

**CITY OF FLORENCE  
ORDINANCE NO. 8, SERIES 2017**

**An Ordinance amending Florence City Code Title 10, Chapter 23  
Regarding Size of Planned Unit Developments**

**RECITALS:**

1. The Florence City Council initiated amendments to code on March 20, 2017.
2. On April 4, 2017 notice of the proposed code amendments was sent to the Department of Land Conservation and Development, prior to the first evidentiary hearing.
3. On April 26 and May 3, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of May 9, 2017.
4. On May 31 and June 7 notice of hearing was published in the Siuslaw News prior to the City Council hearing of June 12, 2017.
5. Planning Commission opened their public hearing May 9, 2017 and deliberated to a decision for a recommendation to the City Council.
6. City Council conducted a public hearing on June 12, 2017 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 OF FLORENCE ORDAINS AS FOLLOWS:**

1. The Florence City Code Chapter 23 of Title 10: Planned Unit Developments, is amended as explained in Exhibit A, as shown in Exhibit B, and initiated through Council.
2. This ordinance shall become effective thirty days following adoption. (July 12, 2017).
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reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

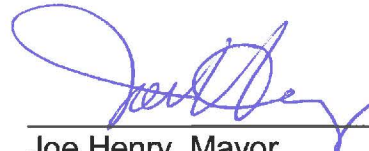
ADOPTION:

First Reading on the 12<sup>th</sup> day of June, 2017.

Second Reading on the 12<sup>th</sup> day of June, 2017

This Ordinance is passed and adopted on the 12<sup>th</sup> day of June, 2017.

AYES	5	Councilors	Lyddon, Preisler, Greene, Lacer and Mayor Henry
NAYS	0		
ABSTAIN	0		
ABSENT	0		

  
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Joe Henry, Mayor

Attest:

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

**FINDINGS OF FACT**  
**Exhibit "A"**

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**I. PROPOSAL DESCRIPTION**

**Proposal:** Application made by the City of Florence, initiated by City Council proposing a legislative code amendment to FCC Title 10, Chapter 23 regarding planned unit development project acreage.

**II. NARRATIVE**

On March 6, 2017 the Florence City Council received a project update on the Housing and Economic Opportunities Project. Some impediments of development and zoning code were discussed during the presentation. The last several PUD applications (and approvals) involved a project size less than 5 acres. While city code permits PUD projects less than 5 acres the exception is reserved for land meeting certain listed criteria. The projects less than 5 acres either did not meet the criteria or did not retain the character upon development. As a result the City Council requested the Planned Unit Development Code's minimum size requirement be reduced. Code can be amended in one of three ways: by an applicant, by initiation through City Council and by recommendation of the Planning Commission. On March 20, 2017 the Florence City Council initiated amendments to Title 10 related to PUD size.

**III. SUMMARY OF PROPOSED CHANGES**

**Title 10 Chapter 23: Planned Unit Development**

Existing Code:

"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.

A. Minimum Size: Five (5) acres of contiguous land is the minimum for a PUD, unless the Planning Commission finds that a particular parcel of land less than five (5) acres is suitable as a planned unit development by virtue of its unique character, topography, landscape features, or by virtue of its qualifying as a special problem area."

Proposed Code Replacement:

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

*The Planning Commission, at their meeting of May 9, 2017, determined that the minimum lot size for a Planned Unit Development should be lowered to two acres until such time that the entire code chapter could be reviewed.*

**Title 10 Chapter 25: Professional Office / Institutional Zoning District**

**Existing Code:**

**10-25-4: DEVELOPMENT STANDARDS:**

- C. Minimum residential density achievable through a planned unit development (PUD).
1. Five (5) dwelling units per acre.
  2. Minimum lot size for PUD is one acre.

*The Planning Commission, at their meeting of May 9, 2017, determined that the minimum lot size for a PUD within the Professional Office/Institutional District was appropriate until data could be gathered from the Housing Opportunities Analysis being completed.*

**IV. NOTICES & REFERRALS**

**Notice:**

Form 1, Department of Land Conservation and Development notice was emailed on April 4, 2017.

Notice regarding the proposed amendments was published in the April 26, May 3, May 31, and June 7, 2017 editions of the Siuslaw News.

At the time of this report, the City had received no written public comments or referral comments on the proposal.

**V. APPLICABLE REVIEW CRITERIA**

**Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-3-C Legislative Changes

Chapter 23, Planned Unit Development (PUD): Sections 1 & 4

**Realization 2020 Florence Comprehensive Plan:**

Chapter 1: Citizen Involvement, Policies 4, 5, and 6

Chapter 2: Land Use, Residential Policies 1 and 5

**Oregon Revised Statutes:**

ORS 197.610(1) through 197.610(3)

## VI. FINDINGS

Code criteria are listed in **bold**, with findings beneath. Only applicable criteria have been listed.

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### FLORENCE CITY CODE

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#### TITLE 10: CHAPTER 1: ZONING ADMINISTRATION

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##### 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.**

**C. Legislative Changes:**

- 1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.**

On March 20, 2017 the Florence City Council initiated this legislative code amendment.

