet (50') located on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not ~~less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public~~ less than thirty five feet (35') upon a street, measured on the arc.

EXHIBIT C

sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements.

B. Exceptions:

1. Subdivisions and Partitions Developed as a Unit:- The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of open space, recreation and parklands and will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.
2. Land Zoned for Commercial Use: The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Title.
3. Lot or Parcel Retained for Future Subdivision or Partition: -The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot or parcel should and will be retained by the applicant, and future subdivision or partition of such lot will be best protected by the creation of a reserve strip separating such lot from any street.
4. ~~Key and Butt Lots and Parcels: There shall be no key or butt lots or parcels except where authorized by the Planning Commission where such lots or parcels are necessitated by unusual topographic conditions or previous adjacent layout.~~

4. Flag Lots: Flag lots shall be permitted provided they meet the following requirements:

a. The lot has frontage and access on a public street.

b. The buildable portion of the lot is connected to the right-of-way via an accessway at least twenty (20) ft in width.

c. A maximum of one (1) flag lot may be served by a flag lot accessway.

d. Accessway Design and Emergency Vehicle Access:

i. Accessways shall be designed and constructed in accordance with 10-35-2-12

ii. Accessways shall have a minimum paved width of twelve (12) ft.

iii. Accessways shall be centered within the accessway to minimize impacts on adjoining lots except when otherwise warranted to preserve existing vegetation or meet the intent of this subsection.

iv. Frontage shall display an address at their closest point of access to a public street for emergency responders.

v. A proposed structure on a flag lot may not have its furthest point located farther than one hundred fifty (150) ft in distance from the public right-of-way, as measured along an accessible route.

vi. The applicant submits written confirmation from the Fire Marshal that the proposed access meets emergency access needs.

vii. Parking along any portion of the accessway is prohibited unless the paved portion of the accessway is suitably sized to meet the combined needs of parking and emergency access requirements.

5. Lot and Parcel Side Lines:- As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.
6. Suitability for Intended Use: All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by the Planning Director ~~Commission~~ in accordance with the purpose of this Title.
- ~~7. Future Subdivision or Partition of Lots or Parcels: Where the subdivision or partition will result in a lot or parcel one-half (1/2) acre or larger in size which, in the judgment of the Planning Commission, is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Title and without interfering with orderly extension of adjacent streets. Any restriction of buildings within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future land division.~~

**11-5-3: PUBLIC FACILITIES:** All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9.

~~**11-5-4: PARTIAL DEVELOPMENT:** Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.~~

**11-5-5: UNSUITABLE AREAS:** Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. ~~All major partition and~~ subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. Ternyik, published by OCZMA.
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:
  1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or
  2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

~~**11-5-6: MOBILE HOMES:** Applicable portions of the City Mobile Home Ordinance No. 614 may be applied as development standards for mobile home subdivisions.<sup>4</sup> (Ord. 626, 6-30-80)~~

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11-5-1 Amended by Ord 1, Series 1992  
Sections 11-5-1 and 11-5-3 Amended by Ord. No. 9, Series 2009

| 11-5-2-B1 Amended by Ord 2, Series 2011 (effective 3-11-11)

