

TITLE 10
CHAPTER 2

GENERAL ZONING PROVISIONS

SECTION:

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

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

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

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

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

B. Side Yards:

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

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

EXHIBIT C

10-2-4: HEIGHT: Height limits established for the various zones or districts refer to the height of the building proper. Roof structures such as housing for elevators, tanks, ventilating fans, towers, steeples, flagpoles, chimneys, smokestacks, wireless masts or similar structures may exceed the height limit herein prescribed.

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

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

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

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

10-2-9: SITING EMERGENCY HOUSING:

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

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

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

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

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

- A. Operation, maintenance, repair or preservation of public roads and highway facilities, including, but not limited to sewer, water line, electrical power, or telephone or television cable system;
- B. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan, such as bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;
- C. Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and

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

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

1. Reconstruction or modification of an historic building or other historic structure.
2. Development that requires acquisition of additional property other than the following widening of a public road or highway right-of-way.
 - (a) Right-of-way identified for acquisition on an official map or that is consistent with an established special setback.

* Oregon Attorney General OP-5715, August 23, 1984 states that a county may exempt highway right-of-way acquisitions from the county's land partition regulations except those that partition land located in "exclusive farm use zones" established under ORS 215.203 to 215.263.
 - (b) A minor right-of-way acquisition to permit public road or highway safety improvement or modernization that complies with Section 10-2-12.
3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.
4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

10-2-13: DEFINITIONS: For the purpose of this Title, certain words, terms and phrases are defined below. Words used in the present tense include the future; the singular number includes the plural; and the word "shall" is mandatory and not directory. Whenever the term "this Title" is used herewith it shall be deemed to include all amendments thereto as may hereafter from time to time be adopted. Definition contained in the Florence Comprehensive Plan shall also be used to define terms used in this Title of the Florence City Code, and, where conflicts exist, the terms used in this Code shall apply to the respective Code requirements. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference.

| | |
|--------------------|---|
| ABUT | Contiguous to; for example, two (2) lots with a common property line are considered to be abutting. |
| ACCESS | The place, means or way by which pedestrians or vehicles shall have safe, adequate and useable ingress and egress to a property, use or parking space. |
| ACCESS EASEMENT | An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. Cross access is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites. |
| ACCESSORY BUILDING | Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building. |

ACCESSORY DWELLING UNIT

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

ACCESSWAYS

A walkway or multi-use pathway providing a through connection for pedestrians between two streets, between two lots, or between a development and adjoining public right-of-way. It may be an access way for pedestrians and bicyclists (with no vehicle access), or a walk way on public or private property (i.e., with a public access easement).

AFFORDABLE HOUSING

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

AFFORDABLE HOUSING UNIT

A dwelling that meets the definition of affordable housing.

AGED PERSON

An individual 65 years of age or older. (Ord. 711, 1-24-84)

ALLEY

A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

ALTER

Any change, addition or modification of construction or occupancy of a building or structure.

ALTER THE ESTUARY

Actions which would potentially alter the estuarine ecosystem include dredging, fill, in-water structures, riprap, log storage, application of pesticides and herbicides, water intake or withdrawal and effluent discharge, flow-land disposal of dredged material, and other activities which could affect the estuary's physical processes or biological resources.

ALTERATION

For the purpose of administering Chapters 7, 18, 19, and 24, alteration shall mean any human-caused change in the environment, including physical, topographic, hydraulic, biological, or other similar environmental changes, or changes which affect water quality.

ALTERED SHORELANDS

Include shorelines with bulkheads, seawalls, riprap, or other physical structures, but do not include earthen, vegetated dikes.

