

**CITY OF FLORENCE  
ORDINANCE NO. 6, SERIES 2023**

**AN ORDINANCE ADOPTING LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE TITLES 10 AND 11, TO INCORPORATE STATE LEGISLATION RELATED TO RESIDENTIAL DEVELOPMENT, IMPLEMENT CITY OF FLORENCE WORK PLAN ITEMS, AND PERFORM GENERAL HOUSEKEEPING ITEMS.**

**RECITALS:**

1. City Council via their 2021/2023 City of Florence Work Plan, tasked amendments to the governing documents related to housing and general housekeeping. They tasked amendments related to parking code in their 2023/2025 work plan.
2. On May 23, 2023 the Florence Planning Commission initiated legislative amendments to Florence City Code Titles 10 & 11.
3. On May 23, 2023 notice was sent to the Department of Land Conservation and Development, not less than 35 days prior to the first evidentiary hearing.
4. On June 21 and 30, 2023, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing on June 27<sup>th</sup> and the City Council hearing of July 17<sup>th</sup> 2023.
5. Planning Commission opened their public hearing June 27, 2023, continued it to July 11<sup>th</sup> and deliberated to a decision for a recommendation to the City Council.
6. City Council conducted a public hearing on July 17, 2023 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. Titles 10 and 11 as explained in Exhibit A, and shown in Exhibits B and C, and initiated through Planning Commission.
2. This ordinance shall become effective thirty days following adoption. (August 16, 2023).
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reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.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 17<sup>th</sup> day of July, 2023

Second Reading on the 17<sup>th</sup> day of July, 2023.

This Ordinance is passed and adopted on the 17<sup>th</sup> day of July 2023

AYES  
NAYS  
ABSTAIN  
ABSENT

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Rob Ward, Mayor

Attest:

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Lindsey White, City Recorder

**EXHIBIT A  
FINDINGS OF FACT  
City of Florence Ordinance No. 6, Series 2023**

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**Public Hearing Dates:** Planning Commission – June 27 and July 11, 2023  
City Council – July 17, 2023

**File Nos.:** PC 23 11 TA 02 / CC 23 01 TA 02

**I. PROPOSAL DESCRIPTION**

The requested action is to adopt amendments to the Florence City Code in order to incorporate state legislation related to residential development, implement City of Florence work plan items, and perform general housekeeping items as follows:

1. Amend Florence City Code Title 10 Zoning Regulations (**Exhibit B**)
2. Amend Florence City Code Title 11 Subdivision Regulations (**Exhibit C**)

**Exhibit B: Title 10 Zoning Regulations Amendments**

Proposed Amendments to the Florence City Code text are shown in legislative format in the attached Exhibit B and are described below:

- Chapter 1: Zoning Administration – Replace “family” with “unit”, & housekeeping edits.
- Chapter 2: General Zoning Provisions – Update definitions for dwellings, affordable housing, and public facilities, add definitions for household, private facilities, prefabricated dwelling, and congregate housing and remove duet, family, and public services, etc.
- Chapter 3: Off Street Parking and Loading – Update the sections concerning bicycle parking, Accessory Dwelling Units, duets, duplexes, congregate housing.
- Chapter 6: Design Review – replace “family” with “unit”
- Chapter 10: Residential Uses – Update Tables 10-10-2-A & B, Sections on Attached Housing, manufactured homes, and mobile/manufactured home parks, replace “family” with “unit” and duet with single unit attached, add section with definitions related to mobile home/manufactured home
- Chapter 15: Commercial District – Sections on residential use building height, and development standards and replace “family” with “unit”, remove “duet”
- Chapter 16: Highway District – Sections on residential use building height, and development standards and replace “family” with “unit”, remove “duet”
- Chapter 17: Old Town District – replace “family” with “unit”, add tri and quad lexes, replace “townhome” with “single unit attached”
- Chapter 23: Planned Unit Development – replace “family” with “unit”, and housekeeping

- Chapter 25: Professional Office Institutional District – Section on residential design standards and replace “family” with “unit”
- Chapter 27: Mainstreet District – replace “family” with “unit”
- Chapter 30: North Commercial – replace “family” with “unit”
- Chapter 34: Landscaping – replace “family” with “unit”
- Chapter 35: Access and Circulation – replace “family” with “unit”

### **Exhibit C: Title 11 Subdivision Regulations Amendments**

Proposed Amendments to the Florence City Code text are shown in legislative format in the attached Exhibit C and are described below:

- Chapter 3: Subdivision Tentative Plan Procedure – establish clear criterion related to utility and access provision
- Chapter 4: Partition and Subdivision Final Plat – remove ambiguous terminology, add specificity by including source policy and regulations
- Chapter 5: Platting & Mapping Standards – remove ambiguous terminology, add lot line orientation to include around encroachments

## **II. NARRATIVE**

The Title 10 code amendments focus on the following: generally, expand permitted residential uses, align definitions with state laws, establish clear and objective criteria for housing in commercial and mixed-use zones, adjust standards for manufactured and mobile home development, reduce parking standards for ADUs. address minimum compliance standards with HB 2001 and OAR 660-046 – middle housing requirements for medium-sized cities. The Title 11 code amendments make standards clear and objective, replacing ambiguous language.

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. Many changes to address these needs were made in 2019. During this time, it was concluded that it was Phase 1 of a mutli-phase ongoing process. This is Phase 2 of that code update process with Phase 3 to follow that will address transitional and emergency housing. This proposal continues to achieve the objective of implementing 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). This proposal addresses the many additional adoptions to state regulations that have occurred since that time and include: HB 2001 (2019), HB 2583 (2021), SB 8 (2021), HB 2008 (2021), and HB 4064 (2022).

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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)

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 regulations, to better meet the City’s identified needs for housing.

### III. NOTICE AND REFERRALS

#### 1. Notice:

The notice of a public hearing was published in the Register Guard on June 21, 2023 and again in the Siuslaw News on June 30, 2023, 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 May 23, 2023, not less than 35 days prior to the proposed first evidentiary hearing of June 27, 2023, as required by State law and the Florence City Code.

### IV. 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 10-1-1-6-4 Type IV Procedure (Legislative)

#### 2. Florence Realization 2020 Comprehensive Plan

- Plan Adoption, Amendments, Review and Implementation
- Chapter 1 Citizen Involvement, Policies 2-6
- Chapter 2 Land Use, Policies 3 & 7 and Residential Section 7-9, Commercial Section 3 & 10
- Chapter 10 Housing Opportunities, Policies 7, 10 & 13
- Chapter 12 Transportation, Policies 8, 9, 26, & 27
- Chapter 13 Energy Facilities and Conservation, Policy 3

#### 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) – (4)

#### 5. Oregon Administrative Rules (OAR)

- OAR 660-008-0015

- OAR 660-012-0060
- OAR 660-018-0020
- OAR 660-015-000

**6. State legislation adopted**

House Bills: 2001 (2019), 2585 (2021) 2008 (2021) 4064(2022)  
Senate Bill: 8 (2021)

## V. FINDINGS

### Florence City Code (FCC)

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

#### FCC 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.**

**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:**

**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:....**

The City of Florence initiated the changes via the Planning Commission on May 23, 2023. The media notices included the required information and were performed as required in these criteria and as discussed elsewhere in the findings.

#### **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 23 06 TA 01, adopted by the Planning Commission on May 23, 2023. The resolution noted work by itself and the City Council to update the city zoning code to implement the Florence Realization 2020 Comprehensive Plan, City Work Plans, and state regulations 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 Planning Commission and City Council public hearings for this proposal were published in the Register Guard on June 21, 2023 and in the Siuslaw News on June 30, 2023. 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 zoning and development code support residential development consistent with the Plan and the adopted Housing Needs Analysis (2018). The proposed 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.** <sup>[[1]]</sup><sub>SEP</sub>(pg. I-1)

**Finding:** This policy is met. The City Council in 2022 appointed the Housing Implementation Plan Stakeholder Advisory Team (HIP SAT) to advise on these code updates. The HIP SAT met five 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.** <sup>[[1]]</sup><sub>SEP</sub>(pg. I-1)

**Finding:** This policy is met. The City Council appointed a cross-section of Florence citizens to serve on the HIP SAT, including representatives of the social services, Title VI, tribal, 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 hearings before the Planning Commission and City Council, as required by state law. Notice was published in the Register Guard on June 21, 2023 and in the Siuslaw News on June 30, 2023. Staff also updated the City's website to state when City meetings are scheduled. Materials for Planning Commission and 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 revisions to standards for attached housing (FCC 10-10-7), individual manufactured home (FCC 10-10-10) and manufactured home park (FCC 10-10-11) standards, and standards in commercial and mixed-use zones (FCC 10-25, 10-15, 10-16, 10-30, 17, and 18)
- Continue to enforce parking standards in FCC 10-3 and expand bicycle parking standards and reduce parking standards in accordance with state regulations.

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:

- Design review criteria in FCC 10-6 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 requires that adequate public facilities be available to serve proposed subdivision and clarifies what those standards are.
- 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 well as FCC Title 9, Chapters 2, 3 and 5.

## **Residential**

### **Policies**

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.** [L] [SEP] (pg. II-5) [L] [SEP]

**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 from the street.

- 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.** [L] [SEP] (pg. II-5) [L] [SEP]

**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 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.** [L] [SEP] (pg. II-5) [L] [SEP]

**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 proposed revised standards in FCC 10-10-10, which regulates homes consistent with standards in ORS 197.307(8) and new regulations adopted under HB 4064 (2022).

## **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

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

it does not change the extent or location of lands designated for commercial uses. Residential unit 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. Other residential uses are required to comply with the development standards of the districts.

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 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.** (pg. X-2)

**Finding:** The proposal for these actions is consistent with this policy because the proposal includes expanding residential development opportunities in the Old Town and Mainstreet Districts by 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 triplexes and quadplexes. It also revises existing standards for duplexes and manufactured homes in and out of a manufactured home park. Proposed standards encourage development of these varied types through reduced parking standards, and higher density in mixed use and commercial districts.

10. **Apply plan designations, zoning districts and regulations to implement the mix of housing indicated in the acknowledge Housing Needs Analysis.** (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 by revising standards for manufactured homes and duplexes to have no greater standards than single family detached homes and adding opportunities for attached housing in the Old Town and Mainstreet districts. 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.** (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 changes to standards for duplex, manufactured homes, and mobile and manufactured home parks. Also, additional housing styles are proposed for Old Town and Mainstreet Districts. Standards for residential uses in commercial and mixed-use zones are proposed to change to meet the standards of those districts rather than be limited to those of the residential districts. Also, they are now offered the density permitted in the High Density district. The new density standard will support development within an expanded building envelope, including expanded provisions for up to 35 feet in height (relative to 28 feet) to support more practical options to build higher-density development.

## **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-I). Backing out is also prohibited, except for single family and duplexes, in existing FCC 10-35-2-7-C.

- 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 multifamily (FCC 10-3-8-B-4 and 10-3-10-C). The proposed policy change clarifies that bicycle parking is required in the same manner as vehicular parking during a change of use that requires additional vehicular parking spaces.

### **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 DLCD 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) (1) As used in ORS 197.286 to 197.314, “needed housing” means all housing on land zoned for residential 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 additional 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 attached dwellings in the Old Town, Mainstreet mixed-use commercial districts.

#### **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, multi-family housing units and special needs housing units. The proposed amendments provide for attached dwellings in the Old Town and Mainstreet Mixed Use zones.

**(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. Changes to Title 11 provide for additional clear and objective text amendments. The optional and discretionary Planned Unit Development process remains available 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, triplexes and quads (FCC 10-10-7), cluster housing (FCC 10-10-8), multifamily

dwelling (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 above criteria is being replaced by language in HB 4064. The proposed amendments to the code implement the new ORS in 197.307 and ORS 197.314. The standards for manufactured homes will be the same for single family detached dwellings. The new ORS language also introduces pre-fabricated structures, which the city has incorporated as required within the proposed code amendments.

**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.**

**(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.**

**(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.**

**(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.**

**(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.286 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]**

Finding: The code 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). The proposed code changes expand the opportunities to locate a mobile home or manufactured home park by reducing the minimum project acreage size.

**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 May 23, 2023 at least 35 days prior to the June 27, 2023 (first) 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.)

### **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 DLCD 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 expand on the 2019 housing code updates that supported this full range of housing types, in addition it added opportunities for 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. This proposed change extends the triplex and quadplex uses to Old Town and Mainstreet Districts.

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 triplexes and quadplexes in the mixed-use development district of Old Town and Mainstreet Districts. In addition, the proposed amendments permit duplexes with the same standards as single family detached.

**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.

## **Vi. CONCLUSION**

The proposed amendments to the Florence City Code Titles 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.

