

TITLE 10  
CHAPTER 1

**ZONING ADMINISTRATION**

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**10-1-1: ADMINISTRATIVE REGULATIONS:**

**10-1-1-3:**

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

- A1.** To fulfill the goals of Florence's Comprehensive Plan.
- B2.** To advance the position of Florence as a regional center of commerce, industry, recreation and culture.
- C3.** To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.
- D4.** Protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
- E5.** To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
- F6.** To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.

- ~~G7.~~ To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
- ~~H8.~~ To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.

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

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

A. Applications and Petitions required by Title 10 and 11 of this Code shall be on forms prescribed by the City and include the information requested on the application form.

**B. Applicability of Review Procedures:** All land use and development permit applications and approvals, except building permits, shall be decided by using the procedures contained in this chapter. The procedure type assigned to each application governs the decision making process for that permit or approval. There are four types of approval procedures as described in subsections 1-4 below. Table 10-1-1 lists some of the City's land use and development approvals and corresponding review procedures. Others are listed within their corresponding procedure sections.

**1. Type I (Ministerial) Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);

**2. Type II (Administrative) Review Procedure (Administrative/Staff Review with Notice).** Administrative decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer an Administrative application to the Planning Commission for its review and decision in a public meeting;

**3. Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.

**4. Type IV (Legislative) Procedure (Legislative Review).** Type IV procedures apply to legislative matters. The Legislative procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Legislative reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

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

1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements ~~and fees paid. When an application or petition is incomplete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking. The application shall be deemed complete by the Director upon receipt of all of the missing information, forms and fees, or upon receipt of a written notice from the applicant that no~~

~~other information will be provided. The Director shall mail written notice to the applicant when the application is accepted. Completeness review and final action on an application shall be in accordance with ORS 227.178.~~

- ~~4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.~~
- ~~5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.~~
- ~~6. Shall be accompanied by any other information deemed necessary by the City Planning Department.~~
- ~~7. Shall be accompanied by the required, non-refundable fee.~~

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

~~DE.~~ Traffic Impact Studies:

- b. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:
  - i. If there exists any current traffic problems, such as high accident location, poor roadway alignment, or capacity deficiency that are likely to be compounded as a result of the proposed development.
  - ii.      If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.
  - iii.      If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.

F. Initiation of applications:

1. Applications for approval under this Chapter may be initiated by:
  - a. Order of City Council
  - b. Resolution of the Planning Commission
  - c. The City Planning Official or designee
  - d. A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner.
2. Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

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

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

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

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

#### **10-1-1-5: GENERAL PROVISIONS**

- A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – under ORS 227.178.)
- B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
  2. When proceedings are consolidated:
    - a. The notice shall identify each application to be decided.
    - b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.
    - c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.
- C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.
    - a. The required forms.
    - b. The required, non-refundable fee.
    - c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
  2. Completeness.
    - a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information, or 14 days to submit a refusal statement.
    - b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or

refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above. For the refusal to be valid, the refusal shall be made in writing and received by the City Planning Official or designee no later than 14 days after the date on the City Planning Official or designee's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on the 31<sup>st</sup> day after the City Planning Official or designee first accepted the application.

- c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.
- d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

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

1. All documents and other evidence relied upon by the applicant shall be submitted to the City Planning Official or designee at least seven days prior to the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by the City Planning Official or designee, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation.
2. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application.
3. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see 4, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change.
4. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:
  - a. Continue to process the existing application and allow the applicant to submit a second application with the proposed significant changes. Both the old and new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates.
  - b. Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section 10-1-1-5-A, above) on the existing application. If the applicant does not consent, the City shall not select this option.
  - c. Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The

City will complete its decision-making process without considering the new evidence.

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

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

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

F. Amended Decision Process.

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision



would have become final, but in no event beyond the 120-day period required by state law. A new appeal period shall begin on the day the amended decision is issued.

3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.

4. Modifications to approved plans or conditions of approval requested by the application shall follow the procedures outlined in section 10-1-1-6. All other changes to decisions that are not modifications under 10-1-1-6 follow the appeal process.

G. Re-submittal of Application Following Denial. An application that has been denied, or an application that was denied and on appeal or review has not been reversed by a higher authority, including the Land Use Board of Appeals, the Land Conservation and Development Commission, or the courts, may not be resubmitted as the same or a substantially similar proposal for the same land for a period of at least 6 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy that would change the outcome, as determined by the City Planning Official or designee.

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

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

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

1. Access to a Street

2. Parking Lot Improvements

3. Building fascia changes to include but not limited to additions, substitutions, changes of windows, doors, fascia material, building, roof, and trim colors, awnings,

4. Property Line Adjustments, including lot consolidations

5. Final Plat (Partition or Subdivision)

6. Expansion of a Non-Conforming Use or Structure, less than 25% of the building square footage. Does not include accumulations of percentage.

7. Modification to an Approval or Condition of Approval

8. Legal Lot Determination

9. Home Occupations

10. Hazard Tree Removal

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

12. Landscape Plan Modifications that exclusively include one or more of the following:

a. Plant or tree substitutions (e.g. shrub for shrub, tree for tree),

b. Ground cover substitutions,

c. Trading plant locations if planting beds remain the same, or

d. Change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)

13. Within the Limited Industrial District and Pacific View Business Park District:



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

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

- B. Zoning Checklist: The City Planning Official reviews proposals requiring a staff review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Title 10 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
- C. Application Requirements: Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
- D. Requirements: The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.
- E. Criteria and Decision: The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
- F. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. See also, Section 1.2.090, Zoning Checklist and Building Permits. A Type I decision is the final decision of the City. It cannot be appealed to City officials through a Type I process.

**10-1-1-6-42: TYPE II REVIEWS – ADMINISTRATIVE REVIEWS:**

- A. The Planning Director, or designated planning staff may make administrative decisions (limited land use). The ~~administrative-Type II~~ procedure is used when there are clear and objective approval criteria and applying City standards requires ~~no-limited~~ use of discretion.
- B. Type II (Administrative) Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:
  - 6. ~~A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.~~
  - 7. ~~Type II~~Administrative review is required for ~~all~~ modifications to an approved landscaping plan except those changes permitted under the ministerial process. city staff may approve the following changes without going through the administrative review process, provided the proposed landscaping plan is consistent with the intent and character of the original approval.

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

8. Special Use Permit

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

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

D. Notice - Information:

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

2. Property Owner Notice shall:

- d. State the place, date and time that comments are due, and the person to whom the comments should be addressed;

- F. ~~Type II Administrative~~ decision requirements: The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve with or without conditions or deny the request, permit or action.

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

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:

- 1. Limited land use decisions made by staff, for which a request for referral to Planning Commission by the Planning Commission Chairperson or Planning Director has been made.
- 2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage, but requires more than five additional parking spaces.
- 3. Modification of more than 1,500 square feet or more than 25% of the building square footage, whichever is less.

4. An increase in residential density by more than 10 percent, or where the resulting density exceeds that allowed by the land use district.
5. New construction for commercial uses, not including new construction for buildings with three residential units or less.
6. Planned Unit Developments.
7. Conditional Use Permits.
8. Variances.
9. Partitions.
10. Subdivisions.
11. Final Plat or Replat.
12. Zone Changes.
13. Other applications similar to those above which require notice to surrounding property owners and a public hearing.

B. Notification of Hearing:

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

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

1. The notice shall:
  - a. Explain the nature of the application and the proposed use or uses which could be authorized;
  - b. List the applicable criteria from the ordinance and the plan that apply to the application at issue;
  - c. Set forth the street address or other easily understood geographical reference to the subject property;
  - d. State the date, time and location of the hearing;
  - e. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes further appeal based on that issue;
  - f. State that application and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
  - g. State that a copy of the staff report will be available for inspection at no cost at least 7 days prior to the hearing and will be provided at reasonable cost;
  - h. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.
  - i. Include the name of a local government representative to contact and the telephone number where additional information may be obtained.
- D. Hearing Procedure: All Type III hearings shall conform to the procedures of Florence City Code Title 2, Chapters 3 and 10.
- E. Action by the Planning Commission:
  1. At the public hearing, the Planning Commission shall receive all evidence deemed relevant to the issue. It shall then set forth in the record what it found to be the facts supported by reliable, probative and substantive evidence.
  2. Conclusions drawn from the facts shall state whether the ordinance requirements were met, whether the Comprehensive Plan was complied with and whether the requirements of the State law were met.
  3. In the case of a rezoning request, it shall additionally be shown that a public need exists; and that the need will be best served by changing the zoning of the parcel of land in question.
  4. There is no duty upon the Planning Commission to elicit or require evidence. The burden to provide evidence to support the application is upon the applicant. If the Planning Commission determines there is not sufficient evidence supporting the major requirements, then the burden has not been met and approval shall be denied.
- F. Notice of Decision by the Planning Commission: A notice of the action or decision of the Planning Commission, and right of appeal shall be given in writing to the applicant. Any party who testified either in writing or verbally at the hearing must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.

G. Limitations on Refiling of Applications: Where an application has been denied, no new application for the same purpose shall be filed within six (6) months of the date the previous denial became final unless the Planning Commission can show good cause for granting permission to do so.

H. Consolidated Procedures: Whenever possible an application for development such as a Conditional Use, Variance, or other action requiring Planning Commission, or Design Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

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

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

B. Pre-Application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City of Florence.

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

D. Notice of Hearing:

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).

2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:

a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:

1. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.

2. Any affected government agency.

3. Any person who requests notice in writing.

4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.

5. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.

c. The City Planning Official or designee shall:

1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection.
2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
- d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 45 days before the first public hearing at which public testimony or new evidence will be received.
3. Content of notices. The mailed and published notices shall include the following information:
  - a. The number and title of the file containing the application, and the address and telephone number of the City Planning Official or designee's office where additional information about the application can be obtained.
  - b. The proposed site location, if any.
  - c. A description of the proposed site and the proposal and the place where all relevant materials and information may be obtained or reviewed.
  - d. The time(s), place(s), and date(s) of the public hearing(s).
  - e. A statement that public oral or written testimony is invited.
  - f. Each mailed notice required by this section shall contain the following statement: "Notice to mortgagee, lien holder, vendor, or seller: The City of Florence Zoning Code requires that if you receive this notice that it shall be promptly forwarded to the purchaser.
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
  - a. Personal notice is deemed given where the notice is deposited with the United States Postal Service.
  - b. Published notice is deemed given on the date it is published.
5. Notice of Decision. Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development. The City shall also provide notice to all persons as required by other applicable laws. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice.
- E. Final Decision and Effective Date. A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

**10-1-3: AMENDMENTS AND CHANGES:**

**B. Type III (Quasi-Judicial) Changes:**

3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-~~56~~.

C. Type IV (Legislative) Changes:

Sections 10-1-1-4, 10-1-1-5, 10-1-1-6, and 10-1-3 amended by Ord. 11, Series 2016 (effective XX/XX/XX)  
Sections 10-1-4 and 10-1-5 deleted by Ord. No. 11, Series 2016 (effective XX/XX/XX)



TITLE 10  
CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

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

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

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

**10-2-13: 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.

<u>ABUT</u>	<u>Contiguous to; for example, two (2) lots with a common property line are considered to be abutting.</u>
<u>ACCESS</u>	<u>The place, means or way by which pedestrians or vehicles shall have safe, adequate and useable ingress and egress to a property, use or parking space.</u>
<u>ACCESS EASEMENT</u>	<u>An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. <b>Cross access</b> is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.</u>
<u>ACCESSORY BUILDING</u>	<u>Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.</u>
<u>ACCESSWAYS</u>	<u>A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).</u>

<u>AGED PERSON</u>	<u>An individual 65 years of age or older. (Ord. 711, 1-24-84)</u>
<u>ALLEY</u>	<u>A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.</u>
<u>ALTER</u>	<u>Any change, addition or modification of construction or occupancy of a building or structure.</u>
<u>ALTER THE ESTUARY</u>	<u>Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.</u>
<u>ALTERATION</u>	<u>For the purpose of administering Chapters 7, 18, 19, and 24, alteration shall mean any human-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.</u>
<u>ALTERED SHORELANDS</u>	<u>Include shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.</u>
<u>AMENDMENT</u>	<u>A change in the wording, context or substance of this Title, or a change in the zone boundaries or area district boundaries upon the zoning map.</u>
<u>APARTMENT</u>	<u>See "Dwelling, Multiple"</u>
<u>ARTERIAL STREET</u>	<u>The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.</u>
<u>AREAS MANAGED FOR WATER DEPENDENT ACTIVITIES</u>	<u>The Federal Navigation channel, the north jetty, and the estuary where it is adjacent to Water Dependent Sites.</u>
<u>AWNING</u>	<u>Any stationary structure, permanent or demountable, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.</u>
<u>BASE ZONING DISTRICT</u>	<u>The zoning district applied to individual properties as depicted on the City of Florence Zoning Map. The base zoning district may underlie an Overlay Zoning District, as described in the definition for Overlay District. "Single-family Residential" is an example of a base zoning district.</u>
<u>BASEMENT</u>	<u>A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) its height is above the average level of the adjoining ground.</u>
<u>BED AND BREAKFAST</u>	<u>A Bed and Breakfast facility means a single-family dwelling containing rooms for rent in accordance with Title 10, Chapter 4 (Conditional Uses).</u>
<u>BICYCLE FACILITY</u>	<u>There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for</u>