AMENDMENT

A change in the wording, context or substance of this Title, or a change in the zone boundaries or area district boundaries upon the zoning map.

| | |
|--|--|
| APARTMENT | See “Dwelling, Multiple” |
| ARTERIAL STREET | The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties. |
| AREAS MANAGED FOR WATER DEPENDENT ACTIVITIES | The Federal Navigation channel, the north jetty, and the estuary where it is adjacent to Water Dependent Sites. |
| AWNING | Any stationary structure, permanent or demountable, other than a window awning, for the purpose of providing shelter from the sun and rain and having a roof with supports and not more than one wall or storage cabinet substituting for a wall. |
| BASE ZONING DISTRICT | The zoning district applied to individual properties as depicted on the City of Florence Zoning Map. The base zoning district may underlie an Overlay Zoning District, as described in the definition for Overlay District. “Single-family Residential” is an example of a base zoning district. |
| BASEMENT | A story partly or wholly underground. A basement shall be counted as a story for purposes of height measurement where more than one-half (1/2) its height is above the average level of the adjoining ground. |
| BED AND BREAKFAST | A Bed and Breakfast facility means a single-family dwelling containing rooms for rent in accordance with Title 10, Chapter 4 (Conditional Uses). |
| BICYCLE FACILITY | There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel. |
| BOARD | The Florence Planning Commission or “Florence Design Review Board”. |
| BOARDING HOUSE | A building <u>with a single kitchen</u> where lodging, with or without meals, is provided for compensation <u>for 10 or fewer occupants, not open to transient and/or overnight guests, in contradistinction to hotels and motels open to transients and/or overnight guests.</u> <u>but. A Boarding House/Dormitory is not occupied as a single-family unit and it</u> shall not include <u>assisted living facilities, or senior housing.</u> group care homes, homes for the aged or nursing homes. |
| BRIDGE CROSSINGS | The portion of a bridge spanning a waterway not including supporting structures or fill located in the waterway or adjacent wetlands. |
| BRIDGE CROSSING SUPPORT STRUCTURES | Piers, piling, and similar structures necessary to support a bridge span but not including fill for causeways or approaches. |
| BUFFER ZONE | A physical setback from a sensitive area used to protect the water quality, the aquatic and riparian wildlife communities, and the habitat value within the sensitive area. The start of the buffer starts at the edge |

of the defined channel (bank full stage) for streams/ivers, delineated wetland boundary, delineated spring boundary, or average high water for lakes.

BUILDABLE AREA The portion of a development site not required by this Title or specific conditions, as a yard, open space or easement.

BUILDING Any temporary or permanent structure constructed and maintained for the support, shelter, or enclosure of people, motor vehicles, animals, chattels or personal or real property of any kind. The words “building” and “structure” shall be synonymous.

BUILDING HEIGHT The vertical distance from the average finished grade at the front of a building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or the peak average-height of the highest gable of a pitch, shed, or hip roof.

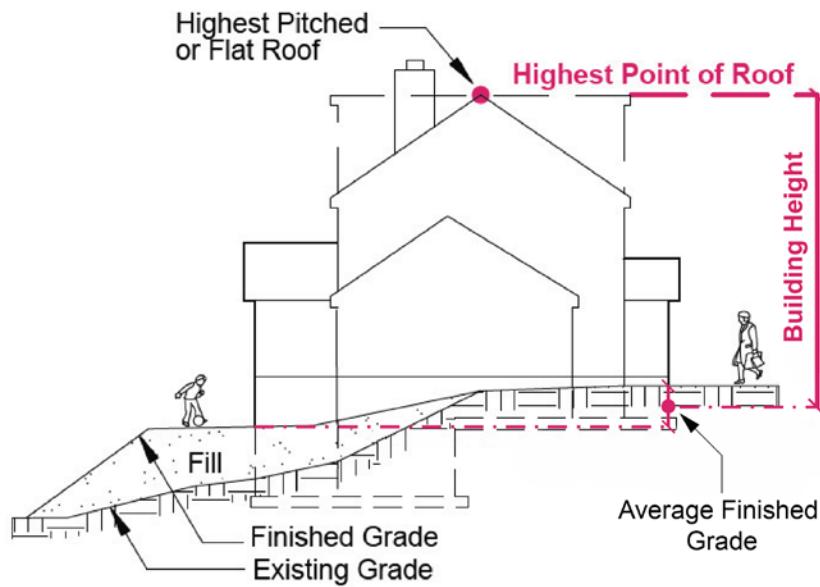


Figure 10-2-13-1: An illustration depicting building height. Image courtesy of the City of Bellevue, WA.

BULKHEAD A structure or partition to retain or prevent sliding of the land. A secondary purpose is to protect the upland against damage from wave action.

BURN TO LEARN A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.

CALIPER Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).