## **VII. EXHIBITS**

- A. Findings of Fact
- B. Amendments to FCC Title 10 Zoning Regulations
- C. Amendments to FCC Title 11 Subdivision Regulations
- D. MIG/APG Draft Code Update Memo, July 21, 2022
- E. MIG/APG Code Audit Findings Memo, June 8, 2022
- F. TC Bicycle Parking Memo, May 19, 2023

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

[...]

**10-1-1-4: APPLICATION:**

[...]

**E. Traffic Impact Studies:**

[...]

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:

[...]

- c. The addition of twenty-five (25) or more single family-unit dwellings, ~~or~~ and 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.

[...]

**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 [of a Type 1 or Type 2 application](#)
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.~~ 15. Changes to or the addition of on-site stormwater facilities not reviewed as part of another process.
- ~~17.~~ 16. Cluster Housing in the High Density Residential District.

~~18-17.~~ Other proposals that do not require the exercise of discretion.

[...]

**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.

[...]

- 10. Design Review for the following residential development types:
  - a. Single-family unit attached dwellings in Medium Density Residential and Manufactured Home Park Districts.
  - b. Multi-family unit residential development in the High Density Residential District.

[...]

**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.~~
  - ~~23.~~ Modification of greater than 1,500 square feet or greater than 25% of the building square footage, whichever is less.
  - ~~34.~~ An increase in residential density by more than 10 percent, or where the resulting density exceeds that allowed by the land use district.
  - ~~45.~~ New construction requiring Design Review by the Planning Commission.
  - ~~56.~~ Planned Unit Developments, preliminary and final plans.
  - ~~67.~~ Conditional Use Permits.
  - ~~78.~~ Variances.
  - ~~89.~~ Quasi-Judicial Zone Changes.
  - ~~940.~~ Other applications similar to those above which require notice to surrounding property owners and a public hearing.

[...]

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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)

Table 10-1-1 and Sections 10-1-1-6-1, 10-1-1-6-2-B, 10-1-1-6-3-A and 10-1-1-4-B amended by Ord. No. 7, series 2019 (effective 12-18-19)

[Sections 10-1-1-4-E-2-c, 10-1-1-6-A & 10-1-1-6-2-B, & 10-1-1-6-3-A amended by Ord. No. 6, Series 2023 \(effective 8-17-23\)](#)

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

**10-2-13: 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.

**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-household 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 4030 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.

**BOARDING HOUSE**

A building with a single kitchen where lodging, with or without meals, is provided for compensation 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, but, a Boarding House / Dormitory is not occupied as a single-familyhousehold unit and it shall not include assisted living facilities, or senior housing, group care homes, homes for the aged or nursing homes.

**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 and private facilities/utilities.

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

DUET	A Duplex as defined under 'DWELLING, DUPLEX' in which each unit is on a separate lot and can be owned separately.
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 <del>households</del> <u>families</u> ; but excluding <u>lodging intended to accommodate visitors and recreation, such as the</u> Coast Village, hotels, motels, <u>short term rentals</u> and tourist courts; with permanent provision for living, sleeping, eating, food preparation, and sanitation. <u>Each household unit within a dwelling has occupancy for eight or fewer bedrooms.</u> Dwellings include both buildings constructed on-site, <u>pre-fabricated dwellings</u> and manufactured homes.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) <del>households</del> <u>families</u> on a single lot living independently from each other and having separate facilities for each <u>household</u> <del>family</del> as defined under "DWELLING" above.
DWELLING, FOUR- PLEX / QUAD-PLEX	A building designed and used for occupancy by four (4) <del>households</del> <u>families</u> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under 'DWELLING' above.
DWELLING, MULTIPLE MULTI- <u>UNIT</u> <del>FAMILY</del>	A building designed and used for occupancy by five (5) or more <del>households</del> <u>families</u> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under "DWELLING" above and certain shared facilities such as laundry, open space and other amenities.
DWELLING, SINGLE- <u>UNIT</u> <del>FAMILY</del> DETACHED	<p>A. A dwelling on a single lot either constructed <u>in accordance with Oregon Building Codes</u> on-site or <del>off-site a modular constructed in accordance with Oregon Building Codes</del> and assembled on-site, <u>and</u> <del>D</del> designed or used exclusively for the occupancy of one <u>household</u> <del>family</del> and having separate facilities for only one <u>household</u> <del>family</del> as defined under "DWELLING" above; or</p> <p>B. A manufactured home designed and used exclusively for the occupancy of one <u>dwelling</u> <del>family</del> as defined under "DWELLING" above and which is located and maintained in compliance with Section 10-1<u>20</u> of this Title.</p> <p>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, <u>prefabricated dwelling</u> or a modular resembling a mobile home or manufactured home, is not considered a single-<u>unit</u> <del>family</del> dwelling. (Ord. No. 7, Series 1994)</p>
DWELLING, SINGLE- <u>FAMILY</u> <del>UNIT</del> 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 a townhouse or row house.
DWELLING, TRI- PLEX	A building designed and used for occupancy by three (3) <del>households</del> <u>families</u> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under 'DWELLING' above.

<u>FAMILY HOUSEHOLD</u>	<u>All the people who occupy a single dwelling unit, regardless of relation or familial status. A household occupies eight or fewer bedrooms. A person living alone or any of the following groups living together as a single non-profit unit and sharing common living area:</u>  <u>A. Any number of persons related by blood, marriage, adoption, guardianship or other duly authorized custodial relations.</u> <u>B. A maximum of 5 unrelated persons.</u>
<u>GROUP OR CONGREGATE HOUSING</u>	<u>A dwelling that provides nine or more bedrooms and whose occupants share basic household amenities, such as a kitchen, bathroom(s), and other shared living spaces.</u>
<u>PREFABRICATED DWELLING</u>	<u>A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a dwelling.</u>
<u>PRIVATE FACILITIES</u>	<u>Any facility that is owned, leased, operated, or funded by a private entity, including individuals or groups/corporations, which may include but is not limited to buildings, property, recreation areas, and roads.</u>
<u>PUBLIC FACILITIES</u>	<u>Any facility that is owned, leased, operated, or funded by a governmental body or public entity, which may include but is not limited to buildings, property, recreation areas, and roads.</u>
<u>PUBLIC FACILITIES AND SERVICES</u>	<u>Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.</u>

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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)  
Section 10-2-13 amended by Ord. No. 12, Series 2015 (effective 1-1-16)  
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)  
Section 10-2-4, 10-2-9, 10-2-13 amended by Ord. 7, Series 2019 (effective 12-18-19)  
Section 10-2-13 amended by Ord. No. 2, Series 2020 (effective 5-20-20)  
Section 10-2-13 amended by Ord. No. 12, Series 2022 (effective 1/10/23)  
Section 10-2-13 amended by Ord. No. 6, Series 2023 (effective 8/17/23)

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

[...]

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

**A. Residential and Commercial Dwelling Types:**

Single <del>Family Unit</del> Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
Accessory Dwelling Units	<del>1 space per unit, see FCC 10-3-8 for additional standards</del> <u>No minimum parking spaces required</u>
Duplex <del>/Duet</del>	<del>2</del> <u>1</u> spaces per dwelling unit
Boarding houses <u>group/congregate housing</u> and dormitories	1 space per each 2 <u>bedrooms</u> <del>occupants</del> <u>at capacity</u> .

[...]

**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.

[...]

~~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.~~

[...]

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

[...]

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

Table 10-3-1 and Sections 10-3-8, 9 & 10 amended by Ord. 7, Series 2019, effective 12-18-19

Sections 10-3-1-A, 10-3-8-N and 10-3-10 amended by Ord. No. 6, Series 2023 (effective 8-17-23)

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
- 10-6-9: Drawings Submitted to the Planning Commission
- 10-6-10: Appeal
- 10-6-11: Lapse of Design Review Approval

[...]

**10-6-3: GENERAL APPLICABILITY:**

[...]

A. 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, but not limited to:
    - i. Single-familyunit attached dwellings in the Medium Density Residential and Manufactured Home Park Districts.
    - ii. Multi-familyunit Housing in any zone.

[...]

**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-familyunit 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-FamilyUnit 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.
- E. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- F. Exterior lighting according to the standards set forth in FCC 10-37 Lighting.
- G. Provision of public and private 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.

[...]

**10-6-6-1: 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-familyunit, duplex (attached & detached), or multi-familyunit

[...]

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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)  
 Sections 10-6-3, 10-6-4, and 10-6-5, Title of 10-6-6, Sections 10-6-6-4-A-4, 10-6-6-4-G, 10-6-6-5-4, 10-6-7, and sections numbers 10-6-8 through 10-6-11 amended by Ordinance No. 7, Series 2019 (effective 12-18-19)  
Sections 10-6-3-A-1-a, 10-6-5-2-B & G, 10-6-6-1-A amended by Ord. No. 6, Series 2023 (effective 8-17-23)

TITLE 10  
CHAPTER 10

**RESIDENTIAL DISTRICTS**

SECTION:

- 10-10-1: Residential Districts and Purpose
- 10-10-2: Residential Uses
- 10-10-3 : Non-Residential Uses
- 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-[FamilyUnit](#) Dwellings
- 10-10-10 : Manufactured Homes Outside of MH Subdivisions or Parks
- 10-10-11: Mobile Home / Manufactured Home Parks
- 10-10-11-1 : Administrative Provisions
- 10-10-11-2 : Design Standards
- 10-10-11-3 : Development Plan
- 10-10-11-4 : Development Plan Procedure
- 10-10-11-5 : Mobile Home / Manufactured Home Park License
- 10-10-11-6: Basic Regulations and Provisions
- 10-10-11-7: Park Administration
- [10-10-11-8: Definitions](#)
- 10-10-12: [Undersized](#) Residential Lots of Record

[...]

**10-10-1: RESIDENTIAL USES:**

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

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

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

**10-10-2: LOT AND YARD PROVISIONS:**

A. Minimum Lot Dimensions: To be designated a building site, a lot must meet the following minimum lot dimensions:

Table 10-10-4-A. Minimum Lot Dimensions by Development Type<sup>1</sup>

Type	LDR		MDR		RMH		HDR	
	Width	Depth	Width	Depth	Width	Depth	Width	Depth
All development types including single-family unit detached <sup>2</sup> , except:	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.	50 ft.	80 ft.
Single-family unit attached dwelling or duet (single unit)	N/A	N/A	25 ft.	80 ft.	25 ft.	80 ft.	25 ft. <sup>3</sup>	80 ft. <sup>3</sup>
Manufactured Home Park	N/A	N/A	50 ft.	80 ft.	35 ft.	70 ft.	35 ft.	70 ft.

<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> Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-b.<sup>3</sup> The single-family unit attached dwelling dimensions shall also apply to single-family unit detached dwellings in the HDR zone. Dimensions in 10-10-4-A are meant to be the minimum for each category and are not intended necessarily to be used together, minimum lot size is required.

B. Minimum Lot Area: To be designated a building site, a lot must meet the following minimum lot area:

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

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

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:

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

	LDR	MDR	RMH	HDR
<b>Front</b>				
Primary	10 ft.	10 ft.	10 ft.	5 ft. <sup>1</sup>
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
<b>Side</b>				
Primary <sup>2</sup>	10 ft.	5 ft.	5 ft.	5 ft. <sup>1</sup>
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	5 ft.	5 ft.	5 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.
<b>Rear<sup>1</sup></b>				
Primary	10 ft.	5 ft.	5 ft.	5 ft. <sup>1</sup>
Accessory Building	5 ft.	5 ft.	5 ft.	5 ft.
Accessory Dwelling Unit	10 ft.	5 ft.	5 ft.	5 ft.
Parking Lot, Garage or Carport	10 ft.	10 ft.	10 ft.	10 ft.
Garage or Carport vehicular entrance wall	20 ft.	20 ft.	20 ft.	20 ft.

<sup>1</sup>Single-family unit 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.

- a. 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.
- b. All patio and playground equipment structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.
- c. When a multi-familyunit use adjoins a single-familyunit detached use, the multi-familyunit 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.

[...]

**10-10-3: SITE DEVELOPMENT PROVISIONS:**

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

[...]

**10-10-4: ACCESSORY DWELLING UNITS:**

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

#### 10-10-7: ATTACHED HOUSING:

A. Applicability: Single-family unit 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.~~

1. 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:

g. Open space may be provided as private open space for single-family unit attached dwellings.

2. Architectural Details

[...]

b. Single-family unit 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:

[...]

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

A. Applicability: 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 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-familyunit detached or up to four units attached.
  - ii. High Density Residential District: Units may be single-familyunit 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.

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

- 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:

	Setback
Front	10 ft.
Porch or stairs	5 ft.
Side	3 ft.
Rear	5 ft.