	<u>bicycle travel or shared bicycle/pedestrian travel.</u>
<u>BOARD</u>	<u>The “Florence Design Review Board”.</u>
<u>BOARDING HOUSE</u>	<u>A building where lodging, with or without meals, is provided for compensation, but shall not include group care homes, homes for the aged or nursing homes.</u>
<u>BRIDGE CROSSINGS</u>	<u>The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands.</u>
<u>BRIDGE CROSSING SUPPORT STRUCTURES</u>	<u>Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches.</u>
<u>BUFFER ZONE</u>	<u>A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge of the defined channel (bank full stage) for streams/rivers, delineated wetland boundary, delineated spring boundary, or average high water for lakes.</u>
<u>BUILDABLE AREA</u>	<u>The portion of a development site not required by this Title or specific conditions, as a yard, open space or easement.</u>
<u>BUILDING</u>	<u>Any temporary or permanent structure constructed and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattels or personal or real property of any kind. The words “building” and “structure” shall be synonymous.</u>
<u>BUILDING HEIGHT</u>	<u>The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the average height of the highest gable of a pitch or hip roof.</u>
<u>BULKHEAD</u>	<u>A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action.</u>
<u>BURN TO LEARN</u>	<u>A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.</u>
<u>CALIPER</u>	<u>Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).</u>
<u>CARPORT</u>	<u>A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.</u>
<u>CARRYING CAPACITY</u>	<u>Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.</u>
<u>CEMETERY</u>	<u>Land uses or intended to be used for the burial of the dead or dedicated for such purposes, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.</u>
<u>CHURCH</u>	<u>A building together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and</u>

	<u>controlled by a religious body organized to sustain public worship.</u>
<u>CITY</u>	<u>The City of Florence, Oregon, and its officials or authorized agents.</u>
<u>CITY RECORDER</u>	<u>As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)</u>
<u>CLINIC</u>	<u>Single or multiple offices of physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists and other members of the healing arts, including a dispensary in each such building to handle merchandise of a nature customarily prescribed by the occupants in connection with their practices.</u>
<u>CLINIC, SMALL ANIMAL</u>	<u>A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed.</u>
<u>CLUB</u>	<u>Any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business.</u>
<u>COASTAL LAKES</u>	<u>Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater.</u>
<u>COASTAL SHORELANDS</u>	<u>Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes.</u>
<u>COASTAL STREAM</u>	<u>Any stream within the coastal zone.</u>
<u>COLLECTOR</u>	<u>A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system.</u>
<u>COMMISSION</u>	<u>The Florence Planning Commission</u>
<u>COMPREHENSIVE PLAN</u>	<u>The current adopted Comprehensive Plan for the City of Florence.</u>
<u>CONSERVE</u>	<u>To manage in a manner which avoids wasteful or destructive uses and provides for future availability.</u>
<u>CORNER LOT</u>	<u>See "Lot Types"</u>
<u>COURT OR COURTYARD</u>	<u>An open unoccupied space, other than a yard, on the same lot with a building.</u>
<u>CROSSWALK</u>	<u>A path marked off on a street to indicate where pedestrians should cross.</u>
<u>CUTBANKS</u>	<u>River terraces possessing steep slopes and subject to erosion and sloughing. Very active erosion usually occurs where the active flow of the main channel is directed toward the bank.</u>
<u>DEDICATE / DEDICATION</u>	<u>The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise</u>

and enjoyment of the public uses to which the property has been committed. (Ord. 2, Series 2011)

DAY NURSERY

An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage, under the age of six (6) years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward.

DEFLATION PLAIN

The broad interdune area which is wind-scoured to the level of the summer water table.

DEVELOP

To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access.

DEVELOPMENT

The act, process or result of developing.

DIAMETER  
BREAST HEIGHT  
(DBH)

Diameter of the trunk of a tree measured at 4.5 feet above the ground

DIVERSITY

The variety of natural, environmental, economic, and social resources, values, benefits, and activities.

DOCK

A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc.

DOLPHIN

A cluster of piles.

DRAINAGEWAY

The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel.

DRIVEWAY

Unless otherwise specified in this Title, driveway means the area that provides vehicle access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas.

DUNE

A hill or ridge of sand built up by the wind along sandy coasts.

DUNE, ACTIVE

A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes.

DUNE,  
CONDITIONALLY  
STABLE

A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover.

DUNE, OLDER  
STABILIZED

A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes.

DUNE, OPEN  
SAND  
DUNE, RECENTLY  
STABILIZED

A collective term for active, un-vegetated dune landforms.

A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger

	<u>stabilized dunes.</u>
<u>DUNES, YOUNGER STABILIZED</u>	<u>A wind-stable dune with weakly developed soils and vegetation.</u>
<u>DUNE COMPLEX</u>	<u>Various patterns of small dunes with partially stabilized intervening areas.</u>
<u>DWELLING</u>	<u>A building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily by one or more families, but excluding Coast Village, hotels, motels, and tourist courts, with permanent provision for living, sleeping, eating, food preparation, and sanitation.</u>
<u>DWELLING, DUPLEX</u>	<u>A building designated or used exclusively for the occupancy of two (2) families living independently from each other and having separate facilities for each family as defined under "DWELLING" above.</u>
<u>DWELLING, MULTIPLE</u>	<u>A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate facilities for each family as defined under "DWELLING" above.</u>
<u>DWELLING, SINGLE</u>	<u>A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having separate facilities for only one family as defined under "DWELLING" above; or</u> <u>B. A manufactured home designed and used exclusively for the occupancy of one family as defined under "DWELLING" above and which is located and maintained in compliance with Section 10-12 of this Title.</u> <u>C. Except as authorized in B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home or manufactured home, is not considered a single family dwelling. (Ord. No. 7, Series 1994)</u>
<u>EASEMENT, PUBLIC</u>	<u>A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. No. 2, Series 2011)</u>
<u>ECOSYSTEM</u>	<u>The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.</u>
<u>ENCOURAGE</u>	<u>Stimulate; give help to; foster.</u>
<u>ENHANCEMENT</u>	<u>An action which results in a long-term improvement of existing functional characteristics and processes that is not the results of a creation or restoration action.</u>
<u>ESTUARY</u>	<u>The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.</u>
<u>ESTUARINE IMPACT ASSESSMENT</u>	<u>An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation</u>

Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

<u>FAMILY</u>	<u>One of more persons occupying a single housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than five (5) persons; ore provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than a total of five (5) physically or mentally handicapped persons or aged persons including their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711)</u>
<u>FILL</u>	<u>For the purposes of this Code and the Comprehensive Plan, the definition of fill shall be the definition used in the Statewide Planning Goals: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.<sup>a</sup></u>
<u>FINANCE OFFICER</u>	<u>As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)</u>
<u>FLOODFRINGE</u>	<u>The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding.</u>
<u>FLOODPLAIN</u>	<u>The area adjoining a stream, tidal estuary or coast that is subject to regional flooding.</u>
<u>FLOOD, REGIONAL (100 YEAR)</u>	<u>A standard statistical calculation used by engineers to determine the probability of server flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof.</u>
<u>FLOODWAY</u>	<u>The normal stream channel and that adjoining areas of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations.</u>
<u>FOREDUNE, ACTIVE</u>	<u>An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere.</u>
<u>FOREDUNE, CONDITIONALLY STABLE</u>	<u>An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion.</u>
<u>FOREDUNE, OLDER</u>	<u>A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development.</u>
<u>FOREST LANDS</u>	<u>See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal.</u>
<u>GARAGE, PRIVATE</u>	<u>A publicly or privately owned structure having one or more tiers of</u>

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



	<u>height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Title and are not open for use by the general public.</u>
<u>GARAGE, PUBLIC PARKING</u>	<u>A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients as required by this Title, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces.</u>
<u>GARAGE, REPAIR</u>	<u>A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.</u>
<u>GEOLOGIC</u>	<u>Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.</u>
<u>GRADE (ADJOINING GROUND LEVEL)</u>	<u>The average of the finished ground level at the center of all walls of a building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.</u>
<u>GROIN</u>	<u>A small structure extending from a shore to protect a beach against erosion or to trap shifting sands.</u>
<u>GROUNDWATER</u>	<u>Water in the zone of saturation beneath the surface of the earth.</u>
<u>GROUP CARE HOME</u>	<u>Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84)</u>
<u>HALF STORY</u>	<u>That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.</u>
<u>HARDPAN</u>	<u>A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate.</u>
<u>HEADLANDS</u>	<u>Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974.</u>
<u>HISTORICAL RESOURCES</u>	<u>Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition).</u>
<u>HOME OF THE AGED</u>	<u>Any home or institution that provides board and domiciliary care for compensation to three (3) or more persons who are of the age of sixty-five (65) years of more, or persons of less than sixty-five (65) years who, by reasons of infirmity, require domiciliary care.</u>
<u>HOME OCCUPATION</u>	<u>Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part.</u>

Home occupations are permitted by this Title, provided they conform with the following criteria:

- A. No employment of help other than the members of the resident family.
- B. No use of material of mechanical equipment that is inconsistent with the residential character of the neighborhood.
- C. No sales of products or services not produced on the premises.
- D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.
- E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.
- F. No storage of materials/supplies outdoors.
- G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.
- H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations).
- I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

HOSPITAL

Any building or institution providing healing, curing and nursing care, and which maintains and operates facilities for the diagnoses, treatment and care of two (2) or more non-related individuals suffering from illness, injury or deformity or where obstetrical or other healing, curing and nursing care is rendered over a period exceeding twenty-four (24) hours.

HOTEL

Any building or group of buildings used for transient residential purposes containing four (4) or more guest units with or without housekeeping facilities.

HUMMOCK,  
ACTIVE

Partially vegetated (usually with beach grass), circular, and elevated mounds of sand which are actively growing in size.

HYDRAULIC

Related to the movement or pressure of water. Hydraulic hazards are those associated with erosion or sedimentation caused by the action of water flowing in a river or streambed, or oceanic currents and waves.

HYDRAULIC  
PROCESSES

Actions resulting from the effect of moving water or water pressure on the bed, banks, and shorelands of water bodies (oceans, estuaries, streams, lakes, and rivers).

HYDROGRAPHY

The study, description and mapping of oceans, estuaries, rivers and lakes.

HYDROLOGIC

Relating to the occurrence and properties of water. Hydrologic hazards include flooding (the rise of water) as well as hydraulic hazards associated with the movement of water.

IMPACT

The consequences of a course of action; effect of a goal, guideline, plan or decision.

INSURE

Guarantee; make sure or certain something will happen.

INTEGRITY

The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials, and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

<u>INTERDUNE AREA</u>	<u>Low-lying areas between higher sand landforms and which are generally under water during part of the year. (See also Deflation Plain.)</u>
<u>INTERTIDAL</u>	<u>Between the levels of mean lower low tide (MLLT) and mean higher high tide (MHHT).</u>
<u>JETTY</u>	<u>A structure extending seaward from the mouth of a river designed to stabilize the rivermouth by preventing the buildup of material at the river's mouth, and to direct or confine the stream or tidal flow</u>
<u>KEY FACILITIES</u>	<u>Basic facilities that are primarily planned for by local government but which also may be provided by private enterprise and are essential to the support of more intensive development, including public schools, transportation, water supply, sewage and solid waste disposal.</u>
<u>LCDC</u>	<u>The Land Conservation and Development Commission of the State of Oregon. The members appointed by the Governor and confirmed by the Oregon Senate in accordance with the requirements of ORS 197.030.</u>
<u>LEVEL OF SERVICE</u>	<u>A quantitative standard for transportation facilities describing operational ("LOS") conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).</u>
<u>LIGHTING</u>	<u>Refer to Chapter 37 of this Title for all definitions relating to lighting regulations.</u>
<u>LITTORAL DRIFT</u>	<u>The material moved, such as sand or gravel, in the littoral (shallow water nearshore) zone under the influence of waves and currents.</u>
<u>LOADING SPACE</u>	<u>An off-street space or berth on the same lot with a main building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which has access on a street or alley, or other appropriate means of access.</u>
<u>LOCAL STREET</u>	<u>A street primarily for access of abutting properties.</u>
<u>LOT</u>	<u>Land occupied or to be occupied by a building and its accessory buildings, including such open spaces as are required under this Title and having frontage upon a street.</u>
<u>LOT AREA</u>	<u>The total area within the lot lines of a lot measured on a horizontal plane.</u>
<u>LOT COVERAGE</u>	<u>That portion of a lot which, when viewed directly from above, would be covered by buildings, access ways, parking spaces and surfaced areas.</u>
<u>LOT LINE</u>	<u>A. Front: The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.</u> <u>B. Rear: The property line which is opposite and most distance from the front lot line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.</u>