CARPORT A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.

CARRYING CAPACITY Level of use which can be accommodated and continued without irreversible impairment of natural resources productivity, the ecosystem and the quality of air, land, and water resources.

CEMETERY Land uses or intended to be used for the burial of the dead or dedicated

for such purposes, including columbarium, crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

| | |
|--------------------------|---|
| CHURCH | A building together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship- |
| CITY | The City of Florence, Oregon, and its officials or authorized agents. |
| CITY RECORDER | As used in this Title and Title 11, the person so designated by the City Manager. |
| CLINIC | Single or multiple offices of physicians, surgeons, dentists, chiropractors, osteopaths, optometrists, ophthalmologists and other members of the healing arts, including a dispensary in each such building to handle merchandise of a nature customarily prescribed by the occupants in connection with their practices. |
| CLINIC, SMALL ANIMAL | A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed. |
| CLUB | Any organization, group or association supported by the members thereof, the purpose of which is to render a service but not carried on as a business. |
| COASTAL LAKES | Lakes in the coastal zone that are bordered by a dune formation or that have a direct hydrologic surface or subsurface connection with saltwater. |
| COASTAL SHORELANDS | Those areas immediately adjacent to the ocean, all estuaries and associated wetlands, and all coastal lakes. |
| COASTAL STREAM COLLECTOR | Any stream within the coastal zone. A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system. |
| COMMISSION | The Florence Planning Commission |
| COMPREHENSIVE PLAN | The current adopted Comprehensive Plan for the City of Florence. |
| CONSERVE | To manage in a manner which avoids wasteful or destructive uses and provides for future availability. |
| CORNER LOT | See "Lot Types" |
| COTTAGE | A small, detached dwelling clustered around a central outdoor common space. |
| COTTAGE CLUSTER HOUSING | A cluster of cottages <u>dwelling</u> s on a lot. Cottage clusters <u>Cluster housing</u> typically or sometimes can provides <u>provide</u> common outdoor spaces and common community facilities. Parking is provided in a common lot. Cluster subdivisions are approvable through a Type II |

~~land-use-application-process.~~

| | |
|------------------------------|--|
| COURT OR COURTYARD | An open unoccupied space, other than a yard, on the same lot with a building. |
| CROSSWALK | A path marked off on a street to indicate where pedestrians should cross. |
| CUTBANKS | River terraces possessing steep slopes and subject to erosion and sloughing. Very active erosion usually occurs where the active flow of the main channel is directed toward the bank. |
| DEDICATE / DEDICATION | The gift of land or an easement by a private person or entity to the City as part of, and a condition of, a real estate development. The City must accept the dedication before it is complete. The owner of the land does not retain any rights that are inconsistent with the complete exercise and enjoyment of the public uses to which the property has been committed. (Ord. 2, Series 2011) |
| DAY NURSERY | An institution, establishment or place in which are commonly received at one time three (3) or more children not of common parentage, under the age of six (6) years, for the purpose of being given board, care or training apart from their parents or guardians for compensation or reward. |
| DEFLATION PLAIN | The broad interdune area which is wind-scoured to the level of the summer water table. |
| DENSITY | Density, Gross: The number of dwelling units per each acre of land, including areas devoted to dedicated streets, neighborhood parks, sidewalks, and other public facilities. Density, Net: The number of dwelling units per each acre of land, excluding from the acreage dedicated streets, neighborhood parks, sidewalks, and other public facilities. |
| DEVELOP | To bring about growth or availability; to construct or alter a structure, to conduct a mining operation, to make a physical change in the use or appearance of land, to divide land into parcels, or to create or terminate rights to access. "Develop" also includes, but is not limited to, new building, building alterations or additions, site improvements, or a change in use. |
| DEVELOPMENT | The act, process or result of developing. |
| DIAMETER BREAST HEIGHT (DBH) | Diameter of the trunk of a tree measured at 4.5 feet above the ground |
| DIVERSITY | The variety of natural, environmental, economic, and social resources, values, benefits, and activities. |
| DOCK | A deck, whether floating or on pilings, that serves as a landing place, recreational facility, etc. |
| DOLPHIN | A cluster of piles. |
| <u>DORMITORY</u> | <u>One or more buildings used principally for sleeping purposes by occupants for more than 30 continuous days where such building is.</u> |

related to an educational or public institution. One common kitchen and some common gathering rooms for social purposes may also be provided.