TITLE 10 CHAPTER 11  
SINGLE FAMILY RESIDENTIAL

REPEALED BY ORDINANCE NO. 7, SERIES 2019

TITLE 10 CHAPTER 12

MOBILE HOME/MANUFACTURED HOME REGULATIONS

REPEALED BY ORDINANCE NO. 7, SERIES 2019



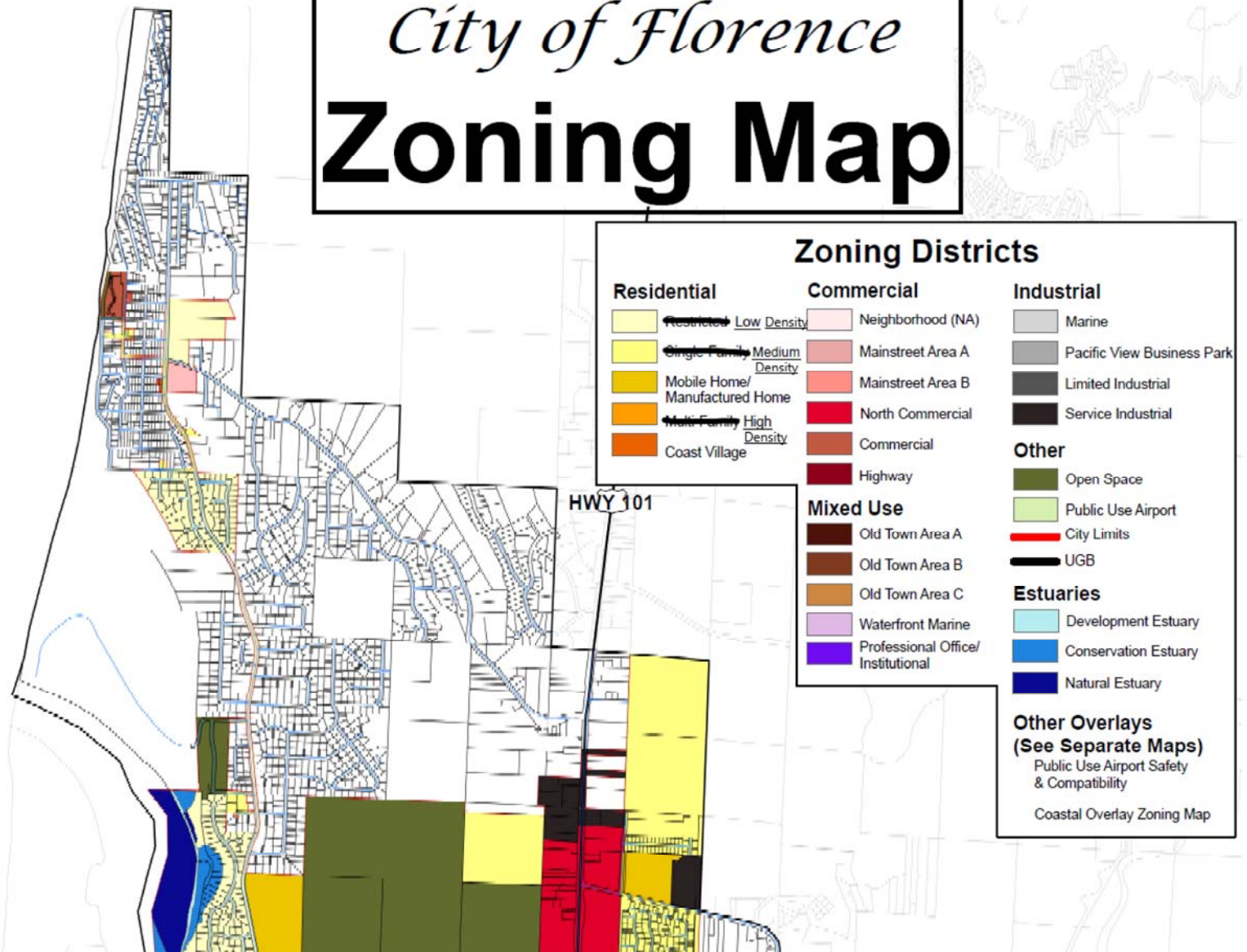
TITLE 10 CHAPTER 13

MULTI-FAMILY RESIDENTIAL DISTRICT (RM)

REPEALED BY ORDINANCE NO. 7, SERIES 2019

EXHIBIT V

# City of Florence Zoning Map



ment of upper level residential apartments along with new or redeveloped commercial uses in many locations. As an implementation measure, the City's Waterfront-Marine zoning district provides for this mix. Mixed use developments are also provided for in the new Mainstreet zoning district and in the existing Commercial designation and Commercial Zoning District. Additional lands have been designated for high density housing.

The Residential designation on the 1988 Plan did not differentiate between residential housing types and densities; yet, density is important to the success of the Comprehensive Plan in many ways. Single-family residences, duplexes, triplexes, fourplexes, apartments and condominiums are all covered by the Residential designation, although the type of dwelling that is actually established is largely determined by underlying zoning.