	<u>C. Side: Any property line which is not a front or rear lot line.</u>
<u>LOT MEASUREMENTS</u>	<p><u>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</u></p> <p><u>B. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.</u></p>
<u>LOT TYPES</u>	<p><u>A. Corner: A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.</u></p> <p><u>B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.</u></p> <p><u>C. Interior Lot: A lot or development site other than a corner having frontage only on one street.</u></p>
<u>MAIN BUILDING</u>	<u>A building within which is conducted the principal use permitted on the lot, as provided by this Title.</u>
<u>MAIN CHANNEL</u>	<u>That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel"). All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways.</u>
<u>MAINTAIN</u>	<u>Support, keep, and continue in an existing state or condition without decline.</u>
<u>MANAGEMENT UNIT</u>	<u>A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited.</u>
<u>MANUFACTURED HOME</u>	<u>A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty or more body feet in length, or when erected on site is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems herein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974</u>
<u>MEDICAL MARIJUANA FACILITY</u>	<u>A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314.</u>
<u>MINING</u>	<u>All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site</u>

	<u>borrow pits except those constructed for use as access roads. The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines.</u>
<u>MINOR NAVIGATIONAL IMPROVEMENTS</u>	<u>Alterations necessary to provide water access to existing or permitted uses in Conservation Management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers.</u>
<u>MITIGATION</u>	<u>The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality.</u>
<u>MOBILE HOME</u>	<u>A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction.</u>
<u>MOBILE HOME/ MANUFACTURED HOME PARK</u>	<u>A place where four (4) or more mobile homes/manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership.</u>
<u>MOBILE HOME SPACE</u>	<u>A plot of ground within a mobile home park that is designed for the accommodation of one mobile home</u>
<u>MODULAR BUILDING</u>	<u>A building constructed off-site which does not have axles or a frame, but which conforms to all local building codes.</u>
<u>MOTEL</u>	<u>See "Hotel".</u>
<u>MULTI-USE PATH</u>	<u>A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other non-motorized users. (Ord. No. 2, Series 2011)</u>
<u>MULTI-USE PATHWAY</u>	<u>A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage.</u>
<u>MULTI-USE TRAIL</u>	<u>An unpaved path that accommodates pedestrians; shared with other non-motorized users. (Ord. No. 2, Series 2011)</u>
<u>NATURAL AREAS</u>	<u>Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features.</u>
<u>NATURAL HAZARDS</u>	<u>Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas.</u>
<u>NATURAL RESOURCES</u>	<u>Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans.</u>

NEIGHBORHOOD  
COMMERCIAL

The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required.

NONCONFORMING  
USE

A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.

NON-  
STRUCTURAL  
EROSION  
CONTROL  
SOLUTIONS  
OCCDC

Alternatives to erosion control structures, including, but not limited to, a combination of soils, sands, gravels and stone in conjunction with biodegradable protective materials and live plant materials.

Oregon Coastal Conservation and Development Commission created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC.

OCEAN FLOODING

The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding. Ocean flooding is more specifically defined in the individual Chapters of this Plan as it pertains to the policies and objectives in the respective chapters.

OPEN SPACE

Any publicly or privately owned land that is retained in a substantially natural condition and incorporates an adjacent parkland improved for recreational uses such as, picnicking, nature interpretive trails or multi-use paths. Open spaces may also include seasonal lakes, lands protected as important natural resources such as wetlands or riverine areas, and lands used as buffers when such lands incorporate areas for the design features mentioned above. Open space does not include residential lots or yards, streets or parking areas. (Ord. No. 2, 2011)

OVERLAY ZONING  
DISTRICT

A zoning district that applies to property in addition to a "Base Zoning District." In Title 10 of the Florence City Code, "Natural Resources Conservation Overlay District" is an example of an overlay zoning district and "Single-family Residential" is an example of a base zoning district.

PARKING AREA  
PRIVATE

Private or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Title for retail customers, patrons and clients. (Ord. 625, 6-30-80).

PARKING SPACE

A permanently maintained space with proper access for one automobile. (Ord. 669, 5-17- 82).

PARKLANDS

Provide for human development and enrichment, and include, but are



	<u>not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011)</u>
<u>PIER</u>	<u>A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection.</u>
<u>PILE</u>	<u>A long, heavy timber or section of concrete or metal to be driven or jettied into the earth or seabed to serve as a support or protection.</u>
<u>PILING</u>	<u>A group of piles</u>
<u>PLANNING DIRECTOR OR DIRECTOR</u>	<u>As used in this Title and Title 11, the person so designated by the City Manager. (Amd. by Ord. 30, Series 1990).</u>
<u>PUBLIC ACCESS EASEMENT</u>	<u>A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.</u>
<u>POLLUTION</u>	<u>The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms.</u>
<u>PRESERVE</u>	<u>To save from change or loss and reserve for a special purpose.</u>
<u>PROTECT</u>	<u>Save or shield from loss, destruction, or injury or for future intended use.</u>
<u>PROVIDE</u>	<u>Prepare, plan for, and supply what is needed.</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>
<u>PUBLIC GAIN</u>	<u>The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.</u>
<u>QUALITY</u>	<u>The degree of excellence or relative goodness.</u>
<u>RECREATION</u>	<u>Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.</u>  <u>Coastal Recreation occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.</u>  <u>Low-Intensity Recreation does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.</u>  <u>High-Intensity Recreation uses specially built facilities, or occurs in such</u>



density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.

RECREATIONAL  
VEHICLE

A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes (except as permitted in Coast Village District) and has floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.

RECREATION  
NEEDS

Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011)

RESOURCE  
CAPABILITIES  
ASSESSMENT

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

RESTING AND  
PASSING SPACE

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

RESTORE

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

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

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

RIGHT OF WAY

A public use area that allows for the passage of people or vehicles. Right-of-way includes passageways such as freeways, pedestrian connections, alleys, and all streets. A right-of-way may be dedicated or deeded to the public for public use and under the control of a public

	<u>agency.</u>
<u>RIPARIAN</u>	<u>Of, pertaining to, or situated on the edge of the bank of a river or other body of water.</u>
<u>RIPRAP</u>	<u>A layer, facing, or protective mound of stones randomly placed to prevent erosion, scour or sloughing of a structure or embankment; also, the stone so used. In local usage, the similar use of other hard material, such as concrete rubble, is also frequently included as riprap.</u>
<u>ROOMING HOUSE</u>	<u>See "Boarding House".</u>
<u>ROOT GUARDS</u>	<u>Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.</u>
<u>SALT MARSH</u>	<u>A tidal wetland supporting salt-tolerant vegetation.</u>
<u>SEAWALL</u>	<u>A structure separating land and water areas, primarily designed to prevent erosion and other damage due to wave action. See also BULKHEAD.</u>
<u>SEDENTARY</u>	<u>Attached firmly to the bottom, generally incapable of movement.</u>
<u>SEDIMENT</u>	<u>Any particulate matter that can be transported by fluid flow and which eventually is deposited. Sediments are most often transported by water (fluvial processes), transported by wind (aeolian processes), and glaciers. Beach sands and river channel deposits are examples of fluvial transport and deposition, though sediment also often settles out of slow-moving or standing water in lakes and oceans. Sand dunes are examples of aeolian transport and deposition.</u>
<u>SEDIMENTATION</u>	<u>The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.</u>
<u>SENSITIVE AREA</u>	<u>Natural streams (perennial or intermittent), rivers, including the estuary, lakes, or wetlands hydraulically connected by surface water to streams, rivers, or lakes and areas defined by the City of Florence's Local Wetlands and Riparian Inventory. Also, includes all areas that are protected for species as per areas designated by Oregon Department of Fish and Wildlife, Oregon Division of State Lands, National Marine Fisheries Service, United States Fish and Wildlife Service and Oregon Department of Transportation.</u>
<u>SERVICE STATION</u>	<u>A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.</u>
<u>SHOAL</u>	<u>A sandbank or reef creating shallow water, especially where it forms a hazard to shipping A shoal or sandbar (also called sandbank) is a somewhat linear landform within or extending into a body of water, typically composed of sand, silt, or small pebbles. A bar is characteristically long and narrow (linear) and develops where a stream or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.</u>

<u>SHOALING</u>	<u>A decrease in water depth, especially near a shoreline.</u>
<u>SHORELINE</u>	<u>The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.</u>
<u>SIGNIFICANT HABITAT AREAS</u>	<u>A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.</u>
<u>SOCIAL CONSEQUENCES</u>	<u>The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.</u>
<u>SPECIAL USE PERMIT</u>	<u>The administrative approval of a use or activity based on criteria and standards set forth in the Florence City Code (as differentiated from a Conditional Use Permit, which requires public hearings and Planning Commission approval).</u>
<u>STORY</u>	<u>That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling above.</u>
<u>STREET</u>	<u>A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.</u>
<u>STRUCTURE</u>	<u>See "Building." For the purposes of administering Code Chapters 7, 18, 19, and 24, the definition shall also mean anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water.</u>
<u>SUBSTRATE</u>	<u>The medium upon which an organism lives and grows. The surface of the land or bottom of a water body.</u>
<u>SUBTIDAL</u>	<u>Below the level of mean lower low tide (MLLT).</u>
<u>TEMPORARY ESTUARY ALTERATION</u>	<u>Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the Florence Comprehensive Plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation.</u>
<u>TERRITORIAL SEA</u>	<u>The ocean and seafloor area from mean low water seaward three nautical miles.</u>
<u>TIDAL MARSH</u>	<u>Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation.</u>
<u>TOURIST COURT</u>	<u>See "Hotel".</u>

TRADITIONAL  
CULTURAL  
PROPERTY

A place which is culturally significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and that are important in maintaining the continuing cultural identity of the community.

TYPE III  
BARRICADE

A portable or fixed device having three rails with appropriate markings that is used to control road users by closing, restricting, or delineating all or a portion of the right-of-way. The reflective sheeting shall be a minimum of High Intensity Prismatic or Diamond grade with a base color of orange. Design specifications for a Type III Barricade is provided in the Manual on Uniform Traffic Control Devices (MUTCD) by the Federal Highway Administration (FHWA).

USE

The habitual or customary activity occurring on the land or in a building thereon.

VISION  
CLEARANCE

A triangular area at an intersection; the space being defined by a line across the corner, the ends of which are on street lines or alley lines, an equal and specified distance from the corner and containing no planting, walls, structures or temporary or permanent obstruction from two and one-half feet (2 1/2') above the street grade to a height of eight feet (8').

WALKWAYS

A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.

WATER  
DEPENDENT  
SITES

Sites designated in the Florence Comprehensive Plan and zoned to provide for navigation and other identified needs for public, commercial, and industrial water-dependent uses, consistent with the level of development or alteration allowed by the Shallow Draft Development Oregon Estuary Classification. Two sites in the Florence UGB have been designated Water Dependent: the site zoned Marine along the estuary near the west edge of the UGB and the site zoned Waterfront Marine in Old Town.

WATER-  
DEPENDENT USE

A use or activity which can be carried out only on, in, or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water, where:

"Access" means physical contact with or use of the water;

"Requires" means the use either by its intrinsic nature (e.g., fishing navigation, boat moorage) or at the current level of technology cannot exist without water access;

"Water-borne transportation" means use of water access:

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

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

"Energy production" means uses which need quantities of water to

produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

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

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

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

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

#### WATER ORIENTED

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

#### WATER-RELATED

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

#### WETLANDS

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

#### WRECKING YARD, MOTOR VEHICLES BUILDING MATERIALS

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

#### YARD

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

#### YARD, FRONT

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

#### YARD, REAR

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

thereto on the lot.

YARD, SIDE

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

**10-2-14: LAND USE CATEGORY DEFINITIONS:** The following are land uses and activities grouped into use categories on the basis of common functional, product, or physical characteristics and defined as follows.

**Industrial Use Categories**

INDUSTRIAL  
SERVICE

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

MANUFACTURING  
AND  
PRODUCTION

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

WAREHOUSE,  
FREIGHT  
MOVEMENT, AND  
DISTRIBUTION

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

WASTE-RELATED  
INDUSTRIAL USE

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

WHOLESALE  
SALES

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

**Commercial Use Categories**

EDUCATIONAL  
SERVICES

Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving students with supplemental training, education, and/or tutoring. Some examples are nursing and medical training centers accessory to a hospital or college or an after school math and reading center. Educational service uses are distinct from college and school land use categories.

OFFICE

Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical



or financial services.

PARKING  
FACILITY

Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility may be a surface parking lot or structured parking garage. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking facility.

QUICK VEHICLE  
SERVICING

Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (different than Vehicle Repair). Some examples are car washes, quick lubrication services and gas stations.

RETAIL SALES

Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public.

RETAIL  
ENTERTAINMENT

Retail Entertainment firms provide consumer-oriented entertainment, activities or games to the general public. Some examples are game arcades, theaters and health clubs.

RETAIL SERVICE  
AND REPAIR

Retail Service firms provide personal services and/or provide product repair for consumer and business goods. Some examples are photographic studios, dance classes, locksmith and upholsterer (different than Quick Vehicle Servicing and Vehicle Repair).