- 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 Residential Districts: Maximum net density is 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.
    - 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 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-familyunit 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 familyunit 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-FAMILYUNIT 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-FamilyUnit Dwellings standards shall apply.
- B. Siting and Design Criteria:
  1. Separation Between Buildings: The minimum separation between multiple-familyunit 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-familyunit 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-familyunit 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-familyunit development must meet all of the applicable standards outlined in Section 10-3 of this Title.

6. Fences: Multi-familyunit 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 familyunit 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:

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

~~B.A.~~ 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.

~~C.B.~~ 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.

~~D. 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.~~

~~E.C.~~ 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 familyunit 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-ten~~ (150) 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 [or prefabricated structures](#) 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.
- 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/Community Development Director](#). The proposed landscaping must meet the standards outlined in Section 10-34 of this Title. 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 : DEVELOPMENT PLAN:**

- A. All applications submitted for approval of a mobile home/manufactured home park development shall consist of two (2) copies of a development plan. Such plan 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.
  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, 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.

**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.

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-Community Development](#) 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.

**10-10-11-5 : 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 the [Planning-Community Development](#) Director shall be completed before first occupancy is permitted.

- C. Licenses issued hereunder shall be valid for a period of one year, and renewable thereafter, unless a shorter or longer time is noted and approved by the [Planning-Community Development](#) Director on the signed approved copies of the development plan.

Deviations from the approved plan must be submitted to the [Planning-Community Development](#) Director 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.M.~~ 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.N.~~ 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.O.~~ 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.P.~~ Telephone: At least one public telephone for the use of the park residents shall be provided for use at all times, if available.

~~R.Q.~~ 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 (150) 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.

10-10-11-8: DEFINITIONS: For the purpose of this Section, certain words and terms are defined below. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

ACCESSORY Any structural addition to a mobile home/manufactured home, including awnings, carports, cabanas, porches, ramadas and similar structures.

AWNING Any stationary structure, permanent or demountable, used in conjunction with a mobile home/manufactured home, or trailer, other than window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet

substituting for a wall.

<u>BUILDING LINE</u>	<u>A line on a plat indicating the limit beyond which buildings or structures may not be erected.</u>
<u>CABANA</u>	<u>A stationary, lightweight structure which may be prefabricated, or demountable, with two (2) or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.</u>
<u>COMMON AREA</u>	<u>Any area or space designed for joint use of tenants occupying mobile home developments. Not to include off-street parking areas.</u>
<u>CORNER LOT</u>	<u>A lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135).</u>
<u>DENSITY</u>	<u>The number of mobile homes/manufactured homes or mobile home/manufactured home stands per gross acre.</u>
<u>DRIVEWAY</u>	<u>A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.</u>
<u>EXPANDO</u>	<u>An expando is defined as a room or rooms that folds, collapses or telescopes into a mobile home during transport and which can be expanded at the site to provide additional living space.</u>
<u>LICENSE</u>	<u>A certificate for operation issued by the City pursuant to this Section.</u>
<u>LOT AREA</u>	<u>The total area reserved for exclusive use of the occupants of a mobile home/manufactured home.</u>
<u>LOT LINE</u>	<u>A line bounding the lot as shown on the accepted plot plan.</u>
<u>MOBILE HOME/ MANUFACTURED HOME COMMUNITY</u>	<u>A mobile home development and related utilities and facilities, including the mobile homes/manufactured homes and all of the people living within the development.</u>
<u>MOBILE HOME/ MANUFACTURED HOME LOT</u>	<u>A parcel of land for the placement of a mobile home/manufactured home and the exclusive use of its occupants.</u>
<u>MOBILE HOME/- MANUFACTURED HOME RESIDENTIAL DISTRICT (RMH)</u>	<u>A zone, the boundaries of which shall be defined and approved by the Planning Commission and the City Council, which allows for the placement of mobile homes/manufactured homes for residential uses.</u>
<u>MOBILE HOME/ MANUFACTURED HOME STAND</u>	<u>That part of an individual lot or parcel reserved for the placement of a mobile home/manufactured home.</u>
<u>MOBILE HOME/ MANUFACTURED HOME SUBDIVISION</u>	<u>Not less than five (5) acres of contiguous land, unless otherwise determined by the Planning Commission, which allows for the placement of mobile homes/manufactured homes for residential uses.</u>
<u>OCCUPIED AREA</u>	<u>That area of an individual mobile home/manufactured home lot which has been covered by a mobile home/manufactured home and its accessory structures.</u>
<u>OPEN SPACE</u>	<u>See Common Area</u>

<u>OWNER</u>	<u>The person having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.</u>
<u>PAD</u>	<u>A minimum foundation treatment for a permanent mobile home/manufactured home installation, the construction of which is in compliance with City policy. Commonly but not necessarily constructed of concrete two feet wide by six inches thick (2' x 6") and extending the length of the mobile home/manufactured home unit or units.</u>
<u>PERSON</u>	<u>Any individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.</u>
<u>RAMADA</u>	<u>A stationary structure having a roof extending over a mobile home/manufactured home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.</u>
<u>RECREATIONAL VEHICLE</u>	<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 and has a floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet room.</u>
<u>TIE DOWN</u>	<u>Any device designed to anchor a mobile home/manufactured home securely to the ground.</u>
<u>UNIT</u>	<u>Relocatable housing. (See Mobile Home/Manufactured Home definition)</u>

**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.

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Amended by Ordinance No. 15, Series 1988  
 Amended by Ordinance No. 3, Series 1999  
 Section 10-10-5 B,C,E - Amended by Ordinance No. 26, Series 2008  
 Section 10-10-5 amended by Ordinance No. 9, Series 2009  
 Section 10-10-3 B – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011  
 Section 10-10-5-D-E – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011  
 Section 10-10-5-D amended by Ord. No. 3, Series 2013 – effective 7-31-13  
 Section 10-10-5-I amended by Ord. No. 12, Series 2014 – effective 12-31-14  
 Section 10-10-3 and -5-C amended by Ord. No. 11, Series 2016 – effective 11-16-16  
 Section 10-10-6 and 7 amended by Ord. 4, Series 2018 – effective 6-21-18  
 All Sections amended by Ord. 7, Series 2019 – effective 12-18-19  
[All Sections amended by Ord. 6, Series 2023 – effective 8-17-23](#)

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

**10-15-3: 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:

[...]

Single-~~familyunit, duet,~~ and duplex dwellings.

[...]

**10-15-5: SITE AND DEVELOPMENT PROVISIONS:**

A. Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings shall have a maximum height of thirty-five feet (35'), and their associated/accessory structures refer to Section 10-10-5 of this Title for requirements.

[...]

H. Open Space is required for residential housing developments of 4 or more units as follows:

[...]

2. In meeting the open space standard, the multiple familyunit 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.

J. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The ~~morlesse~~ restrictive standards would apply.

K. Non-residential development refer to Section 10-6-5-1 & 10-6-7 of this title for requirements.

L. -Screening: Any trash, recycling or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.

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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)

Sections 10-15-2, 10-15-3, 10-15-5-H and J amended by Ord. No. 7, Series 2019 (effective 12-18-19)

Sections 10-15-3, 10-15-5(A) and (J) amended by Ord. No. 9, Series 2020 (effective 9-16-20)

Sections 10-15-3 & 10-15-5-A, H, J, K & L amended by Ord. No. 6, Series 2023 (effective 8-17-23)

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:

[...]

- D. The need to provide adequate area for new commercial, limited industrial and multiple-~~familyunit~~ dwelling development.

**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-~~familyunit~~ dwellings, ~~duets and~~ duplex dwellings, public buildings and facilities, medical marijuana dispensaries, marijuana retailers, marijuana testing facilities, and single-~~familyunit~~ residential PUD's.
- B. Multiple-~~familyunit~~ residential, tri-plex and four-plex.
- C. Planned unit developments, excluding single-~~familyunit~~ residential developments.

[...]

**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.

[...]

- C. Single-~~familyunit~~ detached, ~~duet~~ and duplex ~~residences~~ dwellings.

[...]

**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:

[...]

- 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-familyunit use, these criteria will be applied more strictly.

**10-16-7: DESIGN SPECIFICATIONS:**

K. Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings shall have a maximum height of thirty-five feet (35'), and their associated/accessory structures shall refer to Section 10-10-5 of this Title for requirements.

N. Open Space is required for 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 familyunit 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.

[...]

P. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The ~~more~~-less restrictive standards would apply.

Q. Non-residential development refer to Section 10-6-5-1 & 10-6-7 of this title for requirements.

R. Screening: Any trash, recycling or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum of five (5') feet high solid wall, wood or similar or slatted chain link fence.

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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)

Section 10-16-17-N amended by Ord. No. 7, Series 2019 (effective 12-18-19)

Sections 10-16-2(A) and (B), 10-16-3(C), 10-16-17(A)(2), (C)(2), (K), amended by, and section 10-16-17(P) added by Ord. 9, 2020 (effective 9-16-20)

Sections 10-16-1-D, 10-16-2-A, B, & C, 10-16-3-C, 10-16-4-F, 10-16-7-K, N-2, P amended by Ord. No. 6, Series 2023 and 10-16-7-Q & R added (effective 8-17-23)

**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

[...]

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**OLD TOWN DISTRICT AREA A**

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[...]

- 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:

[...]

Residential, single [familyunit](#) (unless part of mixed uses as listed in permitted or conditional uses)

Residential: multi-[familyunit](#), [townhouses](#)[single unit attached](#), duplexes, [tri-plexes](#), [four-plexes](#) (unless part of mixed use development as listed in permitted or conditional uses)

[...]

- D. Existing Single-[familyunit](#) [detached](#) Residences:** Existing single-[familyunit](#) [detached](#) residences remain grandfathered until such time as a conversion is made to commercial use.

[...]

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**OLD TOWN DISTRICT AREA B**

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[...]

**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:

[...]

Residential, single [familyunit](#) [detached dwelling](#)

Residential: above ground floor commercial

Residential: multi-[familyunit](#), [townhouses](#)[single unit attached](#), duplexes, [tri-plex](#), [four-plex](#)

[...]

### 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 ~~tri-plex, four-plex and~~ multiple ~~familyunit~~ structure shall be at least 2,500 sq ft for each ground floor unit.

[...]

**D. Yard Regulations:**

[...]

3. **Side Yard:** Zero lot line spacing is allowed for ~~row-house (townhouse)-single unit attached~~ 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 ~~familyunit and duplex~~ dwellings, the rear yard shall have a minimum setback of ten feet (10').

[...]

**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.

[...]

### 10-17B-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA B

[...]

**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 ~~familyunit~~ 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.

[...]

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## OLD TOWN DISTRICT AREA C

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**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:

Residential: multi-~~familyunit~~, ~~four-plexes~~, ~~tri-plexes~~, ~~townhouses~~ single unit attached, duplexes

[...]

**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:

[...]

Residential, single familyunit detached

[...]

**D. Existing Single-~~familyunit~~ Detached Residences:** Existing single-~~familyunit~~ detached 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 tri-plex, four-plex or multiple familyunit structure shall be at least 2,500 sq ft for each ground floor unit.

[...]

**E. Common Open Space:** Common open space is required for ~~multi-family~~ housing developments of four (4) or more units, as follows:

[...]

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.

[...]

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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

Sections 10-17A-2-A & B, 10-17B-2-A & B, and 10-17C-2-B amended by Ord. No. 7, Series 2019 – effective 12-18-19  
Sections amended by Ord. No. 6, Series 2023-effective 8-17-23

**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

[...]

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

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

1. Residential units at the density of one unit for every nine thousand (9,000) square feet of building site, exclusive of private and public roadway and private or dedicated parkland:
  - a. Single-~~family~~unit dwellings.
  - b. Duplexes.
  - c. Multiple-~~family~~unit dwellings.
  - d. Open Space and Parklands (Ord. No. 2, Series 2011)

[...]

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

[...]

E. 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~~unit 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)

[...]

**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:

[...]

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~~unit~~ lots in a residential PUD.

[...]

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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

[Sections 10-23-3-A-1 & 10-23-5-E, & 10-23-10 amended by Ord. 6, Series 2023, effective 8-17-23](#)

TITLE 10  
CHAPTER 25

**PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT**

SECTION:

- 10-25-1: Purpose
- 10-25-2: Permitted Buildings and Uses
- 10-25-3: Buildings and Uses Permitted Conditionally
- 10-25-4: Development Standards
- 10-25-5: Design Criteria

[...]

**10-25-5: DESIGN CRITERIA**

[...]

- G. All residential uses and development shall conform with applicable clear and objective design standards established in FCC 10-10.