The Realization 2020 Comprehensive Plan differentiates between residential housing designations. The Residential Plan designations shown on the Plan Map are: Low Density Residential, Medium Density Residential, High Density Residential, and Heceta Beach Neighborhood Cluster. These designation categories are defined below.

### **Low Density Residential**

The Low Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 9,000 square feet or larger and newly platted lots are 7,500 sq. ft., and for areas where environmental constraints preclude smaller lots. The corresponding zoning district is Restricted-Low Density Residential. This designation provides primarily for single family homes and for manufactured homes meeting certain minimum standards.

### **Medium Density Residential**

The Medium Density Residential designation is intended for areas where existing lot sizes are in the neighborhood of 5,000 – 6,500 square feet, and 10,000-3,000 square feet, depending on the development type (Quadplex and single family attached, respectively), for the majority of developable land remaining in the City, as well as urbanizable lands east of Highway 101. The corresponding zoning district is Single Family Residential-Medium Density. Single family homes, ~~and~~ and duplexes-are allowed. Tri and quad-plexes, and cluster housing Duplexes-are allowed with a conditional use.

### **High Density Residential**

The High Density Residential designation is intended for areas which are already developed as multi-family uses, and for development and redevelopment of areas close to parks, schools and shopping. Existing lot sizes are, or would be, less than 5,000 square feet per unit with new development at 12 to 25 units per acre net density. The applicable zoning district is Multi-family High Density.

### **Heceta Beach Neighborhood Cluster**

The Heceta Beach Neighborhood Cluster Plan designation applies to lands surrounding the junction of Heceta Beach Road and Highway 101. In addition to the area designated Neighborhood Commercial Gateway at the northwest corner of the intersection, other lands are intended for medium and high density housing to meet the need for such housing within the community. In order for such housing to be built economically, it is necessary to designate sufficient land to allow economies of scale to apply to the construction.

The implementing zoning districts are ~~Multi-family~~ High Density along Highway 101 and ~~Single-family~~ Medium Density. Residential lands designated on the Comprehensive Plan Map within the Heceta Beach Neighborhood Cluster will be available for the development of a mix of housing units at densities not exceeding ~~6,000~~ an average of 3,000 square feet per unit. Housing developments may include a mix of duplexes, tri and quad-plexes, cluster housing, townhouses and multi-family units, as well as single family units, with a mix of owned and rented units.

The location of the various types of housing units should be planned around the capability of the land in a manner which allows natural features such as significant wetlands to become an open space feature within the housing complexes. Access shall be to streets other than Highway 101, and shall be designed to utilize the parallel local collector streets, Oak Street on the west, and Spruce Street on the east. The Heceta Beach Road intersection with Highway 101 will be signalized when warrants are met, and shall be designed with curb extensions to allow safe pedestrian crossing on all legs of the intersection. Traffic signals and pedestrian crossings require approval by the State Traffic Engineer.

New housing starts have been occurring since the 1988 Plan in all dwelling categories: single family detached and manufactured homes, duplexes, triplexes and fourplexes, and apartments and condominiums. However, the largest preference is for single family residences, either stick-built or manufactured homes, on individual lots. Now that Oregon law treats both housing types alike, the Comprehensive Plan no longer differentiates between the two. Annexations within the UGB will continue to increase the City's inventory of residential lots available for development. Several large multiple unit developments have been established since 1988. These are primarily to respond to an elder apartment/assisted-living market, although a 48-unit low and moderate housing development was completed in late 1999.

City Code allows planned unit development in all residential districts. Greentrees (approximately 500 manufactured/mobile homes) and Florentine Estates (approximately 400 manufactured homes) are both PUDs. Use of the PUD ordinance also provides for innovative housing such as the Cottages at Ocean Dunes and Marine Manor – 18 zero-lot line, single family units. These PUDs are consistent with SMART development concepts of narrow streets, increased density and neighborhood amenities.

Some residential subdivisions, both inside city limits and within urbanizable lands that were developed prior to 1995, have experienced infrastructure problems, stormwater deficiencies, slope failures, flooding due to high groundwater tables and invasive weed infestations. An objective of this Plan is to insure a more consistent application of development standards to future residential developments so as to avoid these problems of the past. Regardless of the type of residential

10. Commercial developments should provide minimum a landscaped buffer and/or a minimum six foot high solid wood fence or architectural block wall as provided in the table below when proposed abutting land is planned or used for residential development.