- 2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).**

Notification of the Planning Commission legislative public hearing for this application was published in the Siuslaw News four times on April 26, May 3, , May 31, June 7, 2017. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

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#### TITLE 10: CHAPTER 23: PLANNED UNIT DEVELOPMENT (PUD)

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

- A. Encourage the coordinated development of unplatted land.**
- B. Encourage innovative land utilization through a flexible application of zoning regulations.**
- C. Preserve the natural amenities of land and water.**

- D. Create opportunities for a wide variety of life styles.**
- E. Provide for the efficient use of public utilities, services and facilities.**
- F. Result in a comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.**

The purpose of the Planned Unit Development chapter is to encourage coordinated, thoughtful, efficient and attractive development and in return offer concession from certain development code. The proposed reduction of size restriction does not change or affect the purpose statement. Innovative development can occur on smaller parcels of land. The purpose of review is to determine the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may be reasonable, so that the basic purposes of Title 10 and its implementing chapters are served. These proposed changes are in keeping with the intent and purpose of the Planned Unit Development chapter.

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

- A. The proposed development shall be compatible with the general purpose and intent of the Comprehensive Plan.**
- B. The location, design and size are such that the development can be well integrated with its surroundings or will adequately reduce the impact where there is a departure from the character of adjacent land uses.**
- C. The location, design, size and land uses are such that traffic generated by the development will be accommodated safely and without congestion on existing or planned arterial or collector streets and will, in the case of commercial or industrial developments, avoid traversing local streets.**
- D. The location, design, size and land uses are such that the residents or establishments to be accommodated will be adequately served by existing or planned utilities and services.**
- E. The location, design, size and uses will result in an attractive, healthful, efficient and stable environment.**

The general criteria of the Planned Unit Development chapter require a proposed PUD development be sized to integrate with its surroundings, accommodate traffic safely and without congestion, serve its residents or establishments with utilities and services and serve the community as an attractive, efficient and stable environment. So while the proposed code reduces the minimum size stipulation an applicant is required to provide findings in their proposal that they meet the above listed general criteria. These proposed code changes are in keeping with the general criteria the Planned Unit Development chapter

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## **FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN**

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### **CHAPTER 1: CITIZEN INVOLVEMENT**

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#### **Goal**

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

#### **Policies:**

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

This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the paper prior to the hearing as required by state law, published in the Siuslaw News four times on April 26, May 3, , May 31, June 7, 2017. Staff also keeps the City's website up to date on when the city meetings are held and materials for the Planning Commission and City Council meetings are posted on the website a week 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.**

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

- 6. Planning documents and background data shall be available to interested citizens.**

The proposal for these actions is consistent with this policy because the Ordinance, Resolution, Findings of Fact, staff reports and proposed code amendments were available on May 2, 2017 and June 5, 2017 seven days prior to the public hearings as well as posted on the City website.

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### **CHAPTER 2: LAND USE**

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**GOAL: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for those decisions and actions.**

#### **Residential**

**Goal: To create residential living environments that satisfy a wide variety of local and regional population needs and desires and add long-term community value.**

## Policies

**1. The City shall encourage the use of residential planned unit development subdivisions and may trade off some conventional zoning requirements and density limitations in order to achieve:**

- **high quality, innovative residential lot and building design,**
- **incorporation of unique land forms into the final subdivision design,**
- **significant open space,**
- **on-site amenities reflecting the value for both active and passive recreational facilities,**
- **natural resource protection, where identified as part of a preliminary site investigation report,**
- **a mix of dwelling unit types and densities, and a mix of residential, commercial, and recreational uses, where appropriate.**

The proposed code amendments make this development option accessible to more properties. Reducing the minimum project size encourages the use of residential planned unit developments. The proposed code amendments specifically address the need for these types of developments.

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

The current code requires a 5 acre PUD which is roughly 3.3 Florence city blocks. The PUD code requires 20% open space with 25% of that 20% requirement needing to be usable recreation area. That equates to one acre of open space with just under 11,000 sq. ft. of recreation space. A half block PUD (32,400 sq. ft.) would require 6,480 sq. ft. of open space (almost one conventional single family buildable lot) and 1,620 recreational space.

Reducing the minimum project size for a Planned Unit Development reduces the opportunity for many larger recreation amenities. The Parks and Recreation Master Plan was acknowledged in 2011. The plan identified through a needs analysis many active and passive recreation opportunities. The most requested recreation type was passive with needs such as Frisbee golf, dog parks, trails (nature and exercise), nature area viewing and seating, and outdoor public gathering/event areas. Many smaller developments can provide these types of recreation amenities to meet the requirements. The Plan also identified active amenities that could be provided in smaller developments such as handball, exercise challenge courses, half-court basketball, and children's play areas. The 1,620 sq. ft. area discussed earlier could be dimensioned in 20 x 80, 30 x 54, or other derivative. This amount of recreational space could accommodate active amenities such as a volleyball court, handball court, or ½ a Jr. basketball court. The open and recreation space requirements can still be met with a smaller project size. This policy is not compromised by the proposed code amenities.



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**OREGON REVISED STATUTES**

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**CHAPTER 197 – COMPREHENSIVE LAND USE PLANNING I**

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**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.**

Notice of the proposed changes were sent to the Department of Land Conservation and Development on April 4, 2017, 34 days prior to the first evidentiary hearing which missed the 35 day requirement but meets the minimum 20 day requirement. DLCD was sent a referral and has not commented on the noticing.

**(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.**

All changes were submitted within the minimum timeline established by the State and DLCD.

**(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.**

The required details were submitted to the Department of Land Conservation and Development with two Form 1 submissions on the dates stated above.

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## **VI. CONCLUSION**

The text amendments to Florence City Code Title 10, Chapter 23 meet the requirements of City Code, applicable criteria in the Florence Realization 2020 Comprehensive Plan, and Oregon Revised Statutes.

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**ORDINANCE 8, SERIES 2017**  
**EXHIBIT B**

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