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Ordinance No. 15, Series 1999, Effective 9-16-99

Sections 10-25-4 and 10-25-5 amended by Ord. No. 9, Series 2009 Section

10-25-4-H amended by Ord. No. 4, Series 2011 (effective 4/22/11)

Sections 10-25-2, 10-25-3, and 10-25-5 amended by Ordinance No. 3, 2013, see Exhibit B, (effective 7-31-13) Section

10-25-4-L amended by Ord. No. 12, Series 2014 – effective 12-31-14

Section 10-25-3 amended by Ord. No. 1, Series 2015 – effective 3-17-15

Section 10-25-2-3 and 10-25-2-6 amended by Ord. No. 12, Series 2015 – effective 1-1-16

Sections 10-25-2 and 10-25-3 amended by Ord. No. 11, Series 2016 – effective 11-16-16

Section 10-25-4-E amended by Ord. 9, Series 2020 – effective 9-16-20

Section 10-25-5-G added by Ord. No. 6 Series 2023, effective 8-17-23

**MAINSTREET DISTRICT**

SECTION

- 10-27-1 Purpose**
- 10-27-2 Permitted Buildings and Uses**
- 10-27-3 Buildings and Uses Permitted Conditionally**
- 10-27-4 Lot and Yard Requirements**
- 10-27-5 Site and Development Provisions**
- 10-27-6 General Provisions**

**10-27-3 Buildings and Uses Permitted Conditionally**

The Planning Commission, subject to the procedures and conditions set forth in Chapter 4 of this Title, may grant a conditional use permit for the following:

- [...]
- k. Single ~~familyunit detached~~ dwellings
- [...]

**10-27-4 Lot and Yard Dimensions**

- [...]
- D. Yard Regulations:
- [...]

Area "B": Single ~~familyunit detached~~ residential uses shall meet the standards of the ~~Single Family Residential Medium Density~~ District. Multi-~~family~~ units shall meet the standards of the ~~Multi-family High Density De~~istrict. Conversion to mixed use or commercial use shall conform to Mainstreet District standards, except that the 20' height requirement does not apply.

**10-27-5 Site and Development Provisions**

- A. Building or Structural Height Limitations
- [...]

Area "B":

Single ~~familyunit detached~~ residential uses shall meet the standards of the ~~Single Family Residential Medium Density~~ District. Multi-~~familyunit~~ units shall meet the standards of the ~~Multi-family High Density De~~istrict. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

- B. Fences, Hedges, Walls and Landscaping: Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:

[...]

Area "B":

Single ~~familyunit detached~~ residential uses shall meet the standards of the ~~Single Family Residential Medium Density~~ District. Multi-~~familyunit~~ units shall meet the standards of the ~~Multi-family High Density De~~istrict. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

[...]

D. Parking and Loading Spaces

Area "B":

Single ~~familyunit~~ residential uses shall meet the standards of the ~~Single-Family-Residential~~Medium Density District. Multi-~~familyunit~~ units shall meet the standards of the ~~Multi-family-High Density De~~istrict. Conversion to mixed use or commercial use shall conform to Mainstreet District standards, except that the 20' height requirements do not apply.

[...]

H. Design Review.

All uses except single ~~familyunit detached~~ and residential duplex units shall be subject to Design Review criteria to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

[...]

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Amended by Ordinance No. 5, Series 2003, effective April 17, 2003  
Section 10-27-5, E - Amended by Ordinance No. 26, Series 2008  
Section 10-27-5 C 2- Amended by Ordinance No. 14, Series 2009 (effective Oct 15, 2009)  
Sections 10-27-4 and 10-27-5 Amended by Ordinance No. 9, Series 2009  
Section 10-27-5-F amended by Ordinance No. 4, Series 2011 (effective April 22, 2011)  
Sections 10-27-25, 10-27-3, 10-27-4, and 10-27-5 amended by Ord. No. 3, Series 2013 (effective 7-31-13)  
Section 10-27-5-G-3 amended by Ord. No. 12, Series 2014 (effective 12-31-14)  
Section 10-27-3 amended by Ord. No. 1, Series 2015 (effective 3-17-15)  
Section 10-27-3 amended by Ord. No. 12, Series 2015 (effective 1-1-16)  
Sections 10-27-3-k, 10-27-4-D, 10-27-5-A, B, D, & H amended by Ord. No. 6, Series 2023 (effective 8-17-23)

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

[...]

**10-30-4: PROHIBITED USES**

Single ~~family~~unit detached housing

**10-30-5: DEVELOPMENT STANDARDS:**

[...]

N. Open Space is required for 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~~unit 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.

[...]

P. Residential Development: Residential development must meet the provisions ~~for Multi-Family Dwellings~~ listed in FCC 10-10-7 or 9 for the associated use.

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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

Sections 10-30-2, 10-30-5-N & P, and 10-30-6 amended by Ord. No. 7, Series 2019 – effective 12-18-19

Sections 10-30-5-C(1), (2), D(3), and I amended by Ord. 9, Series 2020 – effective 9-16-20

Section 10-30-5-N & P amended by Ord. No. 6, Series 2023 – effective 8-17-23

**TITLE 10  
CHAPTER 34  
LANDSCAPING**

**SECTION:**

- 10-34-1: Purpose
- 10-34-2: Landscape Conservation
- 10-34-2-1: Applicability
- 10-34-2-2: Native Vegetation
- 10-34-2-3: Significant Vegetation
- 10-34-2-4: Preservation Credit
- 10-34-3: Landscaping
- 10-34-3-1: Applicability
- 10-34-3-2: Landscaping Plan Required
- 10-34-3-3: Landscape Area and Planting Standards
- 10-34-3-4: Landscape Materials
- 10-34-3-5: Irrigation
- 10-34-3-6: Parking Lot Landscape Standards
- 10-34-3-7: Buffering and Screening
- 10-34-3-8: Maintenance
- 10-34-4: Street Trees
- 10-34-5: Fences and Walls

[...]

**10-34-2: LANDSCAPE CONSERVATION**

**10-34-2-1: Applicability.** Except for single familyunit homes and duplexes the provisions of this Section are applicable to all development sites which contain stands of Native Vegetation or specific Significant Vegetation, as defined below. "Development sites" do not include any street, alley, or public right-of-way.

[...]

**10-34-3: LANDSCAPING**

**10-34-3-1: Applicability.** Except for single-familyunit and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements. These provisions shall be in addition to the provisions of FCC Title 9 Chapter 5 and where there are conflicts, the provisions of Title 9 Chapter 5 shall prevail.

[...]

**10-34-3-7: Buffering and Screening.** Buffering and screening are required under the conditions listed below. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with FCC 10-35-2-13. (See Section 10-34-5 for standards specific to fences and walls.)

[...]

D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line, consistent with the standards listed in the table below. In no case shall the buffer strip be

less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). The landscaped buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

<b>Adjoining Land Use / Zoning</b>	<b>Landscaped Buffer and/or Fence or Wall</b>
Abutting single <del>unit</del> <u>family detached</u> Zoning or use	15 foot buffer with 6' solid wood fence or block wall or 35 foot landscaped buffer
Abutting Duplex, triplex or <del>townhouse—single unit attached</del> zoning or use	15 foot buffer with 6' solid wood fence or block wall or 25 foot landscaped buffer
Abutting multiple <del>family</del> <u>unit</u> or condominiums	15 foot buffer with 6' solid wood fence or block wall or 15 foot landscaped buffer

Created by Ord. 9, Series 2009

Section 10-34-3-7-D amended by Ord. No. 4, Series 2010 (effective 4/5/10)

Sections 10-34-3-1-A, 10-34-3-1-B, 10-34-3-4-A-1, 10-34-5-B-1, and 10-34-5-B-2 amended by Ord. No. 4, Series 2011 (effective 4/22/11)

Section 10-34-3-1 amended by Ord. No. 18, Series 2011 (effective 9/19/11)

Section 10-34-3-4 amended by Ord. No. 3, Series 2013 (effective 7-31-13)

Section 10-34-5-D and F amended by Ord. 4, Series 2013 (effective 1-8-14)

Sections 10-34-4 and 10-34-5 amended by Ord. 11, Series 2016 (effective 11-16-16)

Sections 10-34-2-1 & 10-34-3-1 & 10-34-3-7-D, amended by Ord. No. 6, Series 2023 (effective 8-17-23)

**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

[...]

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

- C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single ~~family unit detached and attached~~ and duplex dwellings are exempt on streets classified local.

[...]

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

[...]

- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:

- 1. Driveways for single ~~family unit detached~~ 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.

[...]

**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:

[...]

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.

[...]

**10-35-4: Transit Facilities:** Proposed uses other than single-family unit residences and duplexes must provide for transit riders by providing developmental improvements to accommodate current or planned transit stops pursuant to the following:

[...]

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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

Section 10-35-3-1-B amended by Ord. No. 7, Series 2019, effective 12-18-19

Sections 10-35-2-7-C, 10-35-2-12-B, 10-35-3-2-B, 10-35-4 amended by Ord. No. 6, Series 2023, effective 8-17-23

TITLE 11  
CHAPTER 3

**SUBDIVISION TENTATIVE PLAN PROCEDURE**

SECTION:

- 11-3-1: Application
- 11-3-2: Tentative Plan Requirements
- 11-3-3: Review of Tentative Subdivision
- 11-3-4: Approval of Tentative 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

....

**11-3-4: APPROVAL OF TENTATIVE SUBDIVISION:** After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined 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. Approval shall be based on compliance with the following criteria.

- C. Adequate public facilities are available or can be provided to serve the proposed parcels pursuant to City requirements, including those in Streets and Sidewalks pursuant to FCC 8-2, Water pursuant to FCC 9-2, Sewer pursuant to FCC 9-3, Solid Waste pursuant to FCC 9-4, Stormwater pursuant to FCC 9-5, and FCC 10-36 Public Facilities and FCC 10-35 Access and Circulation.

....

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)  
All Section amended by and Section 11-3-8 amended by Ord. No. 7, Series 2019 (effective 12-18-19)  
Section 11-3-4-C by Ord. No. 6, Series 2023 (effective 8-17-23)

TITLE 11  
CHAPTER 4

**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 Final Plat
- 11-4-5: Expiration of Approvals
- 11-4-6: Delivery of Final Plat to County Recorder
- 11-4-7: Delivery of Recorded Final Plat to City

[...]

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

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

[...]

- 8. The date, north point and scale of the drawing, and a ~~sufficient~~ description ~~to define~~ defining the location and boundaries of the partition or subdivision.

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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)

Sections 11-4-4-C and 11-4-4-H Amended by Ord. No. 18, Series 2011 (effective 9-19-11)

All sections amended by Ord. No. 7, Series 2019 (effective 12-18-19)

Section 11-4-2-B-8 amended by Ord No. 6 Series 2023 (effective 8-17-23)

**PLATTING AND MAPPING STANDARDS**

SECTION:

- 11-5-1: Streets
- 11-5-2: Lots and Parcels
- 11-5-3: Public Facilities
- 11-5-4: Unsuitable Areas

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

[...]

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, consistent with the planned transportation system and land use; 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, in accordance with areas defined in FCC 10-7 and FCC 10-19.

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

A. Size and Frontage:

[...]

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 allowed housing typessingle-family detached dwellings in the underlying zone.

B. Exceptions:

[...]

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

[...]

d. Accessway Design and Emergency Vehicle Access

[...]

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

[...]

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 to adjust for encroachments related to topographic constraints or those that border existing non-right angle lot lines or 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, pursuant to County or State health, safety, and sanitary standards, as determined by the Planning Director in accordance with the purpose of this Title.

[...]

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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)

Sections 10-5-2 and 10-5-4 amended by Ord. 7, Series 2019 (effective 12-18-19)

Sections 11-5-1-C-1 and 4, 11-5-2-A-2 and B-4-iii, and B-5 & B-6 amended by Ord No. 6 Series 2023 (effective 8-17-23)

## Attachment 2:

Exhibit D - MIG Memo

Exhibit E - Code Audit Findings Memo

Exhibit F - TC - Bike Parking Memo



# Exhibit D



City of Florence  
A City in Motion

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## MEMORANDUM

### DRAFT Code Update

### Florence Housing Implementation Plan

DATE July 21, 2022  
TO HIP Stakeholder Advisory Team  
FROM Darci Rudzinski and Brandon Crawford, MIG|APG  
CC Florence HIP Project Management Team

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## INTRODUCTION

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The Florence Housing Implementation Plan (HIP) will provide recommended housing programs and funding strategies that will guide future housing development in the City. The project includes a review of the requirements in the Florence City Code (FCC) Title 10 (Zoning Code) and Title 11 (Subdivision Code) and local compliance with recent State legislation related to residential development. With prior grant funding from DLCD, Florence updated Titles 10 and 11 in 2019 to reduce barriers to development. This project will complete the next step of amendments and reflects more recent guidance on complying with State legislation. The Housing Implementation Plan Stakeholder Advisory Committee discussed the Code Audit Findings (June 8, 2022 memorandum) at their June meeting.