Adjoining Land Use / Zoning	Landscaped Buffer	Fence or Wall
Abutting single family zoning or use	35 Feet	6' solid wood fence or architectural block wall
Abutting duplex, tri_or quad-plex, cluster, or townhouse zoning or use	25 Feet	6' solid wood fence or architectural block wall
Abutting multiple family or condominiums	15 Feet	6' solid wood fence or architectural block wall

- 11. The City should initiate an ordinance revision that requires any change in commercial use, redevelopment, or reopening of a vacant commercial use, to comply with at least the minimum zoning ordinance provisions in effect at that time.
- 12. Waterfront commercial development within Old Town should be architecturally compatible with existing waterfront buildings and structures in terms of scale, massing, building materials, and signage, and should maintain reasonable views of the Siuslaw River by the general public through the groupings of buildings, reasonable height limitations, and pedestrian access. Parking should be in commonly owned interior parking lots where possible.
- 13. The City will work with the School District and the Port of Siuslaw for redevelopment of the Middle School site and may provide infrastructure to help meet the City’s goals of an anchor hotel development.

**Commercial Plan Designation Categories and Background**

Lands within the Urban Growth Boundary (UGB) are designated for commercial uses and developments on the Comprehensive Plan Map. Additional opportunities for commercial development are the areas designated West 9<sup>th</sup> Street Area and Downtown on the Comprehensive Plan Map. These areas are described in the sections of this Chapter that discuss “Other Plan Designations” and “Specific Plans.”

Commercial designations on the Comprehensive Plan Map are Neighborhood Commercial Gateway, Commercial, North Commercial Node, Recreational Commercial, and Highway. These Plan designation categories are defined as follows.

4. Sufficient site planning should be conducted as part of development of an industrially zoned property to allow for adequate on-site circulation, parking and loading for autos and heavy vehicles, access for emergency vehicles, and stormwater drainage to provided facilities.
5. Where industrial sites front on Kingwood Street or Pacific View Drive or Highway 101, adequate measures should be taken by developers to landscape the lot frontage, and, when present, incorporate native vegetation into such plans.
6. Industrial developments should provide a landscaped buffer and/or a minimum 6 foot high solid wood fence or architectural block wall as proposed in the table below when proposed abutting land planned or used for residential development.

Adjoining Land Use / Zoning	Landscaped Buffer	Fence or Wall
Abutting single family zoning or use	35 Feet	6' solid wood fence or architectural block wall
Abutting duplex, tri_or quad-plex, cluster, or townhouse zoning or use	25 Feet	6' solid wood fence or architectural block wall
Abutting multiple family or condominiums	15 Feet	6' solid wood fence or architectural block wall

## Industrial Plan Designation Categories and Background

The Comprehensive Plan designates lands suitable for industrial land uses and development. Those lands are shown on the Plan Map east and west of Highway 101, north of the City limits, lands near the Florence Municipal Airport, on lands owned by the Port of Siuslaw and Lane County and lands owned by private owners and the City of Florence.

The July 1997 Commercial and Industrial Land Use Analysis concluded that there were sufficient industrially designated lands for the 20 year planning period. By 2000, it had become apparent that, while adequate industrial acreage existed, there were no designated lands for relocation/expansion of existing industrial uses requiring large land area such as concrete batch plants, excavating contractors and other primarily construction related businesses. A revised Industrial Lands Inventory (Appendix 2) was prepared, resulting in the designation of lands along Highway 101 north of the present (2000) City limits for such land extensive industrial uses.

Industrial designations on the Comprehensive Plan Map are: Service Industrial, Business/Industrial Park, and Marine. These designation categories are defined below.



Professional office development is a desirable local preference for land uses in this Plan designation, and a shift from residential to professional office/institutional uses is reflected on the Zoning Map. In addition to office use, sit-down restaurants, deli's, and other support services such as copy centers, pharmacies and day-care centers are also conditionally permitted land uses if clearly incidental to the principal office or institutional use. Apartments on upper levels of these commercial buildings can also add to the activity level within the planning area and should be a requirement of any retail or service commercial use proposed for the planning area.