VEHICLE REPAIR

Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed (different than Quick Vehicle Servicing). Some examples are auto repair or body shop, auto detailing and auto tire sales and mounting.

**Institutional and Civic Use Categories**

BASIC  
UTILITIES

Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. Some examples are electrical substations, water storage facilities, sewer pump stations and bus stops.

COMMUNITY  
SERVICES

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

DAYCARE

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

PARKS AND

Parks and Open Areas are uses of land focusing on natural areas, large



OPEN AREAS

areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

Other Use Categories

OUTDOOR  
DISPLAY

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

OUTDOOR  
STORAGE

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

RADIO  
FREQUENCY  
TRANSMISSION  
FACILITIES

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

REGIONAL  
UTILITY  
CORRIDORS  
AND RAIL LINES

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

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Sections 10-2-13 and 10-2-14 amended by Ord. No. 11, Series 2016 (effective XX/XX/XX)

TITLE 10  
CHAPTER 3

**OFF-STREET PARKING AND LOADING**

SECTION:

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

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

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

- E. ~~Any decision of the Design Review Board~~Decisions may be appealed ~~to the City Council~~ in accordance with the procedures specified in Code Section 10-1-1-~~67~~.

Section 10-3-6 amended by Ord. No. 11, Series 2016, effective XX/XX/XX

TITLE 10  
CHAPTER 4

**CONDITIONAL USES**

SECTION:

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

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

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

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

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

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

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

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

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

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

the uses surrounding the proposed marijuana facility location at the time the facility's conditional use application is deemed complete.

4. A medical marijuana facility shall:

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

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Sections 10-4-1, 10-4-4, and 10-4-12-C and -I amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 5

**ZONING VARIANCES**

SECTION:

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

**10-5-5: PUBLIC HEARING:** Upon receipt of a complete application for a variance, a public hearing will be scheduled in accordance with the requirements of Section 10-1-1-~~65~~ of this Title. (Ord 26, 2008)

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Section 10-5-5 amended by Ordinance No.11, Series 2016 (effective XX/XX/XX)

TITLE 10  
CHAPTER 6

DESIGN REVIEW

SECTION:

- 10-6-1: \_\_\_\_\_—Purpose  
10-6-2: \_\_\_\_\_Design Review Board  
10-6-3: \_\_\_\_\_General Applicability  
10-6-4: \_\_\_\_\_Drawings to be Approved  
10-6-5: \_\_\_\_\_General Criteria  
10-6-6: \_\_\_\_\_Architectural Design  
10-6-~~67~~: \_\_\_\_\_—Drawing Submittal  
10-6-~~78~~: \_\_\_\_\_—Drawings Submitted to Design Review Board  
10-6-~~89~~: \_\_\_\_\_—Appeal  
10-6-~~910~~: \_\_\_\_\_—Lapse of Design Review Approval

10-6-3: GENERAL APPLICABILITY:

A. Planning Commission/The Design Review Board shall:

A.—

1. ~~When Unless otherwise required directed~~ by the underlying zoning district, review new construction, alterations to the exterior of structures or additions involving twenty-five percent (25%) or more of the floor area ~~of~~ a building, and changes of use from less intensive to greater intensive use not eligible for ~~administrative Type I or Type II~~ review (see ~~Chapter FCC 10-1-1-6-B-1 and 10-1-1-6-2~~). This review shall be completed prior to the issuance of a building permit;
2. Determine whether the proposed development is appropriate to the character of the neighborhood, according to the general criteria listed in Sections 10-6-5 and, when applicable, 10-6-6;
3. Have authority to require changes in the planned appearances of proposed buildings, structures, and alterations in accordance with Section 10-6-1; and,
4. The Design Review Board shall review any proposed external alteration, demolition, or change of use for any building shown on the historic resources map of the Comprehensive Plan. The Board may delay action on such a permit for a period of ninety (90) days to explore with the owner options for rehabilitation and preservation of the structure. (Ord. 680, 1-11-83)

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

**10-6-4: -DRAWINGS TO BE APPROVED:** No permit for a new use, structure or exterior alteration or enlargement of an existing use or structure that is subject to design review, as prescribed in this Title, shall not be issued until the drawings required by this Chapter have been approved by the Planning Commission/Design Review Board. (Ord. 625, 6-30-80)

**10-6-6: ARCHITECTURAL DESIGN:** The Architectural Design criteria are designed to address and implement the Florence Downtown Architectural Guidelines. Where applicable, the following criteria consider the historical character of Florence through proper building massing, siting, and materials which reflect important aspects of Oregon's traditional Northwest architecture. The type of building to which this code may apply may differ by district. The following requirements are intended to create and maintain a built environment that is conducive to walking; reduces dependency on the automobile for short trips; provides natural surveillance of public spaces; creates a human-scale design, e.g., with buildings placed close to

streets or other public ways and large building walls divided into smaller planes with detailing; and maintains the historic integrity of the community.

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

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

- A. Residential Type, single-family, duplex (attached & detached), or multi-family
- B. Commercial Storefront Type
- C. Mixed-Use House Type
- D. Community Building Type

**10-6-6-2: BUILDING STYLE:**

- A. Context: Each building or addition shall be designed within the context of its larger surroundings and environment in terms of overall street massing, scale and configuration.
- B. Historic Style Compatibility: New and existing building design shall be consistent with the regional and local historical traditions. Where historic ornament and detail is not feasible, historic compatibility shall be achieved through the relation of vertical proportions of historic façades, windows and doors, and the simple vertical massing of historical buildings. Some examples of architectural styles currently or historically present in the Florence area are: Queen Anne, Shingle Style, Second Empire, Victorian, Italianate, Tudor Style, Craftsman Bungalow, American Foursquare, and Vernacular.
  - 1. Existing buildings: Maintain and restore significant historic details.
  - 2. New Buildings: Design shall be compatible with adjacent historic buildings.

**10-6-6-3: BUILDING FAÇADES:**

- A. Horizontal Design Elements: Multi-story commercial storefront buildings shall have a distinctive horizontal base; second floor; and eave, cornice and/or parapet line; creating visual interest and relief. Horizontal articulations shall be made with features such as awnings, overhanging eaves, symmetrical gable roofs, material changes, or applied fascia detail. New buildings and exterior remodels shall generally follow the prominent horizontal lines existing on adjacent buildings at similar levels along the street frontage. Examples of such horizontal lines include but are not limited to: the base below a series of storefront windows; an existing awning or canopy line, or belt course between building stories; and/or an existing cornice or parapet line. Where existing adjacent buildings do not meet the City's current building design standards, a new building may establish new horizontal lines.
- B. Vertical Design Elements: Commercial storefront building faces shall have distinctive vertical lines of emphasis spaced at relatively even intervals. Vertical articulations may be made by material changes, variations in roof heights, applied fascia, columns, bay windows, etc. The maximum spacing of vertical articulations on long, uninterrupted building elevations shall be not less than one break for every 30 to 40 feet.



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

1. Plans shall incorporate design features such as varying rooflines, offsets, balconies, projections (e.g., overhangs, porches, or similar features), recessed or covered entrances, window reveals, or similar elements that break up otherwise long, uninterrupted elevations. Such elements shall occur at a minimum interval of 30-40 feet. In addition, each floor shall contain at least two elements meeting the following criteria:
  - a. Recess (e.g., porch, courtyard, entrance balcony, or similar feature) that has a minimum depth of 4 feet;
  - b. Extension (e.g., floor area, porch, entrance, balcony, overhang, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
  - d. A “break,” for the purposes of this subsection, is a change in wall plane of not less than 24 inches in depth. Breaks may include, but are not limited to, an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
2. The Planning Commission, through Design Review, may approve detailing that does not meet the 24-inch break-in-wall-plan standard where it finds that proposed detailing is more consistent with the architecture of historically significant or historically-contributing buildings existing in the vicinity.
3. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the 24-inch break-in-wall-plane standard.
4. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plan standard, but should complement the overall building design.

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

A. Exterior Building Walls:

1. Lap siding, board and batten siding, shingles and shakes. Metal siding and vinyl siding shall not be permitted.
2. Brick or stone masonry with a minimum 2 ½” deep solid veneer material.
3. Cement-based stucco.
4. Secondary materials: Any of the materials listed above as permitted may also be used as secondary materials or accents. In addition, the materials listed above are allowed as secondary materials, trims, or accents (e.g., flashing, wainscoting, awnings, canopies, ornamentation) when non-reflective and compatible with the overall building design, subject to approval.

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

1. Composition shingles, concrete, slate or cedar shingles, or concrete or clay tiles. Red composition shingle similar to the Kyle Building are encouraged.
  2. Standing seam roofing: copper, terne metal or coated metal.
  3. Gutters and downspouts: copper, terne metal, or coated metal.
  4. Single or multi-ply roofing, where visibly concealed.
  5. Glass, steel, wood or canvas fabric awnings.
  6. Skylights: metal and wood framed glass and translucent polymer.
- C. Chimney Enclosures: Brick, cement-based stucco, stone masonry or wood shingles.
- D. Windows, Entrances, and Accessories:
1. Wood, vinyl or pre-finished metal frames and sashes.
  2. Glazed and unglazed entry doors shall be wood, pre-finished or coated metal or fiberglass.
  3. Solid wood or fiberglass shutters.
  4. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
- E. Trellises, Decks, Stairs, Stoops, Porches, and Balconies
1. Architectural concrete, brick and stone masonry, solid wood or fiberglass columns, posts, piers and arches.
  2. Wood, brick, concrete and stone masonry decks, stoops, stairs, porches, and balconies.
  3. Solid wood, painted welded steel or iron trellises.
  4. Railings, balustrades, and related components shall be solid wood, painted welded steel or iron.
- F. Landscape/Retaining Walls and Fences: Shall be subject to the FCC 10-34 and the following requirements:
1. Brick and stone masonry or precast concrete.
  2. Architecturally finished exposed concrete.
  3. Cement-based stucco over masonry or concrete substrate.
  4. Solid wood pickets, lattice and boards.
  5. Painted welded metal or iron.
- G. Building and Site Material Colors: Color finishes on all building exteriors shall be approved by the City and be of a muted earth-tone coastal Pacific Northwest palette. Reflective, luminescent, sparkling, and "day-glow" colors and finishes are prohibited. The Planning Commission/Design Review Board may approve adjustments to the standards as part of a site Design Review approval.

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

##### **A. Building Walls:**

1. For each building, there shall be one single, clearly dominant exterior wall material and finish.
2. Brick and stone front façades shall return at least 18" around side walls.
3. Building walls of more than one materials shall change along horizontal lines only, with a maximum of three materials permitted per façade.
4. Heavier-appearing materials, such as stone, shall only be used below lighter-appearing materials, such as siding.
5. Siding and shingles shall have a maximum 6" to the weather.
6. 4" minimum width corner, skirt, rake and eave trim shall run the full height of each façade, flush, or protrude beyond the surrounding wall surface.
7. Board and batten siding: battens shall be spaced a maximum of 8" on center.

##### **B. Roofs, Awnings, Gutters and Roofing Accessories:**

1. Visibly sloped roofs shall pitch a minimum of 5:12 to a maximum 12:12 with symmetrical gable or hip configuration.
2. Eaves shall be continuous except at sheds and dormers.
3. Shed roofs shall attach to the main building wall or roof ridge with minimum 3:1 slope.
4. Flat roofs shall be concealed by cornices or parapets.
5. Gutters shall be round or ogee profile. Leaders shall be round or square.
6. All roof-mounted components such as mechanical equipment shall not be visible from street-level public rights-of-way.
7. Sloped roof eaves shall overhang exterior wall planes at least 12" and shall be visibly supported by exposed rafter ends or other compatible architectural detailing.

##### **C. Towers:**

1. Slender towers of a maximum 400 square feet in area are permitted to exceed the building height limit.
2. Towers on residential and commercial buildings shall be occupiable with windows. Community buildings may feature unoccupiable towers.
3. Commercial signage may not be placed on towers.
4. Tower separation shall be minimum of 100 feet.

##### **D. Visible Windows, Glazing, and Entrances:**

1. Windows shall be square and/or vertical rectangular shape with straight, bow, or arch tops.
2. 10% of total windows maximum on the public façade may be circular, hexagonal, octagonal or other window configurations.