## CODE UPDATE OUTLINE

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The Code update recommendations are organized in sequential order by FCC title and chapter. This memorandum is intended to provide preliminary code amendment recommendations based on the issues identified in the Code audit. The code recommended amendments focus on the following:

- State housing definition compliance
- Clear and objective standards for housing in natural resources/hazard areas
- Address inconsistencies between the Zoning and Subdivision Codes related to housing land use permitting
- Incorporate new State housing rules related to affordable housing and emergency shelter
- Minimum compliance standards with HB 2001 and OAR 660-046 – middle housing requirements for medium-sized cities

The City is also exploring Code updates addressing transitional housing. Specific amendments for transitional housing are not included in this memorandum, pending direction and guidance from the Stakeholder Advisory Team (HIP SAT) and the community. The City also anticipates revising the existing definition for Transitional Housing. An attachment to this memorandum provides case studies showing how

other cities implement transitional housing programs. The attachment includes sample code language for the City to consider. In addition to the Transitional Housing attachment, the draft clear and objective amendments for the natural resource and hazard areas are also included as attachments. The draft amendments for these chapters are extensive and are still "working drafts"; they are provided for SAT consideration and comment but are not the focus of this memorandum. The attachments to this memorandum are as follows:

- **Attachment A:** Transitional Housing Case Studies and Sample Code Language
- **Attachment B:** FCC Chapter 7 Special Development Standards Clear and Objective Amendments
- **Attachment C:** FCC Chapter 19 Estuary and Shorelands Clear and Objective Amendments

While not discussed in detail at the HIP SAT June meeting, Florence will soon be subject to House Bill 2001 which passed in 2019. Pursuant to HB 2001, Oregon's medium-sized cities (population over 10,000) are required to allow duplexes on any lot or parcel that allows single-family detached dwellings, and medium cities cannot apply siting and design standards or procedures that are more restrictive than what applies to single family detached. Although Florence does not yet meet the threshold for a medium-sized city, the City's most recent population estimate is approximately 9,600 people.<sup>1</sup> Further, the City's urban growth boundary (UGB) currently contains over 11,000 people.<sup>2</sup> Based on current growth rates and the likelihood of future annexations, Florence will need to comply with HB 2001 in the near future. To prepare for the near-term HB 2001 requirements, this memorandum includes minor amendments related to duplex standards.

A summary and rationale for proposed updates precedes each section in a gray commentary box. Note that many of the referenced Code sections and tables are abbreviated to only show the provisions that will be amended. The recommended Code updates are written as legislative amendments in a ~~strikethrough~~/underline format.

## CODE UPDATE RECOMMENDATIONS

Several definitions in the FCC conflict with housing-related definitions and rules that have been updated per recent State legislation. House Bill 2583 (2021) prohibits jurisdictions from establishing or enforcing occupancy limits based on familial or non-familial relationships. The City should replace "family" with "household" for each dwelling type definition. The term "household" is inclusive of related and non-related dwelling occupants. **The recommendation is to replace the general definition of "family," which includes the non-related occupancy limit with the Census definition for "household."**

Furthermore, the City should distinguish "Household Living" as the residential occupancy of a dwelling unit that contains eight or fewer bedrooms and "Group Living" as the residential occupancy of a dwelling unit that contains more than eight bedrooms or occupancy of a

<sup>1</sup> Portland State University Population Reports: <https://www.pdx.edu/population-research/population-estimate-reports>

“congregate” housing facility. Congregate housing and group housing facilities are generally synonymous, and therefore should be combined into the same definition. In addition, the City should remove the occupancy limits for “Boarding House” to comply with the recent legislation. Overall, these amendments avoid any regulations based on familial relationships or number of residents and instead focuses on the overall residential capacity of dwellings or congregate housing facilities by regulating the number of bedrooms. See the Code Audit Findings for further discussion on HB 2583 and occupancy options.

Recommended minor amendments to the “affordable housing” definition will bring the City into compliance with Senate Bill 8 (SB 8, 2021). The criteria for SB 8 includes income limits below 80% of the Area Median Income (AMI) to qualify for affordable housing, whereas the income limit established in House Bill 2008 (HB 2008, 2021) is 60% AMI. The City should continue to use the 80% threshold in the official definition and clarify the 60% threshold only for affordable housing development that is implemented through HB 2008. Furthermore, the City should reduce the “percent of gross household income” from 40% to 30%. “Affordable” is generally defined as housing costs (rent/mortgage plus utilities, taxes, etc.) being less than 30% of household income. The 30% threshold is used by the U.S. Department of Housing and Urban Development (HUD) in their affordable housing definition.<sup>3</sup>

Finally, the City should add, remove, or revise definitions for the following housing types:

- **Duet:** *Remove* this definition/housing type. A duet is the same as a two-unit single family attached dwelling (townhouse). The duet definition also conflicts with the “duplex” definition, as a duplex is two households/units on a single lot. Removing the duet definition and keeping duplex and single-family attached definitions as is (aside from “family” revisions) will help avoid confusion and redundancy of housing type definitions.
- **Prefabricated dwelling:** *Add* this definition/housing type to be consistent with House Bill 4064 (HB 4064, 2022).
- **Transitional Housing:** *Revise* this definition/housing type to be more specific.

Note that this memorandum does not modify every instance of “family” or “duet” in the Code, rather it offers a general recommendation for removing these terms throughout. Complete amendments that include removal/replacement for these terms will be provided in adoption-ready drafts of the Code amendments at a later stage in this project.

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<sup>3</sup> HUD Affordable Housing Definition: <https://archives.hud.gov/local/nv/goodstories/2006-04-06glos.cfm>

**10-2-13: DEFINITIONS**

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 <u>household family</u> 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 <del>30</del> <sup>40</sup> 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. Equestrian
BOARDING HOUSE	A building with a single kitchen where lodging, with or without meals, is provided for compensation for any number of <del>10 or fewer</del> occupants, not open to transient and/or overnight guests, in contradistinction to hotels and motels open to transients and/or overnight guests, but, a Boarding House / Dormitory is not occupied as a single <u>household family</u> unit and it shall not include assisted living facilities, or senior housing, group care homes, homes for the aged or nursing homes.
[...]	
<del>DUET</del>	<del>A Duplex as defined under 'DWELLING, DUPLEX' in which each unit is on a separate lot and can be owned separately.</del>
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 <u>households families</u> ; but excluding <u>lodging intended to accommodate visitors and recreation, such as the Coast Village, hotels, motels, short term rentals</u> , and tourist courts; with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes.
DWELLING, ATTACHED	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.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) <u>households families</u> on a single lot living independently from each other and having separate facilities for each <u>household family</u> as defined under "DWELLING" above.

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DENSITY	<p>Density, Gross: The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public <u>and private</u> facilities/<u>utilities</u>.</p> <p>Density, Net: The number of dwelling units per each acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public <u>and private</u> facilities/<u>utilities</u>.</p>
DWELLING, FOUR- PLEX / QUAD-PLEX	A building designed and used for occupancy by four (4) <u>households</u> <del>families</del> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under 'DWELLING' above.
DWELLING, <del>MULTIPLE</del> MULTI-UNIT <del>FAMILY</del>	A building designed and used for occupancy by five (5) or more <u>households</u> <del>families</del> on a single lot, all living independently of each other and having certain separate facilities for each <u>household</u> <del>family</del> as defined under "DWELLING" above and certain shared facilities such as laundry, open space and other amenities.
DWELLING, SECONDARY	See ACCESSORY DWELLING.

DWELLING, SINGLE-  
UNIT FAMILY  
DETACHED

- A. A dwelling on a single lot 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 household family as defined under “DWELLING” above; or
- B. A manufactured home designed and used exclusively for the occupancy of one household 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-unit family dwelling. (Ord. No. 7, Series 1994)

DWELLING, SINGLE-  
UNIT 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 a townhouse or row house.

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

[...]

GROUP OR  
CONGREGATE  
HOUSING

A dwelling that provides nine or more bedrooms and whose occupants share basic household amenities, such as a kitchen, bathroom(s), and other shared living spaces.

HOUSEHOLD FAMILY ~~All the people who occupy a single dwelling unit, regardless of relation or familial status. A household has occupancy for eight or fewer bedrooms. 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.~~

[...]

PREFABRICATED DWELLING ~~A prefabricated structure, as defined in ORS 455.010, that is relocatable, more than eight and one-half feet wide and designed for use as a dwelling.~~

[...]

PRIVATE FACILITIES ~~Any facility that is owned, leased, operated, or funded by a private entity, including individuals or groups/corporations, which may include but is not limited to buildings, property, recreation areas, and roads.~~

PUBLIC FACILITIES ~~Any facility that is owned, leased, operated, or funded by a governmental body or public entity, which may include but is not limited to buildings, property, recreation areas, and roads.~~

PUBLIC FACILITIES AND SERVICES ~~Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.~~

### 10-3-1 Minimum Required Parking by Use

Cities subject to ORS 197.312 cannot require off-street parking for ADUs, which was an amendment to the existing ORS that was adopted with House Bill 2001 in 2019. The City's current parking requirement for ADU's does not comply with the current State rules, and **therefore the City should remove the minimum parking requirement for this housing type.** In addition, cities subject to HB 2001 cannot require more than two off-street parking spaces for duplexes (i.e., no more than one space per unit). Note that duplexes may be developed with over two off-street parking spaces; cities cannot *require* a minimum over two spaces. **The City should consider reduce minimum off-street parking requirements for duplexes from two spaces per unit to one space per unit.**

**The City should consider applying the existing parking requirement for boarding houses and dormitories to group/congregate housing because these are functionally similar housing types. The City should also base the parking requirement on number of bedrooms, since the number of occupants s impermanent.**

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

Single <del>Unit Family</del> Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
Accessory Dwelling Units	<del>No minimum parking spaces required. 1 space per unit, see FCC 10-3-8 for additional standards</del>
Boarding houses, group/congregate housing, and dormitories	1 space per each 2 <del>bedrooms</del> occupants at capacity.
Duplex/ <del>Duet</del>	<del>2-1</del> space per dwelling unit

[...]

**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.~~

**10-10 Residential Uses**

HB 4064 requires all cities and counties in the state to allow siting of individual manufactured homes or individual prefabricated structures on any land zoned to allow for single-family dwellings. Manufactured homes and prefabricated structures on individual lots cannot be subject to any standards that do not apply to single-family site-built, detached structures, with the exception of any protective measures adopted pursuant to statewide planning goals or for exterior thermal envelope requirements. Therefore, **the City should update the residential use table to include prefabricated dwellings and allowing them wherever manufactured dwellings and single-family detached dwellings are allowed.**

Similar to HB 4064, cities subject to HB 2001 must allow duplexes on any lot or parcel that allows a single-family detached dwelling in all residential zones. Therefore, **the City should update the use table to allow duplexes outright in the LDR zone.**

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

Uses	LDR	MDR	RMH	HDR
Single-household family detached dwelling	P	P	P	C
Accessory structure	P	P	P	P
Accessory dwelling unit	P	P	P	P
Single-household family attached dwelling	N	SR	SR	P
Duplex/duet	<del>P</del>	P	P	P
Tri-plex	N	C	C	P
Quad-plex	N	C	C	P
Multi-household family (5+ units)	N	N	N	SR
Cluster housing	N	C	C	P
Temporary dwelling/RV – Medical hardship	C	C	C	C
Manufactured home	P	P	P	C
Prefabricated dwelling	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>
Manufactured home park/subdivision	N	C	SR	SR
Mobile home park	N	N	SR	SR
Residential Care Facility/Nursing Home	SR	SR	SR	SR
Boarding house/dormitory	N	C	C	SR
Transitional housing <sup>1</sup>	<u>CN</u>	<u>CN</u>	<u>CN</u>	<u>SRN</u>
Religious institution housing or parsonage	C	C	C	C
Planned Unit Development	D	D	D	D

<sup>1</sup>Subject to requirements in FCC 10-38-5

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  
[...]

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

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

<sup>1</sup>Undersized lots of record with area below the minimum may still be eligible for development. See Section 10-10-12 of this Title.<sup>2</sup> Cluster housing shall meet minimum lot sizes in FCC 10-10-8-C-2-a.

HB 2001 cities cannot apply design requirements to duplexes that do not apply to single-family detached. FCC 10-10-7 includes design requirements for all attached housing types, which includes duplexes. **The City should remove duplexes from these requirements and consider applying any existing clear and objective design standards for single-family detached to duplexes.**

10-10-7: ATTACHED HOUSING: A. Applicability: Single-~~household 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.