Public space in the form of government buildings, parks for passive recreation, and pedestrian trails, is key to the mix within this professional office/institutional designation. City Hall may be relocated to this area in the future and should be designed as part of a larger government campus consisting of the Justice Center, City Hall, public parking and adjoining public park land north of 9th Street. The City should undertake a master planning process for this campus, and should encourage adjoining properties to enhance rather than detract from that campus master plan.

Continued residential development in the northerly sections of the West 9th Street Area should achieve relatively high densities. Although some single-family development has already started to occur at Juniper and 9th Street, single family or manufactured homes are not considered an efficient use of this available space. Townhouses and garden apartments, when proposed as part of a planned residential development, are strongly encouraged within the 9th Street West area. Senior-oriented developments like the Spruce Point assisted living project are also appropriate. Any ~~Restricted Residential Low Density or Single Family Residential Medium Density District~~ zoning should be removed from this western planning area, and the City's planned unit development process should be utilized to yield innovative, high quality, urban developments.

Office developments along 9th Street have sited on relatively large (½ acre or more) lots to accommodate generous street setbacks for buildings, berming to hide surface parking, and attractive landscaping. Office developments adjoining low-density residential development have used solid fencing and landscaped buffers of 25' to aid in compatibility. Future developments should demonstrate compatibility with adjoining land uses through the use of attractive architecture, vegetative buffers, significant building setbacks from streets and trails, low-profile exterior lighting for buildings and parking lots, berms to hide parking and extensive site landscaping. Natural contours should be observed in site design, and protection of significant vegetative stands should be encouraged through the City's design review process and vegetation clearing permit requirements. Paved trails and sidewalks should provide convenient access between office, commercial, residential and public uses.

A significant drainage way enters the West 9th Street Area at the southern boundary of the City airport between Greenwood Street right-of-way and Fir Street right-of-way. It continues south through the planning area and, after leaving the area, eventually outfalls to the Siuslaw River. A second drainage way, a smaller tributary of the above described drainage way, borders this planning area at the southern airport boundary between Juniper and Ivy Street rights-of-way and continues south to 9th Street. At 9th Street, this natural drainageway is culverted, and a pipe conveys this drainage west under 9th Street to

Other infrastructure improvements which need to occur to fully accommodate planned development within the NCN include construction of the North Florence sanitary sewer transmission main west of Highway 101. The timing for construction of the interceptor will be determined by the pace of development and annexation in the northern part of the Urban Growth Boundary. A second sanitary sewer main proposed within Munsel Lake Road may serve portions of this area as well. There is no schedule for development of this main. Storm drainage improvements will be necessary due to a relatively high water table and to stormwater flows through this area. The City's Stormwater Management Plan will determine the timing, size and location of those facilities.

Buildings within the NCN shall be interesting architecturally and shall use materials and color patterns that invite, not demand, attention. Corporate images shall not dictate local design decisions. Ample landscaping shall be employed on all sites. Landscaping shall be used to minimize the view of parking lots from Highway 101 and other abutting streets, and shall be designed to continue the North Gateway concept begun at the Heceta Beach Road/Highway 101 intersection. This does not intend that the specifics of site design of the Neighborhood Commercial Gateway designation or the Service Industrial designation would be applied here, but rather that a Gateway appearance be maintained. Where the NCN abuts residentially planned or developed land, effective undisturbed or landscaped buffers shall be incorporated into commercial or other non-residential development plans, as well as the use of attractive barriers or walls.

## **West 9<sup>th</sup> Street Planning Area**

The West 9<sup>th</sup> Street Planning Area of Florence is shown as a Plan designation on the Comprehensive Plan Map. The policies guiding development of this area are described in this section and in the Plan designation section of this chapter. This area is an important component of the Comprehensive Plan because it is one of the last relatively undeveloped areas within the older part of the City. It is platted into blocks and relatively small lots created for residential development. Public street rights-of-way are platted in grid-like fashion throughout, although many remain unopened. Because of its high development value to the community, it merits special planning attention.