3. Bay windows shall have visible bracket support.
  4. Overhead doors shall not face the building's primary street façade or a major public right-of-way.
  5. Door and window shutters shall be sized to cover the entire window.
  6. Exterior shutters shall be solid wood or fiberglass.
  7. No single lite or glass panel visible from the street shall be greater than 24 square feet in area except in storefront glazing systems.
  8. Multiple vertical windows may be grouped in the same horizontal opening provided they are separated by 4" minimum width vertical trim.
  9. Windows and doors in exterior walls shall be surrounded with 2 ½" minimum width trim applied flush or projecting beyond the finished wall surface.
  10. Profiles of window mullions shall extend out beyond the exterior glass surface. Windows shall have muntins which create True Divided Lights or a similar simulated appearance.
- E. Visible Decks and Balconies: All balconies and decks attached to building faces, whether cantilevered or supported below or above, shall be visibly supported by vertical and horizontal elements such as brackets, columns, or beams. Exterior posts and columns, solid or encased, shall be minimum 5 ½" in cross-section.
- F. Visible Landscape/Retaining Walls and Fences:
1. Freestanding concrete and masonry walls shall be minimum 8" nominal thickness with a finished top course, cap, or other compatible termination.
  2. Site wall materials should generally match or provide compatibility with the adjoining building materials.
  3. Metal and iron fencing shall be configured in predominately vertical elements.
- G. Mechanical Equipment:
1. Building walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, are permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened pursuant with FCC 10-34. Standpipes, meters, vaults, and similar equipment need not be screened, but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.
  2. Rooftops. Except as provided below, rooftop mechanical units shall be setback and/or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City decision body may approve painting of the mechanical units in lieu of screening; such painting shall meet the standards of FCC 10-6-6-4-G above and shall make the equipment visually subordinate to the building and adjacent buildings, if any. These regulations do not apply to solar photovoltaic and solar thermal energy systems as allowed by HB 3516 on properties not listed in the Comprehensive Plan's Historic Inventory.
  3. Ground-Mounted. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings per FCC 10-

34-3-7. The City may require additional setbacks and/or noise attenuating equipment for compatibility with adjacent uses.

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

**A. Glazing & Materials:**

1. Windows or storefront glazing along the primary public façade shall comprise at least 70% of the main floor's exterior surface area.
2. Clerestory or transom windows above storefronts are recommended.
3. Window openings shall comprise a maximum of 50%, minimum of 30% of the front building façade above the first floor.

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

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

**D. Window Glazing Materials:**

1. Clear or "Low E" glazing. Tinted or reflective glass and glass block shall not be visible from public rights-of-way.
2. Glass shall be recessed at least 1 ½" from the surrounding exterior wall surface.
3. Windows shall have true divided-lites with mullions or no divided lites. Butt joint glass is not recommended.

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

**F. Building Primary Entries:**

1. The entry enclosure shall project out from or be recessed in from the surrounding building façade 3 ft. in order to articulate the building's access and also to ensure that out-swinging doors do not project into sidewalks.
2. Primary store entrances shall open directly onto the primary public street and be unlocked during business hours.
3. Additional entrances to rear or side parking areas are permitted.

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

1. Minimum Pedestrian Shelter Coverage. Permanent awnings, canopies, recesses or similar pedestrian shelters shall be provided along 75 percent of the ground floor elevation(s) of a storefront-type building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least 5 feet over the pedestrian area; except that the Planning Commission may, through site Design Review, reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards to not apply where a building has a ground floor dwelling, as in a mixed-use development and the dwelling entrance has a covered entrance.

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

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

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

- A. All commercial buildings shall meet the standards of FCC 10-6-6-3 above.
- B. All commercial buildings shall incorporate not fewer than three architectural features from 1 through 6 below. Applicants are encouraged to use those elements that best suit the proposed building style and design.
  1. Covered front entrance. Not less than six feet in depth and not less than 10 percent the width of the building, excluding the landing for entrance.
  2. Windows: not less than 30 percent of surface area of all street-facing elevation(s) with the following features:
    - a. Trim, reveals, recesses, or similar detailing of not less than four-inches in width or depth as applicable.
    - b. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features).
  3. Pedestrian Shelters: as described in FCC 10-6-6-G.
  4. Eaves (where applicable): overhang of not less than 12 inches.
  5. Decorative top: e.g., cornice or pediment with flat roof or brackets with pitched roof. Towers may be included where building height limitations and surrounding structures deem them appropriate.
  6. Awnings and canopies: extending not less than 30% of the elevation where applied.

**10-6-67: DRAWING SUBMITTAL:** The~~The~~In addition to information required by FCC 10-1-1-4, the owner or authorized agent shall submit the following drawings to the City for review:

- A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exists, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.
- B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2.

- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
- D. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.

**10-6-78: DRAWINGS SUBMITTED TO THE PLANNING COMMISSION/DESIGN REVIEW BOARD:** The City shall record and check all drawings submitted. If it is found that the plans meet all the other requirements of this Chapter, the drawings shall be submitted to the appropriate City staff departments for comments prior to submittal to the Design Review Board. If the City determines that a permit could not be issued without the granting of a conditional use permit, the granting of a variance, or the enactment of an amendment to this Chapter, the applicant shall be informed and the drawings shall not be submitted to the Board. (Ord. 625, 6-30-80; amd. Ord. 625-A, 10-28-80)

**10-6-89: APPEALS:** See Code Section 10-1-1-7.

**10-6-910: LAPSE OF DESIGN REVIEW APPROVAL:** Authorization of a design review permit shall be void one (1) year after the date of approval of a either a Type II or III design review application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

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

Sections 10-6-3, 10-6-4, and 10-6-6 through 10-6-10 amended by Ordinance No. 11, Series 2016 (effective xx/xx/xx)



TITLE 10  
CHAPTER 7

**SPECIAL DEVELOPMENT STANDARDS**

SECTION:

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

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

- DE.** Ocean Flooding, Tidal Flooding, Tsunami: (See subsection A above, Special Flood Hazard Area).
- EF.** Slopes Greater than Twelve Percent: For development on or adjacent to steep slopes, a foundation and grading design prepared by a registered engineer and approved by the City and addressing drainage and revegetation.
- FG.** Active Dune Sands: Open sand will require primary vegetative stabilization as with grasses and secondary stabilization with any of a variety of shrubs and trees excluding noxious plants in conjunction with any development, except where vegetative stabilization is prohibited on the property of State or Federal agencies, and it can be shown by accepted engineering practices or treatment, or a City approved mitigation plan that no significant sand hazards are likely to occur. Applicant shall demonstrate that the proposed or existing mitigation plan will minimize potential sand hazards to both the proposed development and to nearby properties. Applicant shall also demonstrate that the mitigation plan will have no significant adverse effects on the site, adjacent property, the City's sole source aquifer and wildlife. Stabilization may be required prior to development in cases where there are large unstabilized areas.
- GH.** Brallier and Heceta Soils: In general these soils are not suitable for development. Should development occur, structures would be built on pilings or fill as designed by a registered engineer.
- HI.** Yaquina Soils and Wet Areas (except significant wetlands and riparian areas identified in the 2013 Wetland and Riparian Inventory, as amended): In areas with seasonal standing water, construction of a drainage system and/or placement of fill material shall be required according to plans prepared by a registered engineer and approved by the City. (Ord. 625, 6-30-80; amd. Ord. 669, 5-17-82) (Amended Ord. 10, Series 2009)

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

- B. Applicability:
  - 1. Affected Property: The procedures and requirements of the Significant Wetland and Riparian Area Standards:
    - a. Apply to any parcel designated as having a Significant Goal 5 Wetland or Significant Goal 5 Riparian Corridor, and Significant Wetland Buffer Zones, as defined in FCC Title 9 Chapter 5 and FCC Title 10 Chapter 24. Significant

Goal 5 wetlands and significant riparian corridors are mapped in Appendix A of the 2013 Inventory and Tables 2.1 and 2.2 and the Significant Wetland and Riparian Reaches Maps in the 2013 City of Florence Significant Wetlands and Riparian Corridors Plan (2013 Plan), as amended, in Comprehensive ~~\_\_\_\_\_~~ Plan Appendix 5, which is adopted into this Code by reference.

D. Exemptions:

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

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

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

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

- a. Where full protection of the Significant Wetland renders a property unbuildable, as defined in the definitions in Title 10 Chapter ~~4~~2 of this Code; or

G. Stormwater Quality: As provided in FCC 9-5-5-3-F and the Code Definitions in FCC 10-~~4~~2, significant wetlands over ½ acre and significant streams are “sensitive areas” that shall be protected by a buffer zone of native, undisturbed vegetation. The outer boundary of the buffer shall be determined by a minimum 50-foot setback from the edge of the significant wetland; for significant riparian areas, the buffer zone shall be the significant riparian width identified in the 2013 Inventory and 2013 City of Florence Significant Wetlands and Riparian Corridors Plan. The width and nature of protection required within the buffer may change as the Endangered Species Act and other state and federal regulations are promulgated. The City requires that the buffer width meet all state and federal requirements.

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

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

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

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

below:

2. If the proposed primary dwelling will be more than 20 feet from a significant wetland or stream, the adjustment application shall use the ~~Administrative–~~ Type II Review process in FCC 10-1-1-6-2.
  3. If a proposed primary dwelling will be built within 20 feet of a significant wetland or stream, a Hardship Variance from the Planning Commission shall be required in accordance with Florence City Code Title 10 Chapter 45.
- J. Hardship Variances: A variance to the provisions of this subsection shall be granted by the Planning Commission in accordance with the procedures in Florence City Code Title 10 Chapter 45 only as a last resort and is only considered necessary to allow reasonable economic use of the subject property. The property must be owned by the applicant and not created after the effective date of this title.
- K. Significant wetland and riparian corridor enhancement incentives:
1. Incentives shall be provided to improve the continuity of Significant Riparian Corridors in situations where lots would be rendered unbuildable by the setback, as defined in the Definitions in FCC Title 10 Chapter 42. Such incentives may include: reducing the required front yard setback, alternative access, vacating right-of-way, property line adjustments, re-orientation of lots, transfer of development rights (if feasible), and density bonuses, among others. The resulting development will conform, to the maximum extent practical, to the general development patterns in the vicinity of the affected lot.

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

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

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Sections 10-7-3, 10-7-4, and 10-7-6 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 10

**RESTRICTED RESIDENTIAL DISTRICT (RR)**

SECTION:

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

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

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

- C. Vision Clearance: Refer to Section 10-~~4-42-13~~ and 10-35-2-~~43-14~~ of this Title for definition, and requirements.

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Section 10-10-3 and -5-C amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10  
CHAPTER 11

**SINGLE-FAMILY RESIDENTIAL DISTRICT (RS)**

SECTION:

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

**10-11-3: 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:

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

**10-11-5: SITE DEVELOPMENT PROVISIONS:**

- C. Vision Clearance: Refer to Section 10-~~4-42-13~~ and 10-35-2-~~43-14~~ of this Title for definition, and requirements.

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

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

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

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

- ~~1. Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.~~
- ~~2. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.~~
- ~~3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.~~
- ~~4. Siding and Roofing Requirements: The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.~~
- ~~5. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.~~

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



TITLE 10  
CHAPTER 12

**MOBILE HOME/MANUFACTURED HOME REGULATIONS**

SECTION:

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

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

**10-12-1-1: \_\_\_\_\_ ADMINISTRATIVE PROVISIONS:**

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

Public or ~~parochial~~ private schools.

**10-12-1-4: \_\_\_\_\_ LOT AND YARD REQUIREMENTS:**

**10-12-1-5: \_\_\_\_\_ SITE AND DEVELOPMENT PROVISIONS:**

C. Vision Clearance: Refer to Section 10-~~4~~42-13 and 10-35-2-~~43~~14 of this Title for definition, and requirements.

**10-12-2: \_\_\_\_\_ MOBILE HOME/MANUFACTURED HOME REGULATION:**

**10-12-2-1: \_\_\_\_\_ ADMINISTRATIVE PROVISIONS:**

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

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

1. Size: The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
2. Foundation: The manufactured home shall be placed on an excavated and back-filled foundation and skirted in conformance with the requirements of the Building Codes Agency Manufactured Dwelling Administrative Rules in effect at the time of construction.



3. Roof Pitch: The manufactured home shall have a pitched roof with a nominal slope of at least three feet (3') in height for each twelve feet (12') in width.
4. Siding and Roofing Requirements: The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community.
5. Thermal Performance: The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the State Building Code as defined in ORS 455.010.

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

**10-12-2-23: 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.

**10-12-3: MOBILE HOME/MANUFACTURED HOME PARKS:**

**10-12-3-1: ADMINISTRATIVE PROVISIONS:**

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

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

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

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

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

**10-12-3-7: PARK ADMINISTRATION:**

Sections 10-12-1-3, 10-12-1-5-C, and 10-12-2-2 amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10  
CHAPTER 13

**MULTI-FAMILY RESIDENTIAL DISTRICT (RM)**

SECTION:

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

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

Public or parochial-private schools.

**10-13-5: SITE AND DEVELOPMENT PROVISIONS:**

- D. Vision Clearance: Refer to Section 10-1-42-13 and 10-35-2-13-14 of this Title for definition, and requirements.

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Sections 10-13-3 and -5-D amended by Ord. No. 11 Series 2016 – effective xx/xx/xx

TITLE 10  
CHAPTER 14

**NEIGHBORHOOD COMMERCIAL DISTRICT (NC)**

SECTION:

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

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

**10-14-5: SITE AND DEVELOPMENT PROVISIONS:**

- F. Vision Clearance: Refer to Section 10-~~4~~42-13 and 10-~~35-2-45-14~~ of this Title for definitions, and requirements. (Ord. 26, 2008)

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Section 10-14-3 and -5-F amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10  
CHAPTER 15

**COMMERCIAL DISTRICT (C)**

SECTION:

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

**10-15-2: PERMITTED BUILDINGS AND USES:** The following uses shall be permitted only upon affirmative findings by the ~~Planned~~Planning Commission that the proposed use meets the general criteria in Section 10-~~46~~15-4 herein.