### 10-10-10 MANUFACTURED HOMES OUTSIDE OF MH SUBDIVISIONS OR PARKS

Per HB 4064 (2022), cities cannot require siting and design requirements to manufactured homes on individual lots (i.e., outside of MH parks) that do not apply to single-family detached dwellings, with a few minor exceptions relating to building code requirements (e.g., thermal envelope). The City may either remove the non-compliant standards in this FCC section, or remove this section entirely and include the allowed building standards elsewhere in the Code. **The City should retain this section and remove the provisions that do not comply with HB 4064.**

- A. When a manufactured home is placed outside of a manufactured home subdivision or mobile home park in a zone which allows single ~~household 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. A. 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. B. 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 household 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:

New state rules established by HB 4064 prohibit cities from requiring a minimum lot size greater than one acre for mobile home/manufactured home parks. In addition, cities must allow prefabricated structures in manufactured home parks (see the recommended definition). **Due to the required minimum lot size reduction for MH parks, the City should also consider making a *proportional* reduction for the minimum number of units required in a MH park (1/3 reduction in lot size, and therefore 1/3 reduction in number of units).**

[...]

**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 (1) and one-half (1 1/2) acres in area, nor contain less than ten (10) fifteen (15) rental spaces.  
[...]
- 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:
- a. Mobile homes/manufactured homes or prefabricated structures for residential uses only, together with the normal accessory buildings such as cabana, ramada, patio slab, carport or garage and storage or washroom building.

### Clear and Objective Standards

As noted in the Code Audit, residential siting and design standards, as well as review/approval procedures, need to be clear and objective, per State regulations. Clear and objective standards also apply to proposed development in areas where there are natural resource or hazard protections. Chapter 7 and Chapter 19 of the FCC apply subjective development and natural resource protection standards to almost all development types, including residential. Therefore, several *preliminary*, working Code updates are recommended for these chapters, many of which either quantify previously

subjective criteria or reference other required City standards (e.g., stormwater design requirements). Some of the newly quantified draft recommendations are largely based on metrics/measures and resource protection or mitigation thresholds that other cities use. In addition, some criteria should defer certain standards and protection requirements to licensed or certified natural resource, engineering, or geotechnical professionals in lieu of adopting a clear and objective standard. It may be necessary to defer to a licensed professional where a certain level of discretion is necessary, as it can be challenging or infeasible to establish a single standard to complex natural resource/hazard circumstances.

Alternatively, the City may elect to prohibit all residential uses from these areas, thereby meeting the clear and objective standards by simply not allowing housing in these areas. The City and SAT will continue to consider and discuss clear and objective options moving forward.

Due to the volume of working/draft amendments in the natural resource/hazard chapters, the recommended updates are provided in Attachment B and Attachment C to this memorandum.

### **10-15-5 Commercial Site and Development Provisions**

Residential structures in commercial zones are required to defer to height limits in residential zones, however there are differing height limits among residential zones. Therefore, the City should use a height limit of 35 feet for residential buildings, which is consistent with the lower height limit in residential zones and the general height limit for all other development in commercial zones.

The City should apply the *highest* density (i.e., 25 du/acre), as opposed to the lowest residential density (5 du/acre). Generally, higher density residential is more compatible with commercial uses, which can help support local businesses. Higher density close to commercial also improves overall access to services to more residents compared to low density residential that is near commercial areas.

The Highway District (FCC 10-16) contains the same criteria that defer to residential standards without specifying which standard. The recommended commercial amendments below should also apply to residential development in the Highway district.

- A. Building or Structural Height Limitations: The maximum building or structural height shall be thirty-five feet (35'). Residential dwellings shall have a maximum height of thirty-five feet (35'), and their associated/accessory structures shall refer to Section 10-10-5 of this Title for requirements.

[...]

- J. Residential and mixed-use development refer to Section 10-6-5-2 of this title for requirements. However, a conditionally approved use may require application of the relevant development standards from a district where the use is permitted outright to include but not limited to setbacks and lot coverage. The less more restrictive standards would apply.

### **10-25-5 Office Institutional Design Criteria**

Some residential uses are allowed in the Professional Office Institutional Zoning District (FCC 10-25). Development in this zone must follow certain design criteria that is subjective (e.g., "Buildings shall generally relate in scale and design features..."). This standard is sufficient for most types of development, however it does not meet clear and objective requirements for residential development. Therefore, the City should add a provision specific to residential development in this zone that defers design standards to applicable clear and objective criteria in FCC 10-10.

Any other zone district that allows residential and applies subjective design criteria should defer to FCC 10-10 in the same manner that is proposed below.

[...]

- G. All residential uses and development shall conform with applicable clear and objective design standards established in FCC 10-10.

## Subdivision Code Updates

The Florence Subdivision Code (Title 11) includes a few instances where standards or procedures could be written to be more clear and objective. Recommend amendments are provided to the following subdivision provisions that will establish clear and objective standards, as well as ensure consistency with other FCC standards and requirements.

### ***11-3-4 Approval of Tentative Subdivision***

After giving notice as required by FCC 10-1-1-6, the Planning Director or its designee shall grant approval or deny the subdivision tentative plan. The hearing decision and further consideration of a similar application shall be reviewed under a Type II process as defined 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. Approval shall be based on compliance with the following criteria.

[...]

C. Adequate public facilities are available or can be provided to serve the proposed parcels pursuant to City requirements, including those in Streets and Sidewalks pursuant to FCC 8-2, Water pursuant to FCC 9-2, Sewer pursuant to FCC 9-3, Solid Waste pursuant to FCC 9-4, Stormwater pursuant to FCC 9-5, and FCC 10-36 Public Facilities.

### **11-4-2 Requirements**

[...]

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

[...]

8. The date, north point and scale of the drawing, and a ~~sufficient~~ description to define defining the location and boundaries of the partition or subdivision.

### **11-5-1 Streets**

[...]

- 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, consistent with the planned transportation system and land use; 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, in accordance with areas defined in FCC 10-7 and FCC 10-19.

### **11-5-2 Lots and Parcels**

- A. Size and Frontage:

[...]

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 allowed housing types ~~single-family detached dwellings~~ in the underlying zone.

B. Exceptions:

[...]

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

[...]

d. Accessway Design and Emergency Vehicle Access

[...]

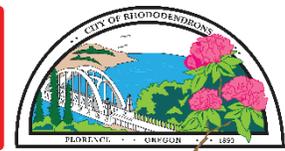
iii. Accessways shall be centered within the flag lot accessway ~~to minimize impacts on adjoining lots~~ except in cases to ~~when otherwise warranted to~~ preserve existing vegetation or meet the intent of this subsection.

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 to adjust for encroachments or those that border existing non-right angle lot lines or 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, pursuant to County or State health, safety, and sanitary standards, or ~~parcel~~ as determined by the Planning Director in accordance with the purpose of this Title.



# Exhibit E



*City of Florence*  
**A City in Motion**

MEMORANDUM

## Code Audit Findings

### Florence Housing Implementation Plan

DATE June 8, 2022  
TO Wendy Farley- Campbell, Planning Director, City of Florence  
FROM Darci Rudzinski and Emma Porricolo, MIG | APG  
CC Florence HIP Project Management Team

## INTRODUCTION

The Florence Housing Implementation Plan (HIP) will provide recommended housing programs and funding strategies that will guide future housing development in the City. The project includes a review of the requirements in the Florence City Code (FCC) Title 10 (Zoning Code) and Title 11 (Subdivision Code) and local compliance with recent State legislation related to residential development. With prior grant funding from DLCD, Florence updated Titles 10 and 11 in 2019 to reduce barriers to development. This project will complete the next step of amendments and reflects more recent guidance on complying with State legislation.

The intended outcomes of the Florence HIP are:

- Update City policies related to transitional housing, consistent with State Statutes.
- Provide the City with implementable programs to increase the availability of affordable housing in the City.
- Remove inconsistencies in the Zoning Code (Title 10), Subdivision Code (Title 11) related to housing land use permitting and address internal conflicts created by administering required code provisions.
- Ensure that the City codes are consistent with State housing definitions and requirements.
- Provide the City with research, information, and strategies to inform a future new short-term rental housing policy.

This memorandum is intended to provide a summary of the code issues related to residential development and identifying areas of the code that are not in compliance with state requirements. The audit will guide a subsequent step in the project, developing specific code recommendations and amendments.

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## LEGISLATIVE BACKGROUND

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### Clear and Objective Standards

Oregon Revised Statute (ORS) 197.307(4) requires that local governments adopt and apply clear and objective standards, conditions, and procedures regulating the development of “needed housing.” This is to ensure that communities do not use discretionary or subjective criteria to deny housing projects. The clear and objective standards, conditions, and procedures can't discourage housing through unreasonable cost or delay. This includes development standards such as setbacks and building height that apply to housing at the time of building permit, as well as land use application criteria that apply to partitions, subdivisions, site reviews, conditional use permits and planned unit developments that will provide housing.

What makes a standard “clear and objective”? Clear and objective standards have definitions and/or measurement that provide for consistent interpretation of the standard. In other words, any two people applying the same standard to a development would get the same result, and there is no need for the reviewer to use their discretion in applying the standard.

Clear and objective **standards** should:

- Address all aspects of building and site design that are important to the City, recognizing that what is important may vary based on the type of residential building or its location (zone) within the City.
- Work for typical sites and circumstances but recognize that the clear and objective track will not work in all situations.
- Ensure that a development meeting the standards will meet the City’s design expectations. The standards should not be set so low that the community is unhappy with the results, but not be so strict that applicants must always opt for the discretionary track.

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#### *ORS 197.307(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.*

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**Review criteria** provide the basis for making a decision about an application (i.e., if the criteria are met, the application can be approved). Given this, the applicable review criteria need to be clear and objective as well as the standards.

In addition, the use of discretion in approving or denying an application also impacts whether public notice and opportunity to comment are required – in general, decisions based on clear and objective land use standards do not necessarily require a process that allows the public to review and comment on that decision.

**Alternative Discretionary Track.** Jurisdictions can also offer a discretionary review process or “track” as an alternative to the clear and objective track, provided the applicant retains the option of proceeding under the clear and objective approval process. This second track can provide flexibility and allows for consideration of creative solutions through discretionary review. There are a number of ways this can be accomplished in a Development Code. Three approaches that are often used include:

- Allow discretionary adjustments to individual standards.
- Provide a system of parallel guidelines and standards where for each topic or principle, there are both standards and guidelines.
- Adopt separate sets of standards and guidelines, which are not necessarily parallel in structure or comparable in substance.<sup>1</sup>

### **Natural Resource and Natural Hazard Protection**

Clear and objective standards for residential development also apply to proposed development in areas where there are natural resource or hazard protections. Balancing of the sometimes competing objectives of natural resources preservation and housing development is challenging, especially in a coastal area such as Florence.

In a recent Enforcement Order Advisory, the Land Conservation and Development Commission (LCDC) held that a local government waiving application of code standards that are subjective, (not clear and objective) was no longer in compliance with its responsibilities to protect natural resources under Goal 5. This means that when subjective standards are the only option for a local program to implement a statewide land use goal, a local government must amend its code to include a path with clear and objective standards.<sup>2</sup> In opposition to a jurisdiction’s housing needs objectives, clear and objective standards may result in a de facto prohibition of residential development in natural resource areas

<sup>1</sup> For example, the City of Portland currently uses this approach for development within its Design Overlay for areas outside of the Central City. Portland allows applicants to either meet the objective standards of the Community Design Standards or go through the Design Review process using the Community Design Guidelines. One of the primary criticisms of this approach in the City of Portland is that a development designed following the Community Design Standards will not necessarily meet the Community Design Guidelines. As a result, if an applicant finds they cannot meet all of the Community Design Standards, they may have to fully redesign the building in order to meet the Community Design Guidelines.

<sup>2</sup> *Local Government to Correct Regulations that Limit Housing Development in Natural Resource Areas*, LCDC Enforcement Order Advisory, August 27, 2020.

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#### *ORS 197.307(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...*

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subject to protection. Jurisdictions must figure out how to balance providing opportunities for housing development and protection of the natural resources through application of clear and objective standards.

## Recent Housing Legislation

The following recent legislation also relates to residential development, focusing on transitional housing, occupancy limits associated with familial relationships, and affordable housing.