The West 9<sup>th</sup> Street Planning Area lies west of Highway 101. In the 1988 Comprehensive Plan, the area was divided into commercial and residential Comprehensive Plan designations. The line previously used to divide residential and commercial plan designations and zoning district boundaries was Maple Street, although in actuality, that line was crossed many times by non-residential developments.

The Peace Harbor Hospital was constructed west of that line in 1990 near 9<sup>th</sup> and Elm Streets. Due to that development, other professional (medical) office buildings have been established west of that line. In addition, the city owns several vacant blocks of land in the 9<sup>th</sup> Street area, and in 1997, the City constructed the Florence Justice Center: a city/county combined police station, sheriff's office, city and county courthouse, and city detention facility. All of this non-residential development, west of the Plan's residential/commercial dividing line, was permitted conditionally under the City's **then** Multi-family Residential Zoning District (**High Density**). The residential plan designation and dividing line shown on the 1988 Comprehensive Plan Map are no longer practical for serving the long-term planning needs for this area.



**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.

Exhibit Y

**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-E, Traffic Impact Studies.

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

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

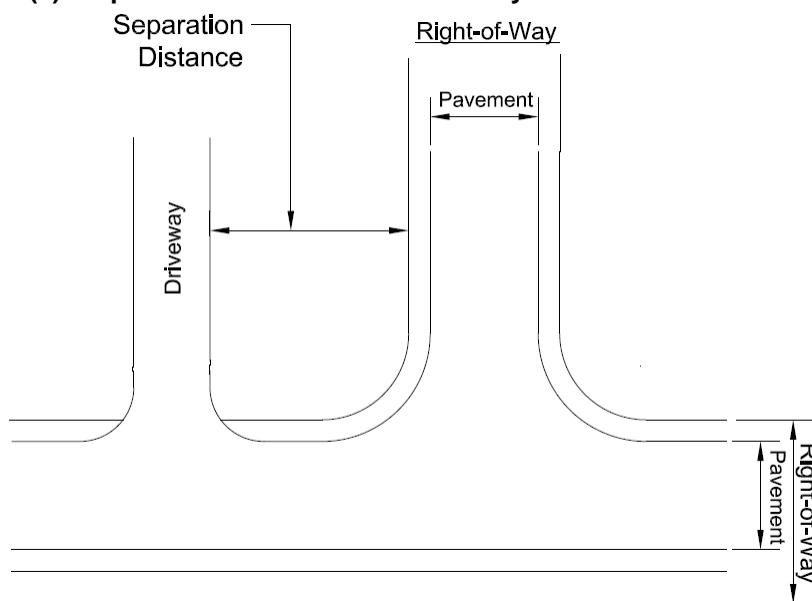
**10-35-2-7 : Intersection Separation; Backing onto Public Streets:** New and modified accesses shall conform to the following standards:

- A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may be required for accesses onto an arterial or collector for compliance with ODOT or County requirements.

Separation Distance from Driveway to Pavement:

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

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



- B. Where the City finds that reducing the separation distance is warranted, such as:
  - 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:

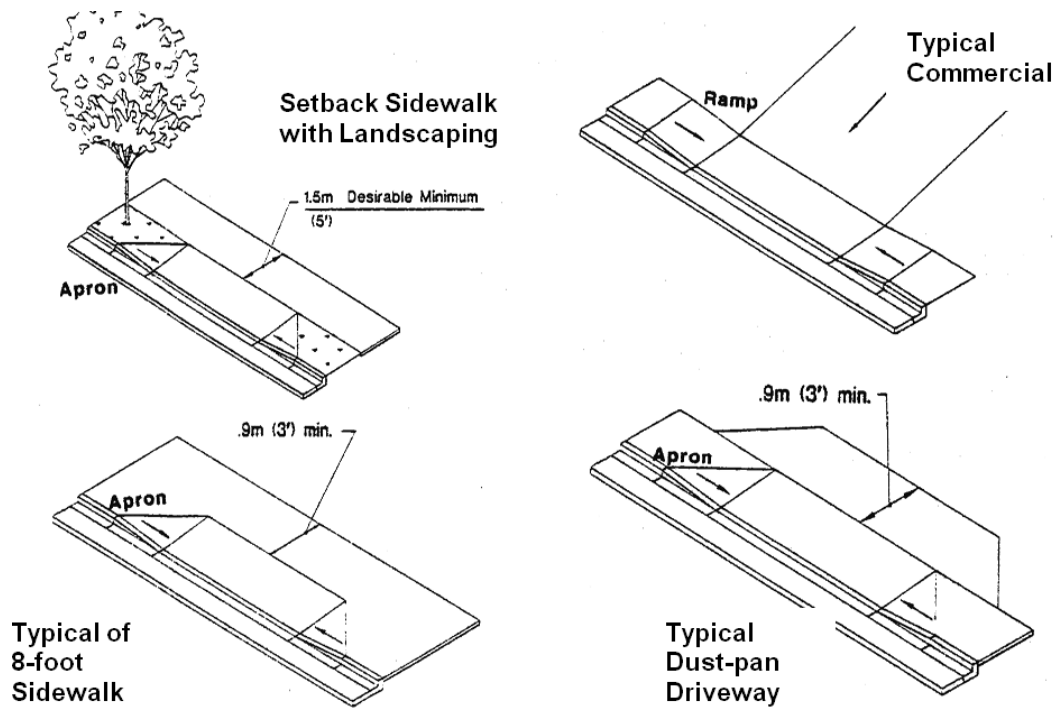
- A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and 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:

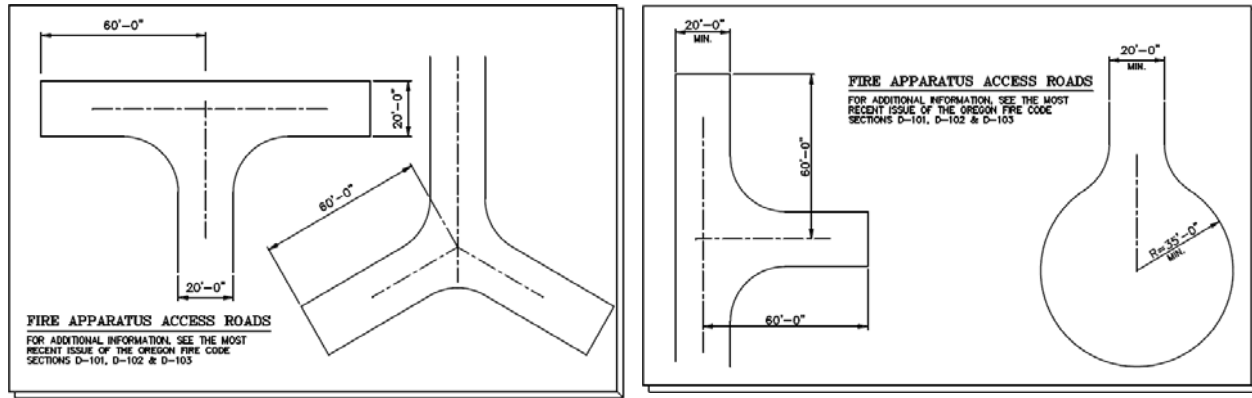
- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, 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.



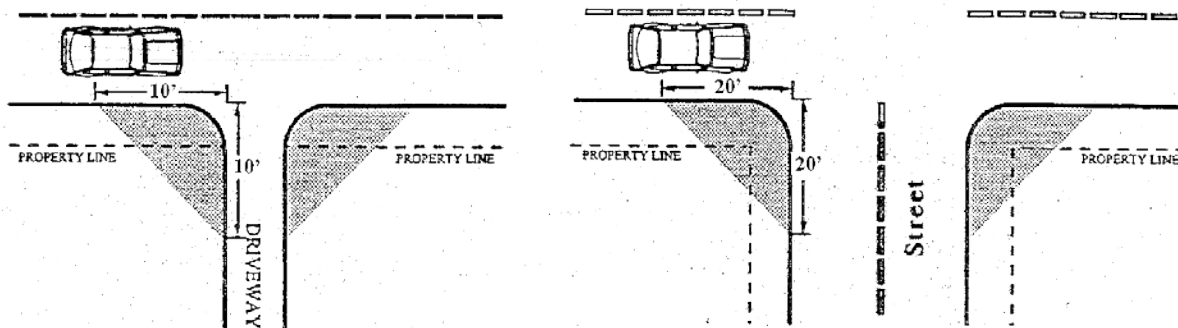
**Figure 10-35(3): Examples of Fire Lane Turn-Around**