| | |
|----------------------------------|---|
| DRAINAGEWAY | The bed and banks of a waterway used to discharge surface waters from a given area. It also includes adjacent areas necessary to preserve and maintain the drainage channel. |
| DRIVEWAY | Unless otherwise specified in this Title, driveway means the area that provides vehicle access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas. |
| DUNE | A hill or ridge of sand built up by the wind along sandy coasts. |
| DUNE, ACTIVE | A dune that migrates, grows and diminishes from the effect of wind and supply of sand. Active dunes include all open sand dunes, active hummocks, and active foredunes. |
| DUNE, CONDITIONALLY STABLE | A dune presently in a stable condition, but vulnerable to becoming active due to fragile vegetative cover. |
| DUNE, OLDER STABILIZED | A dune that is stable from wind erosion, and that has significant soil development and that may include diverse forest cover. They include older foredunes. |
| DUNE, OPEN SAND | A collective term for active, un-vegetated dune landforms. |
| DUNE, RECENTLY STABILIZED | A dune with sufficient vegetation to be stabilized from wind erosion, but with little, if any development of soil or cohesion of the sand under the vegetation. Recently stabilized dunes include conditionally stable foredunes, conditionally stable dunes, dune complexes, and younger stabilized dunes. |
| DUNES, YOUNGER STABILIZED | A wind-stable dune with weakly developed soils and vegetation. |
| DUNE COMPLEX | Various patterns of small dunes with partially stabilized intervening areas. |
| <u>DUET</u> | <u>A Duplex as defined under "DWELLING, DUPLEX" in which each unit is on a separate lot and can be owned separately.</u> |
| DWELLING | A building or portion thereof which is occupied in whole or in part as a residence, either permanently or temporarily by one or more families; but excluding Coast Village, hotels, motels, and tourist courts; with permanent provision for living, sleeping, eating, food preparation, and sanitation. Dwellings include both buildings constructed on-site and manufactured homes. |
| <u>DWELLING, ATTACHED</u> | <u>A dwelling that shares a common wall or walls, roof, or foundation with adjacent dwellings. Attached dwellings may be on a common lot or with each dwelling on its own lot.</u> |
| DWELLING, | A building designated or used exclusively for the occupancy of two (2) |

DUPLEX families on a single lot living independently from each other and having separate facilities for each family as defined under “DWELLING” above.

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

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

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

DWELLING, SINGLE-FAMILY DETACHED

- A. A building dwelling on a single lot A building either constructed on-site or a modular constructed in accordance with Oregon Building Codes and assembled on site, and designed or used exclusively for the occupancy of one family and having separate facilities for only one family as defined under “DWELLING” above; or
- B. A manufactured home designed and used exclusively for the occupancy of one family as defined under “DWELLING” above and which is located and maintained in compliance with Section 10-12 of this Title.
- C. Except as authorized in A and B of this definition, in determining compliance with the provisions and uses of this Code, a mobile home, manufactured home, or a modular resembling a mobile home or manufactured home, is not considered a single family dwelling. (Ord. No. 7, Series 1994)

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

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

EASEMENT, PUBLIC A right of use of a property given by the owner to the City for public use, and accepted for such use by or on behalf of the public. (Ord. No. 2, Series 2011)

ECOSYSTEM The living and non-living components of the environment which interact or function together, including plant and animal organisms, the physical environment, and the energy systems in which they exist. All the components of an ecosystem are inter-related.

ENCOURAGE Stimulate; give help to; foster.

ENHANCEMENT An action which results in a long-term improvement of existing functional characteristics and processes that is not the results of a

creation or restoration action.

ESSENTIAL FACILITIES

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

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

ESTUARY

The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.

ESTUARINE IMPACT ASSESSMENT

An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.