- HB 2916 (2019) – ORS 446.265 allows jurisdictions the option of permitting transitional housing. Pursuant to the provision, transitional housing is “accommodations are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.”
- House Bill 2583 (2021) – eliminates occupancy limits for “families.” This has implications for group living standards.
- Housing and shelter-related legislation (2021):
  - Senate Bill 8 – Affordable Housing on Non-Residential Lands Requirement
  - House Bill 2008 – Affordable Housing on Religious Properties
  - House Bill 3261 – Hotel/Motel Conversions to Emergency Shelters or Affordable Housing
  - House Bill 2006 – Emergency Shelters

The findings in the following section describe pertinent legislation in more detail and summarizes how Florence currently addresses State requirement in city code.

## AUDIT FINDINGS

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### Clear and Objective

In 2019, the City received grant funds to work with consultants to amend processes and criteria that hinder development of needed housing. This work included updating permitted uses and development standards to ensure that the City’s mix and density of allowed housing can accommodate its housing needs. The resulting amendments updated residential standards to be clear and objective, specifically in Title 10, Chapters 2, 6, 10, and Title 11, Chapter 2.

Some sections of Title 10 and 11 retain discretionary standards for residential development. Also, there has been additional guidance from DLCD and from LUBA decisions regarding clear and objective standards, specifically as it relates to natural resources protection. The clear and objective code audit and update for this project is focused on specific chapters, as described in Project Objective 1:

“Address potential conflicts between clear and objective housing requirements and Goals 5 (Natural Resources) and 17 (Coastal Shorelands) implementing policies; align Professional Office District criteria with clear and objective housing requirements.”

### **Natural Resources and Natural Hazards Protection**

The City has several natural resource and hazard overlay provisions found in Title 10, Chapter 7 (Special Development Standards), and Chapter 19 (Estuary, Shorelands, and Beaches and Dunes) that are related to the Oregon Statewide Planning Goals 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces),<sup>7</sup> (Areas Subject to Natural Hazards), and Goal 17 (Coastal Shorelands).

**Chapter 7** includes regulations for steep slopes, soils, cutbanks, wetlands, riparian, and tsunami hazard areas. For each natural resource or hazard, there are regulations for how to determine where the areas are located and what standards apply to those areas. The three areas regulated by Chapter 7 are: wetlands and riparian areas,<sup>3</sup> potential problem areas, and tsunami hazard overlay areas.<sup>4</sup>

Key findings for Chapter 7 concluded:

- For Potential Problem Areas, some standards in 10-7-3 that apply to the area are not clear and objective. For example, 10-7-3.G. says “In general [Brallier and Heceta Soils] are not suitable for development...” In addition, where the Potential Problem Area standards apply could be more clearly described.
- Wetland and riparian areas have clear and objective applicability and standards.
- In the Tsunami Hazard Overlay Area, the Evacuation Route Improvement Requirements includes standards that leave some discretion when it comes to compliance. For example, FCC 10-7-5-G.1.b. requires “frontage improvements to designated evacuation routes that are located on or contiguous to the proposed development site, where such improvements are identified in the Evacuation Route Plan.” The code does not define “contiguous” to a site is discretionary. And requirements for improvements, such as “all-weather surface paths” and “clearance sufficient to prevent obstructions” require more specifications.
- Site Investigation Reports are required for all development in wetland, riparian, and Potential Problem Areas (FCC 10-7-2 and 10-7-3). The submittal requirements and potential conditions of approval imposed on the development are not clear and objective.

**Chapter 19** regulates three districts and six overlays spread across three categories: estuary, shorelands, and beaches and dunes.<sup>5</sup> Residential development is permitted in five (5) of the nine districts, as shown in Table 1.

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<sup>3</sup> Maps of Significant Riparian Reaches and Significant Wetlands can be found at <https://www.ci.florence.or.us/planning/local-wetland-and-riparian-inventory>

<sup>4</sup> The Tsunami Hazard Overlay is based on the Tsunami Inundation Map from the Oregon Department of Geology and Mineral Industries (DOGAMI). See the map at: [https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/8682/tim\\_1\\_-\\_local\\_source\\_tsunami.pdf](https://www.ci.florence.or.us/sites/default/files/fileattachments/planning/page/8682/tim_1_-_local_source_tsunami.pdf)

<sup>5</sup> To see where the overlays are located, see the [Estuary and Coastal Shorelands Overlays Map](#) and [Beach and Dune Overlay Map](#). See the [City of Florence Zoning Map](#) for estuary district locations,

Table 1. Residential Development Permitting in Estuary, Shorelands, and Beaches and Dunes

District	Residential Development Permitted
<b>Estuary Districts</b>	
Natural Estuary District	Not permitted
Conservation Estuary District	Not permitted
Development Estuary District	Not permitted
<b>Coastal Shorelands Overlay Districts</b>	
Shoreland Residential Overlay District	Permitted (when residential development is permitted in base zone)
Mixed Development Overlay District	Permitted (when residential development is permitted in base zone)
Dredge Materials/Mitigation Site Overlay District	Not permitted
Natural Resource Conservation Overlay District	Permitted
Prime Wildlife Overlay	Permitted
<b>Beach and Dune Overlay District</b>	
Beaches and Dunes Overlay District	Permitted (when residential development is permitted in base zone) <sup>6</sup>

Key findings for Chapter 19 concluded:

- Standards related to clearing of existing vegetation in the Shoreland Residential Overlay District (FCC 10-19-6), Natural Resource Conservation Overlay District (FCC 10-19-10), and Beaches and Dunes Overlay District (FCC 10-19-12) are discretionary.
- Approval criteria in the Mixed Development Overlay District (FCC 10-19-7) require that the benefits of the development outweigh negative environmental impacts (i.e., “the long term economic development or improved public recreational use outweigh the negative impacts...”). This determination is subject to interpretation and therefore is discretionary.
- Requirements for exterior building materials in the Natural Resource Conservation and Prime Wildlife Overlays are discretionary.
- Site Investigation Reports are required for all development in the Beaches and Dunes Overlay District. The Phase 2 Site Investigation Report code reference on the forms is out of date.
- In the Beaches and Dunes Overlays the conditional use approval criteria has several discretionary requirements, specifically related to environmental effects and other adverse effects of the development.

<sup>6</sup> In the Beaches and Dunes Overlay, residential development is permitted only as a conditional use and is prohibited in certain topographical/geological areas per FCC 10-19-12-B-1.

### ***Clear and Objective Audit Summary***

The table below provides a summary of initial key findings from the audit of Title 10, Zoning Code. While the focus of the audit was on Chapters 7, 19 and 25, a more general review was conducted of sections related to housing development and clear and objective standards.<sup>7</sup> Findings are summarized in Table 2.

*Table 2. Title 10 Clear and Objective Audit Summary*

<b>TITLE 10 CHAPTER</b>	<b>KEY FINDINGS</b>
CH. 2 DEFINITIONS	<ul style="list-style-type: none"> <li>• Definition of calculations of density allows omission of utilities from the calculation. However, it does not clarify or differentiate between public vs. private ownership of utilities.</li> </ul>
CH. 7 SPECIAL DEVELOPMENT STANDARDS (WETLANDS, RIPARIAN AREAS AND TSUNAMI HAZARD OVERLAY)	<ul style="list-style-type: none"> <li>• Potential Problem Areas standards in 10-7-3 do not have clear and objective standards. In addition, where the Potential Problem Area standards apply could be more clearly described.</li> <li>• Scope and reach of the transportation improvements required of a development to comply with the Tsunami Evacuation Route Improvement Requirements is not clear. The standards that the improvements must be built to are also vague (e.g., all-weather surface paths).</li> <li>• Submittal requirements and potential conditions of approval imposed on the development per the Site Investigation process are not clear and objective.</li> </ul>
<b>CH 10.</b> <b>RESIDENTIAL DISTRICTS</b>	<ul style="list-style-type: none"> <li>• There may be some procedural requirements to reference appropriate State law, rather than embedding the standards in the code.</li> </ul>
<b>CH 15.</b> <b>COMMERCIAL DISTRICTS</b>	<ul style="list-style-type: none"> <li>• Residential height standards directs readers to FCC 10-10-5, but does not clarify what height standards in that section apply, high density or medium density standards.</li> <li>• References to density standards for single Family/ duplex/duet uses in Commercial and Highway Districts and everywhere they are a conditional use, compared to other zones or where permitted outright, do not specify which density standard applies (i.e. medium or high density). This discrepancy could lead to inconsistent application of the standards on a case-by-case basis. There should be clear direction when and how what standards apply to residential development.</li> </ul>
CH 16. HIGHWAY DISTRICT	<ul style="list-style-type: none"> <li>• See Chapter 15 comment above regarding residential height standards.</li> </ul>

<sup>7</sup> Note that additional comments have been provided to City Staff as part of an annotated review of all comments are summarized in the table.

TITLE 10 CHAPTER	KEY FINDINGS
CH. 19  ESTUARY, SHORELANDS, AND BEACHES AND DUNES	<ul style="list-style-type: none"> <li>Discretionary standards for clearing of and disturbance to existing vegetation.</li> <li>Discretionary standards related to building materials in the Natural Resource Conversation Overlay.</li> <li>Site Investigation reports have code reference error.</li> <li>Approval criteria that site adverse environment effects, do not provide the parameters to make the standard clear and objective.</li> </ul>
CH. 25  PROFESSIONAL OFFICE/INSITUITIONAL ZONING DISTRICT	<ul style="list-style-type: none"> <li>Missing definitions or clarity on certain terms (e.g., Greentrees).</li> <li>Design Criteria and screening standards include discretionary requirements regarding size and materials (e.g., buildings shall generally relate in scale and design features to surrounding buildings).</li> </ul>

Potential approaches to address clear and objective compliance issues:

- Prohibit new dwellings in the resource and hazard zones as a use permitted outright. Residential development can be permitted only as an “exception” in the zone when it meets certain criteria. This approach allows the standards applicable to residential development to be discretionary.
- Revise the standards and criteria in the zones clear and objective for residential development. Encourage pushing discretionary decisions based on natural resource reports to a City Engineers decisions to omit discretion from the development code.

### **Discussion Questions**

*How can the City best balance the protection of natural resources with the need to provide more housing? How can the City meet natural resources protection objectives and provide land for needed housing?*

*What are the implications of prohibiting residential development in the natural resource protections districts and overlays? What overlays and districts could prohibit residential development outright, permitting housing only as an exception once certain discretionary standards are met?*

*What type of design elements are important to require of residential and mixed-use development in the Professional Office Zone (e.g., ground floor windows, building materials, etc.)?*

### **House Bill 2583 (2021)**

HB 2583 prohibits jurisdictions from establishing or enforcing occupancy limits for dwelling units that are based on the familial or nonfamilial relationships among any occupants. The Title 10 definition of family is:

“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.”

This definition includes familial relationships and is therefore not compliant with House Bill 2583. In addition, “family” is referenced in the definition of dwelling in the code, as well as in the definitions for types of dwellings, including: single family detached, duplex, tri-plex, four-plex/quad-plex, and multiple/multi-family.<sup>8</sup> The definition of “Boarding House” references single family-units. Note that the definition of “Group Care Home” does not include any reference to family and does not conflict with State requirements.

With the passage of HB 2583, the City’s definition of dwelling will need to be revised to omit familial relationships as a basis for occupancy requirements. This will require changing the definition of dwelling and each definition for the types of dwellings permitted in Florence.

To address the issue related to the “Boarding House” definition, some jurisdictions are considering following the City of Portland’s lead and defining “Household Living” as the residential occupancy of a dwelling unit that contains eight or fewer bedrooms and “Group Living” as the residential occupancy of a dwelling unit that contains more than eight bedrooms or occupancy of a congregate housing facility. This approach avoids any regulations based on familial relationships or number of residents and instead focuses on the overall residential capacity of dwellings or congregate housing facilities by regulating the number of bedrooms.

### **House Bill 2916 (2019)**

Under provisions that implement HB 2916 (ORS 446.265), the State allows jurisdictions the option of permitting transitional housing. Pursuant to the provision, transitional housing is “accommodations (that) are intended to be used by individuals or families on a limited basis for seasonal, emergency or transitional housing purposes and may include yurts, huts, cabins, fabric structures, tents and similar accommodations.” The transitional housing accommodations are limited to persons who lack permanent or safe shelter or cannot be placed in other low income housing. Pursuant to the provision, the City has the authority to limit the maximum amount of time that an individual or family may use the accommodations.

The State provisions allow some requirements to be placed on transitional housing. Accommodations may be required to provide parking facilities, walkways, and access to water, toilets, showers, laundry, cooking, telephone or other services either through separate or shared facilities.<sup>9</sup>

Note that some elements of House Bill 2916 can be implemented outside FCC Titles 10 and 11, in other sections of the FCC. This project is focused on policy implications for the Zoning and Subdivision Code that sets standards for the physical development of property; those Titles do not regulate operations once constructed.

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<sup>8</sup> Found in Title 10, Chapter 2.