**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 10-2-13 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-Planning Commission~~ 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 Planning Commission's~~ determination through a Type 3 process, the construction of a sidewalk is impractical for one or more of ~~the following~~ reasons 1 through 4 below. The Public Works Director may issue a permit allowing noncompliance with the provisions of subsection (A) of this section and obtain instead a non-remonstrance agreement for future improvements for reason 5 below:
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:

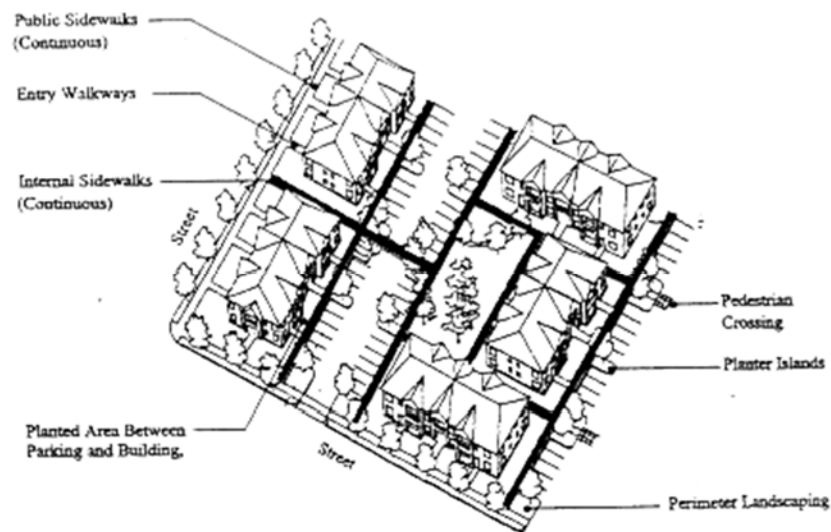
- A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also 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.



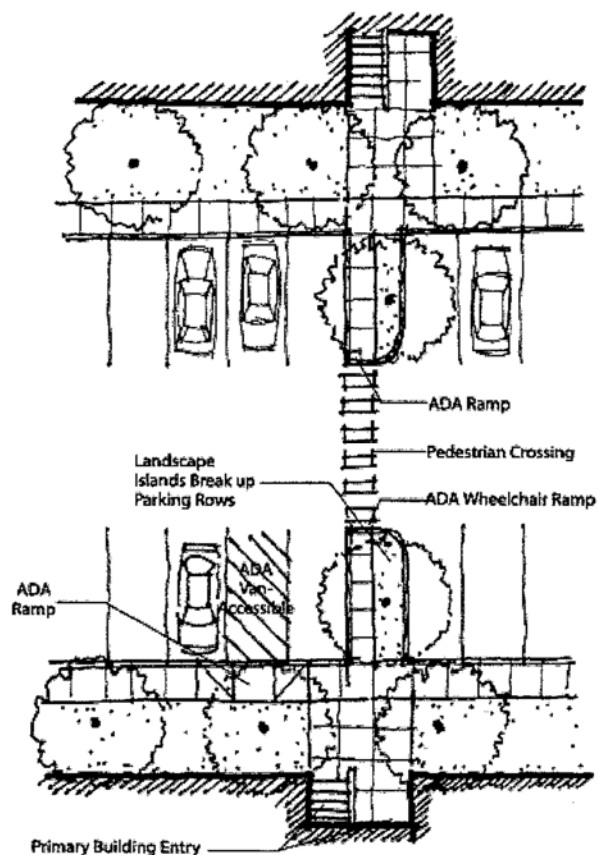
**Figure 10-35(5): Pedestrian Pathway System (Typical)**



**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)
- 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.

**Figure 10-35(6):  
Pedestrian Walkway Detail (Typical)**



**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.

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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 11-16-16