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

**10-15-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:** The Planning Commission, subject to the procedures and conditions set forth in Chapter s 1 and 4 of this Title, may grant a conditional use permit for the following:

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

- D. Vision Clearance: Refer to Section 10-~~4-42~~13 and 10-35-2-~~43~~14 of this Title for definitions, and requirements.

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Sections 10-15-2, 10-15-3, and 10-15-5-D amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 16

**HIGHWAY DISTRICT (H)**

SECTION:

10-16-1:	Purpose
10-16-2:	Permitted Buildings and Uses
10-16-3:	Buildings and Uses Permitted Conditionally
10-16-4:	General Criteria
10-16-5:	Development Standards
10-16-6:	Rehabilitation of Existing Buildings and Uses
10-16-7:	Design Specifications

**10-16-3: 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 Chapter s 1 and 4 of this Title.

**10-16-6: REHABILITATION OF EXISTING BUILDINGS AND USES:** The City may require the rehabilitation of substandard or nonconforming buildings or uses. In such an instance, the voluntary cooperation of the owner shall be solicited. The City may establish a schedule of rehabilitation which allows reasonable time for compliance, does -not create a financial hardship for the owner and fulfills the purpose and intent of this Chapter.

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

L. Vision Clearance: Refer to Section 10-~~4-42-13~~ and 10-35-2-1~~43~~ of this Title for definitions, and requirements. (Ord. 26, 2008)

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Sections 10-16-3 and -7-L amended by Ord. No. 11, Series 2016 (effective XX/XX/XX)

**TITLE 10  
CHAPTER 17**

**OLD TOWN DISTRICT**

**SECTION**

10-17-1	General Purpose for Old Town
10-17-2	Definitions
10-17A-1	Purpose for Area A
10-17A-2	Land Uses for Area A
10-17A-3	Lot and Yard Provisions for Area A
10-17A-4	Site and Development Provisions for Area A
10-17B-1	Purpose for Area B
10-17B-2	Land Uses for Area B
10-17B-3	Lot and Yard Provisions for Area B
10-17B-4	Site and Development Provisions for Area B
10-17C-1	Purpose for Area C
10-17C-2	Land Uses for Area C
10-17C-3	Lot and Yard Provisions for Area C
10-17C-4	Site and Development Provisions for Area C

**10-17-2**      **DEFINITIONS:** As used in this Chapter, the following definitions apply, instead of where applicable, and in addition to the general definitions in Chapter ~~12~~:

**B.      Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters s 1 and 4 of this Title, may grant a conditional use permit for the following:

**10-17A-3      LOT AND YARD PROVISIONS FOR AREA A**

**B.      ~~Lot Dimensions:~~** The minimum lot width shall be twenty-five feet (25').

**C.      ~~Lot Coverage:~~** The Design Review Board may allow up to ninety percent (90%) lot coverage by buildings and other impervious surfaces.

**10-17A-4      SITE AND DEVELOPMENT PROVISIONS FOR AREA A**

**E.      Parking and Loading Spaces:**

4.      Parking requirements listed in Table 10-3-1 of Section 10-3-4 of this Code are waived for all changes of use in any structures in Old Town ~~Ar~~Rea A which existed prior to October 15, 2014.
5.      All new construction (structures and additions built after October 15, 2014), not including residential, lodging, motel, or inn uses, are allowed a waiver of up to 50% of parking required by Section 10-3-4 of this Code, to be determined with ~~Planning Commission/ Design Review Board or Administrative Review approval~~ a Type II or III approval. The waiver of required parking is not to exceed the minimum number of two (2) parking spaces required by Section 10-3-4.

**F.      Vision Clearance:** Refer to Sections 10-~~2-131-4~~ and 10-35-2-~~13-14~~ of this Title for definition and requirements.

- K. **Design Review:** All uses in Area A of Old Town District whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against ~~Downtown Architectural Design Guidelines~~criteria contained within FCC 10-6-6: Architectural Design to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

**10-17B-2 LAND USES FOR AREA B:** The following establishes permitted, conditional, and prohibited uses for the Old Town District Area B:

- B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than the Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

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

- F. **Vision Clearance:** Refer to Sections 10-~~4-42-13~~ and 10-35-2-~~134~~ of this Title for definition and requirements.
- K. **Design Review:** All uses in the Old Town District Area B, whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design ~~Downtown Architectural Design Guidelines~~ to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

**10-17C-2 LAND USES FOR AREA C:** The following establishes permitted, conditional, and Prohibited uses for the Old Town District Area C:

- B. **Conditional Uses:** Uses which are administratively determined to have an impact similar to or less than Conditional Uses listed below. The Planning Commission, subject to the procedures and conditions set forth in Chapters s 1 and 4 of this Title, may grant a conditional use permit for the following:

**10-17C-4 SITE AND DEVELOPMENT PROVISIONS FOR AREA C**

- F. **Vision Clearance:** Refer to Sections 10-~~4-42-13~~ and 10-35-2-~~43-14~~ of this Title for definition and requirements.
- K. **Design Review:** All uses in the Old Town District Area C whether permitted or conditional uses, shall be subject to design review (FCC 10-6) to insure compatibility and integration with the character of the district and to encourage revitalization. Architectural design shall be reviewed against criteria contained within FCC 10-6-6: Architectural Design ~~Downtown Architectural Design Guidelines~~ to determine compatibility with the character of the district, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516 on properties not listed in the Comprehensive Plan's Historic Inventory.

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Sections 10-17-2, 10-17A-2, 10-17A-4, 10-17B-2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 11, Series – effective xx/xx/xx



TITLE 10  
CHAPTER 18

**MARINE DISTRICT**

SECTION:

- 10-18-1: Administrative Provisions
- 10-18-2: Permitted Buildings and Uses
- 10-18-3: Buildings and Uses Permitted Conditionally
- 10-18-4: Specific Approval Criteria
- 10-18-5: Property Development Standards

**10-18-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:** The Planning Commission, subject to the procedures and conditions set forth in Chapters s 1 and 4 of this Title, may grant a conditional use permit for the following uses. The requirements of the adjacent Estuary District shall supersede the requirements in this section; and the provisions of the adjacent Estuary District shall be reviewed for any additional uses or requirements that may apply.

**10-18-4: SPECIFIC APPROVAL CRITERIA:**

- A. Conditional Use Permit: In addition to the general approval criteria set forth in Section 10-4-~~9-10~~ of this Title, the following criteria shall apply to the consideration of a conditional use permit in this District in addition to applicable criteria in the adjacent Estuary District:
  - 1. The proposed use must be a Water Dependent or Water Related Use, as defined in Chapter ~~4-2~~ of this Title.

**10-18-5: PROPERTY DEVELOPMENT STANDARDS:**

- H. Visual Clearance: Refer to Section 10-~~4-42-13~~ and 10-35-2-~~13-14~~ of this Title for definition and requirements.

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Sections 10-18-3, 10-18-4, and 10-18-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 19

**ESTUARY, SHORELANDS, AND BEACHES AND DUNES**

SECTION:

- 10-19-1: Estuary District Administration**
- 10-19-2: Natural Estuary District (NE)
- 10-19-3: Conservation Estuary District (CE)
- 10-19-4: Development Estuary District (DE)
- 10-19-5: Coastal Shorelands Overlay Districts Administration**
- 10-19-6: Shoreland Residential Overlay District (/SR)
- 10-19-7: Mixed Development Overlay District (/MD)
- 10-19-8: Dredge Material/Mitigation Site Overlay District (/DMS)
- 10-19-9: Prime Wildlife Overlay District (/PW)
- 10-19-10: Natural Resource Conservation Overlay District (/NRC)
- 10-19-11: Beaches and Dunes Overlay District Administration**
- 10-19-12: Beaches and Dunes Overlay District (/BD)

**10-19-1: ESTUARY DISTRICT ADMINISTRATION**

B. Resource Capability Assessment:

1. Purpose: Uses Requiring a Special Use Permit (~~Administrative Type II~~ Review) or Conditional Uses (Type III Review) in the Natural Estuary (NE) and Conservation Estuary (CE) Districts are allowed only if determined to be consistent with the Resource Capabilities of the area and the purpose of the management unit in which the use or activity occurs. The purpose of this subsection is to establish a procedure for making a Resource Capabilities Assessment. Major activities or uses in the estuary may require an Estuarine Impact Assessment. Those uses do not also require this Resource Capability Assessment.
  
4. Resource Capability Assessment: Information on resources present and impacts to be expected will be evaluated as part of the Special Use Permit (Type II) or Conditional Use Permit (Type III) procedure, based on the requirement that the estuary can still function to achieve the purpose of the zone in which the activity will be located. Information developed by resource agencies and information submitted by the applicant may be used in the determination, and will be used whenever possible to reduce duplication of effort between agencies.

C. Estuarine Impact Assessment:

1. Purpose: The purpose of this subsection is to provide a procedure for evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. Activities which require an Estuarine Impact Assessment do not also require a Resource Capability Assessment. Uses which are permitted outright do not require an Estuarine Impact Assessment. Uses in Estuary Districts requiring a Special Use Permit (Type II review) or a Conditional Use Permit (Type III review) will require an Estuarine Impact Assessment only when an Environmental Impact statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
  
2. Information to be presented in the Estuarine Impact Assessment: Information contained in an Estuarine Impact Assessment shall be used in the evaluation of a use or activity during a Special Use Permit (Type II) or Conditional Use Permit (Type III) procedure. As part of the permit review, information developed by resource agencies may be requested and used in the determination. Any possibilities of reducing duplication of effort by the City and other

agencies will be utilized so long as necessary information is adequately analyzed. Information contained in the Estuarine Impact Assessment may be drawn from available data and analysis contained in the Lane County Coastal Resources Inventory, environmental impact statements and assessments for projects in the Siuslaw River estuary, other published studies pertaining to the Siuslaw River estuary or more current information provided by application.

#### **10-19-2: NATURAL ESTUARY DISTRICT (NE):**

- C. Special Uses Approved by Administrative-Type II Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.
- D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the NE District, and upon satisfaction of all of the applicable criteria in F and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.
- F. Dredging and fill and other activities which could potentially alter the estuary are prohibited in this District except as expressly permitted through a Special Use Permit (Type II) or Conditional Use Permit (Type III) in Sections C and D. When allowed in C or D, these uses or activities shall meet all of the following criteria:

#### **10-19-3: CONSERVATION ESTUARY DISTRICT (CE):**

- C. Special Uses Approved by Administrative-Type II Review: The following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District; and upon satisfaction of the applicable criteria in F. A Resource Capability Assessment is required as set forth FCC subsection 10-19-1-B except for major projects requiring an Estuarine Impact Assessment as set forth in FCC subsection 10-19-1-C.
- D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon affirmative findings that the use is consistent with the resource capabilities of the area, as defined in E, and the purposes of the CE District, and upon satisfaction of all of the applicable criteria in F and G, and below. A Resource Capability Assessment is required as set forth in FCC 10-19-1-B, except for major projects requiring an Estuarine Impact Assessment as set forth in FCC 10-19-1-C.

#### **10-19-4: DEVELOPMENT ESTUARY DISTRICT (DE):**

- D. Special Uses Approved by Administrative-Type II Review: The following specified uses and no others require a Special Use Permit throughout all portions of Development Estuary Districts. A Special Use Permit may be approved according to the procedures set forth in Chapter I of this Title upon affirmative findings that the use is consistent with the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):

- E. Conditional Uses in Areas Managed for Water Dependent Activities: The following uses are allowed in the estuary in Areas Managed for Water Dependent Activities with approval of a Conditional Use Permit (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapter 4 of this Title upon affirmative findings that the use is consistent with the purposes of the DE District and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):
  
- F. Conditional Uses: Outside of Areas Managed for Water Dependent Activities, the following uses and activities are allowed in the estuary with a Conditional Use Permit (Type III review), subject to the applicable criteria. A Conditional Use Permit may be approved according to the procedures set forth in Chapter 4 of this Title upon affirmative findings that: the use or activity is consistent with the purposes of the DE District; it must not be detrimental to natural characteristics or values in the adjacent estuary; and it must comply with the specific criteria below, and the applicable criteria in I and either G or H (if dredging or fill is required, the requirements in G apply; if the use will otherwise alter the estuary, the requirements in H apply):
  
- 10. Water-related uses, non-water-dependent uses, and non-water-related uses, provided no dredge or fill is involved and it is not possible to locate the use on an upland site. Non-water-dependent and non-water-related uses and structures that existed as of July 7, 2009 will retain their non-conforming status for five years from the date the use is abandoned or the structure is destroyed; and the existing structure for the same use may be replaced; the provisions of non-conforming uses in the Florence City Code ~~not~~ withstanding. Non-water-dependent and non-water-related uses may be permitted within pre-existing structures following a lapse of five years from the date that the use is abandoned, provided that the use will have no adverse impacts on the estuary and findings can be made in support of the non-water-dependent or non-water-related use in that location, such as: economic development, aesthetic enjoyment of the estuary, prevention of other structures being constructed within the estuary, etc.