<sup>9</sup> Note: According to ORS 446.265, the Oregon Health Authority may develop public health best practices for shared health and sanitation facilities for transitional housing accommodations.

Transitional housing is not permitted in residential zones, pursuant to FCC 10-10-2. In Florence, transitional housing is defined as:

“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 / boarding houses, hotels or motels.”

Beyond the definition of transitional housing, there are no standards in Title 10 or 11 that are directly associated with this housing type. Provisions that have been adopted by other jurisdictions include:

- City of Salem requires a temporary use permit for “managed temporary villages.” “Improvised camps” are not permitted under manager temporary villages standards. The standards include limitations on location, number of units, and a limit on number of residents per unit. Additionally, there are some operational standards that require an on-site manager to be present at all times and requires all villages to have at least two restrooms, handwashing facilities, secure covered storage for belongings and solid waste collection. Minimum setback, fencing, and bicycle parking standards also apply to the “temporary managed villages
- City of Bend is in the process of developing standards that establish different types of non-traditional housing - hardship housing, temporary shelters, and group, outdoor, or multi-room shelters - and standards for each. Standards include, but are not limited to, a maximum number of units and off-street parking requirements.

#### **Discussion Questions**

*What type of transitional housing should the City permit (e.g., shelter buildings, temporary shelters with little to no structures)? What types have previously existed or been attempted in the City?*

*The current Title 10 definition of “transitional housing” is vague on the types of transitional housing permitted. Should Title 10 clearly designate the types of transitional housing are permitted?*

*In what zones should transitional housing be permitted?*

*What standards should be required of transitional housing? Examples include on-site management, storage requirements for personal items, and bicycle parking.*

#### **Housing and Shelter-related Legislation (2021)**

This section describes four housing and shelter-related bills that passed in 2021. Of these, three - Senate Bill 8, House Bill 2008, and House Bill 3261 - could potentially be addressed in Florence’s Zoning and Subdivision Codes (Title 10 and 11).<sup>10</sup>

- **SB 8** requires cities to allow affordable housing, which meets a specific definition and criteria, on a wide range of sites. Affordable housing that is owned by a public body or religious nonprofit must be allowed in any zone. Affordable housing that is owned by other types of organizations must be allowed on property zoned for commercial uses, religious institutions, public lands, or industrial

<sup>10</sup> House Bill 2006 is also a recent state legislation related to housing and shelters. It requires cities to allow siting of qualifying emergency shelters in all zones; however, this section is scheduled to sunset on July 1, 2022.

lands except those specifically for "heavy industrial." SB 8 provides height and density bonuses in areas zoned for residential uses. However, it does not specify any densities for those zones that do not otherwise allow housing.

- **HB 2008** is similar to SB 8 but limited to affordable housing on property that is owned by religious nonprofits and also provides a somewhat different definition of affordable housing. It requires jurisdictions to allow the development of affordable housing on property not zoned for housing provided the property is contiguous to a zone that does allow housing and is not zoned for industrial uses. Density is based on standards for the contiguous zone that allows housing.
- **HB 3261** requires jurisdictions to allow the conversion of a hotel or motel to an emergency shelter or affordable housing when certain criteria and standards are met. HB 3261 provides another specific definition of "affordable housing."
- **HB 4064** requires all cities and counties in the state to allow siting of individual manufactured homes or individual prefabricated structures on any land zoned to allow for single-family dwellings. Manufactured homes and prefabricated structures on individual lots cannot be subject to any standards that do not apply to single-family site-built, detached structures, with the exception of any protective measures adopted pursuant to statewide planning goals or for exterior thermal envelope requirements.

Currently, the Titles 10 and 11 do not include any special provisions specifically related to affordable housing. If the City wished to amend the code to address these new requirements, the following approach could be considered:

- Amend definition of affordable housing to be consistent with criteria set in the housing and shelter-related bills.
- Add a new chapter which includes the affordable housing and shelter provisions required by these statutes.
- Amend base zones sections related to permitted uses, and in most zones the height and density standards as well, to reference a new chapter.
- Where hotels and motels are permitted, include a cross-reference to the standards for conversion in the new chapter.

The following City Code recommendations pertain to manufactured homes:

- Amend definitions in Title 10-2 as needed for consistency with ORS 446.003 for manufactured home, mobile home, manufactured home park, manufactured dwelling park, and mobile home park.
- Add definitions in Title 10-2 for pre-fabricated structure as defined in ORS 455.010, RV Park as defined in ORS 197.492(2), and recreational structure as defined in ORS 215.010(5).
- Remove the following requirements, or set standards for single family detached dwellings and amend 10-10-10 to the same standards for manufactured homes:
  - minimum size standard requirement
  - multi-sectional requirement
  - back fill and skirting requirement
  - siding and roofing (color, material, and appearance) requirements

- Edit Mobile Home/Manufactured Home Residential District purpose statement in 10-10-1-C, removing statement about blending with conventional housing design features.

It should be noted that the House Bill and Senate Bill requirements described above will apply in Florence regardless of whether the City amends the City Code to incorporate them. If not locally codified, the City would be required to apply the State's requirements directly to any applicable permit or land use application.

#### ***Discussion Questions***

*If the standards in the Florence City Code do not conflict with the provisions in SB 8, HB 2008, and HB 3261, is it important to incorporate the standards into the code?*

*Which standards associated with recent State legislation are important to codify?*

## **SUMMARY AND NEXT STEPS**

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There are various standards throughout the Florence City Code that are not clear and objective. The code audit focused on the standards that apply to natural resources and hazards zones in Chapters 7 and 19, and generally identified other sections of the FCC that would benefit from more objective language and requirements. Specifically, the building design standards for residential development in the Chapter 25, Professional Office/Institutional Zoning District could be updated in order to be clear and objective. In addition, recent State legislation informs some other recommended updates, primarily associated with affordable housing and transitional housing.

This audit and its recommendations are intended to aid Stakeholder Advisory Team (SAT) discussion, focus and refine desired modifications, and inform proposed, specific FCC amendments to follow. Project next steps will include developing draft FCC text for SAT review and discussion. Amendments that will represent significant changes to existing code sections or requirements will require additional community, City Staff, and local decision-makers discussions. These are expected to occur in the scheduled Stakeholder Advisory Team meetings, Open House, and Planning Commission and City Council Work Session for the Florence HIP project.



# Exhibit F

**Memorandum:**

**To:** City of Florence Planning Commission  
**From:** Clare Kurth, Assistant Planner & Staff Ex-Officio  
**Meeting Date:** May 23, 2023

**Subject:** Recommendations to Updated Bicycle Parking & Create Consistency with Vehicular Parking

**Introduction**

On May 16, 2023 the Transportation Committee (TC) met at their regularly scheduled meeting time, date, and location; the 3<sup>rd</sup> Tuesday of each month at 5:00 pm at City Hall. This meeting was properly noticed and followed applicable public meeting rules. Agenda item number 4 was an Action Item to discuss recommended code change to bike parking to create consistency with vehicular and bicycle parking for enlargement of a building and for change of uses as regulated by Florence City Code Title 10, Chapter 3.

The 2012 Florence Transportation System Plan (TSP) states the City should work towards becoming a “Bicycle-Friendly Community.” This includes providing safe accommodations for cycling and encouraging people to bike for transportation and recreation. Providing consistency with bicycle and vehicle parking codes and increasing secure bike parking in Florence can be step towards this objective.

**Action Item and Vote:**

The TC had a quorum present, and of the members present, voted unanimously to recommend the change in FCC 10-3-10 to create consistency with bicycle parking and vehicular parking in regards to required parking for a change of use and expansion of a business rather than for new development only, as required in the current Code.

**Current Code:**

**10-3-2: GENERAL PROVISIONS:**

*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.*

**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.*

**Recommended Code Update:**

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

**Items Attached:**

- **Attachment 1:** Transportation Committee Agenda May 16, 2023



## City of Florence Transportation Committee Regular Session

In Person & Videoconference  
250 Hwy 101  
Florence, OR 97439  
541-997-3437  
[www.ci.florence.or.us](http://www.ci.florence.or.us)

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council).
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at [www.ci.florence.or.us/council](http://www.ci.florence.or.us/council) after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

May 16, 2023

## AGENDA

5:00 p.m.

Members:	Joseph Cullivan	Gary Trevisan	Storm Kurth
Lydia Paredes	Ivy Medow	Cheri Payne	
CEDC Kelly Clarke,	Robert Carp,	Clare Kurth,	Kathleen Flynn,
Ex-Officio, LCOG	Council Ex-Officio	Staff	Melissa Metz, Coos
Vacant		Ex-Officio	County Area Transit
			Josh Haring,
			River Cities Taxi

With 48-hour prior notice, an interpreter and/or TTY: 541-997-3437, can be provided for the hearing impaired.  
Meeting is wheelchair accessible.

**The Transportation Committee meeting will be held in-person at Florence City Hall.**

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/6450042403363274333>.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the [City of Florence website](http://www.ci.florence.or.us).

### CALL TO ORDER – ROLL CALL

#### 1. INTRODUCE NEW COMMITTEE MEMBER

Discuss membership changes starting in June 2023

#### 2. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Committee's attention any item not otherwise listed on the agenda. *Please see the end of this agenda for methods to provide comments on items that are not on the agenda.*

### ACTION ITEMS

*Please see the end of this agenda for methods to provide comments on action items.*

#### 3. NOMINATION AND ELECTION OF CHAIR AND VICE-CHAIR: [Committee & Commission Policy Manual](#) (page 11)

#### 4. RECOMMEND CODE CHANGE TO BIKE PARKING: Create consistency with vehicular and bicycle parking for enlargement or change of use as regulated by [Florence City Code Title 10, Chapter 3](#). Code Section: FCC 10-3-2-B

### REPORT & DISCUSSION ITEMS

#### 5. WORKPLAN UPDATES

Review [2023-2025 Work Plan](#) items related to transportation  
Subcommittees: Review Possible Subcommittee Items

- Consider re-introducing Compact Parking Standards
- Transit Related Topics
- Old Town Wayfinding Signage

#### 6. CITY TRANSPORTATION PROJECTS UPDATES:

- River Cities Taxi rate adjustment request approved by City Council April 3, 2023

- TSP Virtual Open House Closed May 10, 2023

**7. AGENCY TRANSPORTATION PROJECT UPDATES**

- New Link Lane Sign Locations in Town
- Updated Rhody Express Brochure

**8. CLOSING COMMENTS, NEXT MEETING DATES & FUTURE AGENDA TOPICS**

<b>TRANSPORTATION COMMITTEE CALENDAR</b>		
<i>All meetings are held in-person unless otherwise indicated</i>		
<b>Date</b>	<b>Time</b>	<b>Description</b>
June 20, 2023	5:00 p.m.	Transportation Committee Meeting
July 18, 2023	5:00 p.m.	Transportation Committee Meeting
August 15, 2023	5:00 p.m.	Transportation Committee Meeting

**UPDATED PUBLIC MEETINGS PROCEDURES**

The May 16, 2023 Transportation Committee meeting will be held in-person, with the option to view / listen to the meeting virtually through the GoToWebinar platform.

**Expressing Views to the Transportation Committee:** Citizens wishing to express their views to the Transportation Committee may do so in both written and verbal formats.

1. Written Testimony: Citizens wishing to express their views to the Transportation Committee are encouraged to submit written testimony in one of the following ways:
  - a. Submit written comments via email to the Planning Dept. at [planningdepartment@ci.florence.or.us](mailto:planningdepartment@ci.florence.or.us) ;
  - b. Mail written comments to Florence City Hall, Attn: Transportation Committee, 250 Hwy 101, Florence, OR 97439
  - c. Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4:00 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.

**\*\* Note:** Written comments received at least 2 hours prior to the meeting (May 16, 2023 at 5:00 p.m.) will be distributed to the Transportation Committee, posted to the City of Florence website, and made part of the record.

2. Verbal Testimony: Citizens wishing to express their views to the Transportation Committee may participate in the meeting at Florence City Hall or via GoToWebinar. To do so, please complete a speaker’s card online at <https://www.ci.florence.or.us/bc-tc/transportation-committee-speakers-card> at least 1 hour prior to the meeting (May 16, 2023 at 4:00 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
  - a. Public Comments on items not on the agenda: General public comments (on items not on the Transportation Committee agenda) will be allowed at each Transportation Committee meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
  - b. Public Hearing Testimony: Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Transportation Committee questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
  - c. Public Comments on Action Items: Public Comments will be allowed on each action item on the Transportation Committee agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Transportation Committee questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

**For more information on the City of Florence’s Public Meeting Policies, visit the City of Florence website at:** <https://www.ci.florence.or.us/council/rules-procedure>.