#### **10-19-6: SHORELAND RESIDENTIAL OVERLAY DISTRICT /SR**

- C. Special Uses Approved by Administrative-Type II Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, upon affirmative findings of consistency with all of the requirements of an adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.
  
- D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted, subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, when consistent with all of the requirements of the adjacent Estuary District and applicable site development requirements listed in subsections E and F and upon satisfaction of the following applicable criteria.

#### **10-19-7: MIXED DEVELOPMENT OVERLAY DISTRICT (/MD):**

- C. Special Uses Approved by Administrative-Type II Review: In addition to Special Uses specifically allowed in the adjacent Estuary District, the following uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:
  
- D. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary

District, the following specified uses and no others are permitted subject to approval by the Planning Commission. The Planning Commission, subject to the procedures and conditions set forth in Chapters [s 1 and 4](#) of this Title, may grant a Conditional Use Permit [\(Type III review\)](#) for the following uses, provided they are consistent with the requirements of the adjacent Estuary District and upon satisfaction of the applicable criteria in Section F and below:

**10-19-8: DREDGE MATERIAL/MITIGATION SITE OVERLAY DISTRICT /DMS**

- E. Conditional Uses: In addition to Conditional Uses specifically allowed in the adjacent Estuary District and in the Coastal Overlay District, the Planning Commission, subject to the procedures and conditions set forth in Chapters [s 1 and 4](#) of this Title, may grant a Conditional Use Permit [\(Type III review\)](#) for the following when found to be consistent with the requirements of the Coastal Overlay District and adjacent Estuary District and the criteria below.

**10-19-9: PRIME WILDLIFE OVERLAY DISTRICT /PW**

- B. Permitted Uses. The following structures and uses and no others are permitted outright, -as hereinafter specifically provided for by this section subject to the general provisions and exceptions set forth in this section. The maintenance of vegetation adjacent to the lakes shall be enforced to provide shading and filtration and protect wildlife habitat at those sites indicated in the Lane County Coastal Resources Inventory as "significant wildlife habitat." These areas will be specially evaluated prior to approval of vegetation removal plans to ensure the habitat has been adequately considered.
- C. Special Uses Approved by [Administrative-Type II](#) Review: The following specified uses are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be given 14 days to review and comment on the impact of development on critical habitats and shall be requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.
- D. Conditional Uses: The Planning Commission, subject to the procedures and conditions set forth in Chapters [s 1 and 4](#) of this Title, may grant a Conditional Use Permit [\(Type III review\)](#) for the following uses, provided all criteria below and the requirements set forth in 10-19-9-F, G, and H are met, unless specifically exempted below. The Oregon Department of Fish and Wildlife shall be given 14-days to review and comment on the impact of development on critical habitats and should be requested to make suggestions concerning ways to avoid or mitigate identified adverse impacts.
4. Outside the setback area, construction activities shall occur in such a manner so as to avoid unnecessary excavation and/or removal of existing vegetation beyond that area required for public facilities. Where vegetation removal beyond that allowed in 10-18-9-F cannot be avoided, the site shall be replanted during the next replanting season to avoid sedimentation of coastal lakes. The vegetation shall be of native species in order to maintain the natural character of the area.

**10-19-10: Natural Resource Conservation Overlay District (/NRC)**

- C. Special Uses Approved by [Administrative-Type II](#) Review: In addition to the Special Uses specifically allowed in the adjacent Estuary District, the following specified uses and no others are permitted only with a Special Use Permit. A Special Use Permit may be approved according to the procedures set forth in Chapter 1 of this Title upon satisfaction of the applicable criteria set forth in 10-19-10 F, G, & H, except as expressly exempted below and except as expressly prohibited by 10-19-10-E, and provided they are consistent with the requirements of the adjacent Estuary District.

- D. Conditional Uses: In addition to the Conditional Uses specifically allowed in the adjacent Estuary District, the Planning Commission, subject to the procedures and conditions set forth in Chapters s 1 and 4 of this Title, may grant a Conditional Use Permit (Type III review) for the following uses, upon satisfaction of the applicable criteria, provided all applicable requirements set forth in 10-19-10-F, G, & H are met and they are found to be consistent with the requirements of the adjacent Estuary District.

#### **Code Section 10-19-11: Beaches and Dunes Overlay District**

#### **FCC 10-19-11: BEACHES AND DUNES OVERLAY DISTRICT ADMINISTRATION**

- A. Coastal areas within the Florence city limits subject to this Section of Florence City Code -shall include beaches, active foredunes, and other foredunes- which are conditionally stable and which are subject to ocean undercutting or wave overtopping, and on interdune areas (deflation plains) that are subject to ocean flooding. These areas, as they apply within the Florence city limits are shown on the City of Florence Coastal Overlay Zoning Map.

#### **10-19-12: BEACHES AND DUNES OVERLAY DISTRICT (/BD)**

- D. Conditional Uses Approved by the Planning Commission: Development other than that identified in Section B shall be allowed that is permitted in the base zoning district, subject to Type III approval by the Planning Commission, upon satisfaction of all of the following criteria.

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Sections 10-19-1 through 10-19-12 amended by Ord. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 20

**LIMITED INDUSTRIAL DISTRICT (LI)**

SECTION:

- 10-20-1: Purpose
- 10-20-2: Permitted Buildings and Uses
- 10-20-3: Buildings and Uses Permitted Conditionally
- 10-20-4: Lot and Yard Provisions
- 10-20-5: Site and Development Provisions

**10-20-2: PERMITTED BUILDINGS AND USES:** For the purpose of this Title, terms are defined in Title 10 Chapter ~~4-2~~ Section ~~514~~, "Land Use Category Definitions". If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapters ~~s 1 and~~ 4 of this Title.

**10-20-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:** The Planning Commission, subject to the procedures and conditions set forth in Chapter ~~s 1 and~~ 4 of this Title, may grant a conditional use permit for the following:

**10-20-5: SITE AND DEVELOPMENT PROVISIONS:**

- E. Vision Clearance: Refer to Section 10-~~4-42-13~~ and 10-35-2-~~13-14~~ of this Title for definition and requirements.
- J. ~~Administrative-Type II~~ Review: All permitted uses in the Limited Industrial District shall be subject to Type II (administrative) review, Section 10-1-1-6-~~2~~ of this Title.

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Sections 10-20-2, 10-20-3, and 10-20-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 22

**OPEN SPACE DISTRICT (OS)**

SECTION:

- 10-22-1: Purpose
- 10-22-2: Permitted Buildings and Uses
- 10-22-3: Buildings and Uses Permitted Conditionally
- 10-22-4: Conditional Use Approval Criteria and Conditions

**10-22-3: 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:

Section 10-22-3 amended by Ordinance No. 11, Series 2016



TITLE 10  
CHAPTER 25

**PROFESSIONAL OFFICE/INSTITUTIONAL ZONING DISTRICT**

SECTION:

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

**10-25-2: PERMITTED BUILDINGS AND USES:** The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapter 6 (Design Review) of this Title:

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

**10-25-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:** The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 ~~and 5~~ of this Title may grant a conditional use permit for the following uses, provided that they are proposed in conjunction with an upper level residential apartment or condominium permitted under Section 10-25-2, accessory residential uses, which is not less than fifty percent (50%) of the total gross floor area of the building, or, as part of a commercial planned unit development:

The following uses may be permitted, subject to the procedures and conditions set forth in Chapters 1 and 4 ~~and 5~~ in this Title, and are not required to contain a residential component:

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

**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

**10-27-2      Permitted Buildings and Uses**

a10.      Animal clinics or grooming facilities (not abutting a residential ~~use of~~ district)

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

The Planning Commission, subject to the procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

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

- A.             Minimum Lot dimensions: The minimum lot width shall be 25'.
- B.             Minimum Lot Area: The minimum lot area shall be 2500 square feet.
- C.             Lot coverage: ~~The Design Review Board may allow u~~Up to a maximum of 90% lot coverage by buildings and other impervious surfaces.
- D.             Yard Regulations:  
~~Area "A" as shown on the following page:~~

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

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

A.             Building or Structural Height Limitations

Area "A" ~~as shown on the following page:~~

       Area "B":

       Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards.

C.             Access and Circulation. Refer to Section 10-35 Access and Circulation of this Title for Requirements.

1.             Access Management Plan: All access points to Highway 101 shall be governed by the Access Management Plan for Highway 101 in Downtown Florence.

D. Parking and Loading Spaces

\_\_\_\_\_Area "A" ~~as shown on the following page:~~

\_\_\_\_\_Area "B":

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

E. \_\_\_\_\_Vision Clearance.

Refer to Section 10-~~4-142-13~~ and 10-35-~~2-132-14~~ of this Title for definitions and requirements.

F. \_\_\_\_\_Signs.

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

G. \_\_\_\_\_Lighting.

Street lighting, building lighting and lighting of parking lots and walkways shall conform to the following lighting standards:

1. \_\_\_\_\_Light fixtures shall conform to the lighting styles in the Architectural Guidelines.
2. \_\_\_\_\_Lighting shall be pedestrian scaled.
3. \_\_\_\_\_Refer to Section 10-37 of this Title for additional requirements.
4. \_\_\_\_\_Wiring for historic fixtures shall be underground. Other overhead wiring shall be placed underground, where possible.

H. \_\_\_\_\_Design Review.

All uses except single family and residential duplex units shall be subject to Design Review criteria contained within FCC 10-6 to insure compatibility and integration with the Mainstreet character, and to encourage revitalization. Architectural design shall be reviewed against the Architectural Design code contained within FCC 10-6-6 to Downtown Architectural Guidelines to determine compatibility, with the exception of solar photovoltaic and solar thermal energy systems as allowed by HB3516.

I. \_\_\_\_\_Trash Enclosures.

J. \_\_\_\_\_General Provisions.

- \_\_\_\_\_1. Outdoor storage of materials and display of merchandise for sale shall be subject to approval by the Design Review Board.
- \_\_\_\_\_2. Where there is manufacturing, compounding, processing or treatment of products for wholesale, the front twenty-five (25) feet of the building's ground floor facing the principal commercial street shall be used for commercial sales, business or professional offices.
- 3. \_\_\_\_\_Any use allowed must not cause unreasonable odor, dust, smoke, noise, vibration or appearance.

Sections 10-27-2 through 10-27-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 28

**PACIFIC VIEW BUSINESS PARK DISTRICT**

**SECTION**

- 10-28-1: Purpose
- 10-28-2: Permitted Buildings and Uses
- 10-28-3: Buildings and Uses Permitted Conditionally
- 10-28-4: Lot and Yard Provisions
- 10-28-5: Site and Development Provisions

**10-28-2: PERMITTED BUILDINGS AND USES:**

For the purpose of this Title terms are defined in Title 10 Chapter ~~4-2~~ Section ~~514~~, "Land Use Category Definitions." If any permitted building or use has the potential to be hazardous, obnoxious, offensive or unsightly by reason of emission of odor, sound, vibration, radioactivity, electrical interference, flare, liquid or solid wastes, smoke or other air pollutants, said buildings or uses shall be required to obtain a conditional use permit issued by the Planning Commission subject to the procedures and conditions in Chapters 1 and 4 of this Title.

**10-28-3: BUILDINGS AND USES PERMITTED CONDITIONALLY:**

The Planning Commission, subject to procedures and conditions set forth in Chapters 1 and 4 of this Title, may grant a conditional use permit for the following:

**10-28-5: SITE AND DEVELOPMENT PROVISIONS;**

- A. ~~Port Property Buffer:~~ An undisturbed buffer of at least 100 feet is required on the 40-acre property owned by the Port of Siuslaw between industrial uses and adjoining residential developments on the north, measured from the property line. Reductions in buffers up to 50% may be granted if the following compatibility provisions are met and approved by the City;
  - 1. Land uses located between 50 feet and 100 feet from the residential property line shall be limited to research and development or office use;
  - 2. Buildings located between 50 feet and 100 feet from the residential property line shall be no taller than one story and 25 feet in height and no larger than 3,000 square feet in size;
  - 3. Building architecture located between 50 feet and 100 feet from the residential property line shall be constructed with alternative building materials, such as wood siding, brick, textured block, concrete and concrete aggregate, or other similar building materials; and
  - 4. A visual and noise buffer strip not less than 20 feet in width shall be established and maintained immediately adjacent to the residential property line. The buffer strip shall include existing vegetation, supplemented with landscape plantings, evergreen hedge, berm, fence, and/or wall components, such that the buffer screens at least 70 percent of the view between districts within five (5) years. Fence and wall structures shall be not less than 6 feet and no more than 8 feet in height (see also Section 10-34-5). Significant vegetation in these buffer
    - strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.
- C. Vision clearance: The requirements of Sections 10-~~4-42-13~~ and 10-35-2-~~13-14~~ of this Title must be met by all uses and development. (Ord. 26, 2008)
- O. ~~Administrative-Type II~~ Review: All permitted uses in the Pacific View Industrial Park District shall be subject to Type II (administrative) review, Section 10-1-1-6-~~2~~ of this Title.

Sections 10-28-2, 10-28-3, and 10-28-5 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 10  
CHAPTER 29

**COAST VILLAGE DISTRICT (CV)**

SECTION:

- 10-29-1: Purpose
- 10-29-2: Definitions
- 10-29-3: Permitted Buildings and Uses
- 10-29-4: Prohibited Buildings and Uses
- 10-29-5: Lot and Yard Provisions
- 10-29-6: Site Development Provisions

**10-29-6: SITE DEVELOPMENT PROVISIONS:**

- C. Vision Clearance: Shall be ten feet (10'). Refer to Section 10-~~4~~[42-13](#) and 10-35-2-1~~3~~[4](#) of this Title for definition, and requirements.

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[Section 10-26-6-C amended by Ord. No. 11, Series 2016 – effective xx/xx/xx](#)

TITLE 10  
CHAPTER 30

**NORTH COMMERCIAL DISTRICT**

SECTION

10-30-1	Purpose
10-30-2	Permitted Buildings and Uses
10-30-3	Buildings and Uses Permitted Conditionally
10-30-4	Prohibited Uses
10-30-5	Development Standards
10-30-6	Design Criteria

**10-30-2: PERMITTED BUILDINGS AND USES:**

The following buildings and uses shall be permitted subject to the procedures and conditions set forth in Chapters 1 and 6 (Design Review) of this Title:

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

**10-30-3: BUILDINGS AND USES PERMITTED CONDITIONALLY**

The Planning Commission, subject to the procedures and conditions set forth in Chapters 1, 4 and 6 of this Title, may grant a conditional use permit for the following:

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

J. Vision Clearance: The requirements of Section 10-35-2-~~43~~ 14 of this Title must be met.

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Sections 10-30-2, 10-30-3, and 10-30-5 amended by Ord. No. 11, Series 2016 – effective xx/xx/xx

TITLE 10  
CHAPTER 32

**DRINKING WATER PROTECTION OVERLAY  
DISTRICT**

SECTION:

- 10-32-1: Purpose
- 10-32-2: Applicability
- 10-32-3: Warning and Waiver of Liability
- 10-32-4: Time of Travel Zones (TOTZ)
- 10-32-5: Review
- 10-32-6: Exemptions
- 10-32-7: Standards for Hazardous Materials within TOTZ
- 10-32-8: Conditions
- 10-32-9: Appeals

**10-32-5: REVIEW:**

- C. DWP Overlay District applications shall be reviewed under Type II Administrative Review procedures in 10-1-1-6-2.
- D. Prior to undertaking an activity covered by Section 10-32-5-A, the owner or tenant shall submit a DWP Overlay District Application to the City for review and approval. Applications shall include the following information:
  - 1. A Hazardous Material Inventory Statement and a Material Safety Data Sheet for any or all materials entered in the Statement unless exempted under Section 10-32-6. Hazardous material weights shall be converted to volume measurement for ~~purposes~~ of determining amounts; 10 pounds shall be considered equal to one gallon as specified in Florence Fire Code.

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Section 10-32-5 amended by Ordinance No. 11, Series 2016 (effective xx/xx/xx)

**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

**10-34-3: LANDSCAPING**

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

- A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-~~87~~-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.

**10-34-4: STREET TREES:** Street trees are trees located within the right-of-way.

- C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements, and shall comply with the vision clearance standards of FCC 10-35-2-~~13~~14.

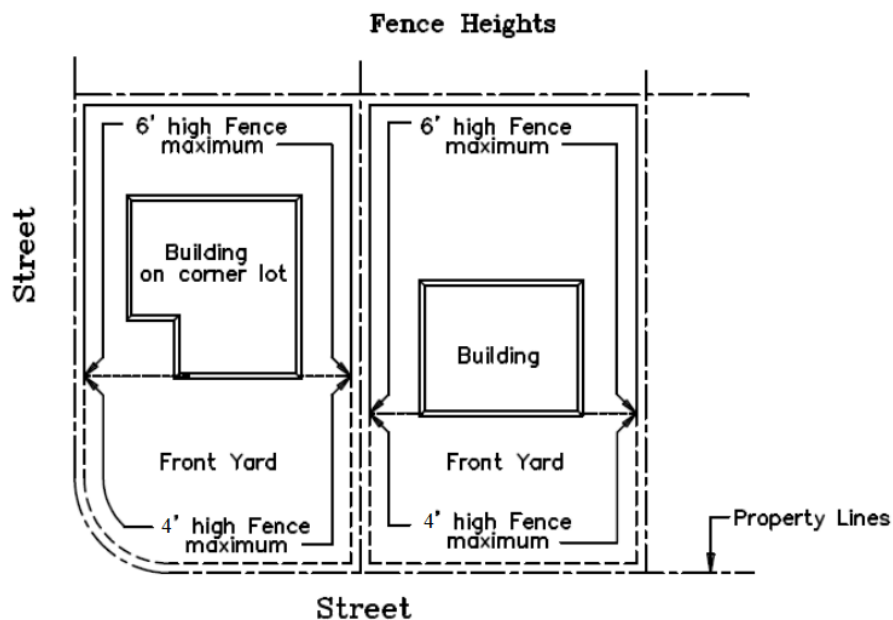


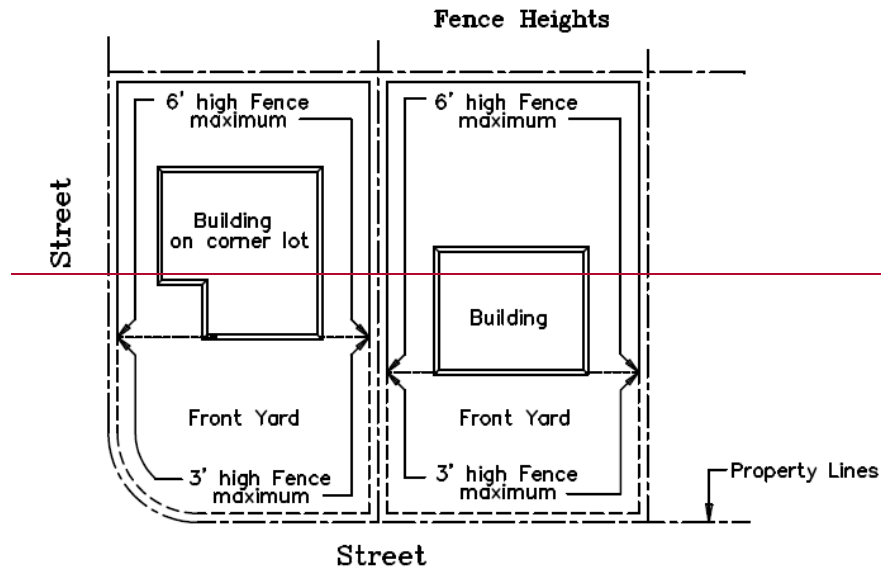
**10-34-5: FENCES AND WALLS:** Construction of fences and walls shall conform to all of the following requirements:

**B. Dimensions.**

1. Residential Zones: Except as provided -below, the height of fences and walls between the building and the front lot line shall not exceed ~~three (3)~~ four (4)-feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless the front door is located on the longer side of the lot, in which case the fence shall not exceed ~~three (3)~~ four (4) feet in height or taller fences or walls are allowed through a Type II or III Design Review approval. (See Figure 10-34(2))
2. Commercial and Industrial Zones: Except as provided below, the height of fences and walls in any required front yard shall not exceed ~~three (3)~~ four (4) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

**Figure 10-34(2): Residential and Commercial Fence Standard**





C. The following exceptions may be allowed through **Design Review or Administrative Type I, II or III Review**.

D. **Specific Requirements**

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-~~67~~.
2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-~~1314~~.
3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than ~~six (6)~~seven (7) feet in height require a building permit

F. **Materials.**

4. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-~~67~~-14.

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

**TITLE 10  
CHAPTER 35**

**ACCESS AND CIRCULATION**

**SECTION:**

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

**10-35-2: VEHICULAR ACCESS AND CIRCULATION:**

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

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

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

Separation Distance from Driveway to Pavement:

Alley	15 feet
Local Street <u>      </u>	25 feet
Collector Street	30 feet
Arterial Street	50 feet

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

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').

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

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-~~4~~42-13 of this Title for definition.

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Section 10-35-2-14 amended by Ord. No. 11, Series 2016, effective xx/xx/xx

TITLE 11  
CHAPTER 1

**SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS**

SECTION:

- 11-1-1: Purpose
- 11-1-2: Approval of Land Division
- 11-1-3: Definitions
- 11-1-4: Relocation of Lot Lines
- 11-1-5: Replatting of Subdivided Lands
- 11-1-6: Fees

**11-1-4: RELOCATION OF LOT LINE:**

- A. A lot line adjustment shall not create an additional parcel, shall not reduce an existing parcel below the minimum size applicable to that zoning district, shall involve only one common lot line, and shall not redesignate the front lot line as defined in Section 10-~~4~~-42-13 of this Code.

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Section 11-1-4 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 11  
CHAPTER 2

**MINOR PARTITIONING PROCEDURE**

SECTION:

- 11-2-1 Application
- 11-2-2: Tentative Plan Requirements
- 11-2-3: Review of Proposal by Other Agencies and Departments
- 11-2-4: Tentative Plan Approval
- 11-2-5: Ownership Verification of Dedications
- 11-2-6: Acknowledging Decisions
- 11-2-7: Return of Approved Tentative Plan
- 11-2-8: Appeal of Decisions
- 11-2-9: Final Partition Map
- 11-2-10: Effective Date of Decisions
- 11-2-11: Expiration of Approval

**11-2-4: TENTATIVE PLAN APPROVAL:** After giving notice as required by subparagraph 10-1-1-5-B-1 of this Code, the Planning Commission or its designee shall grant approval or deny the minor partition tentative plan. The hearing, decision and further consideration of a similar application shall be governed by paragraphs 10-1-1-~~5-D and E~~6 of this Code. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord. 30, Series 1990).

**11-2-6: ACKNOWLEDGING DECISIONS:** Approval of a minor partition tentative plan shall be noted thereon by the chairman of the Planning Commission or its designee with the effective date of such approval. Notice of the Planning Commission's decision shall be given as provided in ~~paragraph FCC 10-1-1-5-F6 of this Code.~~ (Amd. Ord 30, Series 1990).

**11-2-8: APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-~~6-7~~7 of this Code. (Amd. Ord 30, Series 1990).

Sections 11-2-4, 11-2-6, and 11-2-8 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)

TITLE 11  
CHAPTER 3

**MAJOR PARTITION, TENTATIVE PLAN PROCEDURE**

SECTION:

- 11-3-1: Application
- 11-3-2: Tentative Plan Requirements
- 11-3-3: Review of Tentative Major Partition or Subdivision
- 11-3-4: Approval of Tentative Major Partition or Subdivision
- 11-3-5: Acknowledging Tentative Plan Decisions
- 11-3-6: Tentative Plan, Effective Date
- 11-3-7: Tentative Plan, Appeal of Decisions

**11-3-4: APPROVAL OF TENTATIVE MAJOR PARTITION OR SUBDIVISION:** After giving notice as required by ~~subparagraph 10-1-1-5-B-4~~FCC 10-1-1-6 of this Code, the Planning Commission or its designee shall grant approval or deny the major partition tentative plan. The hearing decision and further consideration of a similar application shall be governed ~~by paragraphs 10-1-1-5-D and E of this Code~~by FCC 10-1-1-6. If approval involves implications of new or modified standards or policy, the Planning Commission and not its designee shall render a decision. The Planning Commission may require its designee to submit any tentative approval to the Commission for review prior to notification of the applicant. In the event of a denial, the application shall be reviewed by the Planning Commission within forty five (45) days. Approval shall be granted, provided affirmative findings can be made that: (Amd. Ord 30, Series 1990).

- A. The approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto.
- B. The tentative plan complies with the requirements of this Title, all applicable provisions of the Oregon Revised Statutes, the Florence Zoning Ordinance, the Florence Comprehensive Plan and Policies, as well as the intent and purpose of this Title.

**11-3-5: ACKNOWLEDGING TENTATIVE PLAN DECISIONS:** Notice of the Planning Commission's decision shall be given as provided in ~~paragraph 10-1-1-5-F of this Code~~FCC 10-1-1-6. Approval of a tentative plan for a major partition or subdivision shall be noted thereon by the chairman of the Planning Commission with the effective date of said approval. Unless appealed, a copy of the tentative plan as approved and so noted thereon shall be furnished the applicant following the effective date of approval. Where the Planning Commission has appointed a designee to take action on a major partition, the action may be evidenced by the signature of said designee. (Amd. Ord 30, Series 1990).

**11-3-7: TENTATIVE PLAN, APPEAL OF DECISIONS:** The procedure and provisions for appeal under this Chapter shall be governed by Subsection 10-1-1-~~6-7~~7 of this Code. (Amd. Ord 30, Series 1990).

Sections 11-3-4, 11-3-5, and 11-3-7 amended by Ord. No. 11, Series 2016 (effective xx/xx/xx)