FAMILY

One 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 disabled persons or aged persons including their attendants residing at this address who need not be related to each other or to any other unit resident. (Ord. 711)

FILL

For the purposes of this Code and the Comprehensive Plan, the definition of fill shall be the definition used in the Statewide Planning Goals: The placement by man of sand, sediment, or other material, usually in submerged lands or wetlands, to create new uplands or raise the elevation of land.^a

FINANCE OFFICER

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

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

| | |
|--------------------------------------|---|
| FLOODFRINGE | The area of the floodplain lying outside of the floodway, but subject to periodic inundation from flooding. |
| FLOODPLAIN | The area adjoining a stream, tidal estuary or coast that is subject to regional flooding. |
| FLOOD, REGIONAL (100 YEAR) | A standard statistical calculation used by engineers to determine the probability of server flooding. It represents the largest flood which has a one-percent chance of occurring in any one year in an area as a result of periods of higher-than-normal rainfall or streamflows, extremely high tides, high winds, rapid snowmelt, natural stream blockages, tsunamis, or combinations thereof. |
| FLOODWAY | The normal stream channel and that adjoining areas of the natural floodplain needed to convey the waters of a regional flood while causing less than one foot increase in upstream flood elevations. |
| FOREDUNE, ACTIVE | An unstable barrier ridge of sand paralleling the beach and subject to wind erosion, water erosion, and growth from new sand deposits. Active foredunes may include areas with beach grass, and occur in sand spits and at river mouths as well as elsewhere. |
| FOREDUNE, CONDITIONALLY STABLE | An active foredune that has ceased growing in height and that has become conditionally stable with regard to wind erosion. |
| FOREDUNE, OLDER | A conditionally stable foredune that has become wind stabilized by diverse vegetation and soil development. |
| FOREST LANDS | See definition of commercial forest lands and uses in the Oregon Forest Practices Act and the Forest Lands Goal. |
| GARAGE, PRIVATE | A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles for the tenants, employees or owners of the property for which the parking spaces contained in or on said garage are required by this Title and are not open for use by the general public. |
| GARAGE, PUBLIC PARKING | A publicly or privately owned structure having one or more tiers of height, used for the parking of automobiles and open for use by the general public, either free or for remuneration. Public parking garages may include parking spaces for customers, patrons or clients as required by this Title, provided said parking spaces are clearly identified as free parking spaces for the building or use required to provide said spaces. |
| GARAGE, REPAIR | A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted. |
| GEOLOGIC | Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes. |
| GRADE | The average of the finished ground level at the center of all walls of a |

| | |
|-----------------------------|--|
| (ADJOINING GROUND LEVEL) | building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way. |
| GROIN | A small structure extending from a shore to protect a beach against erosion or to trap shifting sands. |
| GROUNDWATER | Water in the zone of saturation beneath the surface of the earth. |
| GROUP CARE HOME | Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84) |
| HALF STORY | That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it. |
| HARDPAN | A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate. |
| HAZARDOUS FACILITY | Structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be of danger to the safety of the public if released (per ORS 455.446). |
| HEADLANDS | Bluffs, promontories or points of high shoreland jutting out into the ocean, generally sloping abruptly into the water. Oregon headlands are generally identified in the report on Visual Resource Analysis of the Oregon Coastal Zone, OCCDC, 1974. |
| HISTORICAL RESOURCES | Those districts, sites, buildings, structures, and artifacts which have a relationship to events or conditions of the human past. (See Archaeological Resources definition). |
| HOME OF THE AGED | Any home or institution that provides board and domiciliary care for compensation to three (3) or more persons who are of the age of sixty-five (65) years of more, or persons of less than sixty-five (65) years who, by reasons of infirmity, require domiciliary care. |
| HOME OCCUPATION | <p>Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:</p> <ul style="list-style-type: none"> 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.

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

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

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

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

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

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

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

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

INSURE Guarantee; make sure or certain something will happen.

INTEGRITY The quality or state of being complete and functionally unimpaired; the wholeness or entirety of a body or system, including its parts, materials,

and processes. The integrity of an ecosystem emphasizes the interrelatedness of all parts and the unity of its whole.

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

Corner” both lot or parcel lines are the front line. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.

B. Rear: The property line which is opposite to and most ~~distance~~distance from the front lot or parcel line. In the case of triangular shaped lot, the rear lot line for building purposes shall be assumed to be a line ten feet (10') in length within the lot, parallel to and at the maximum distance from the front lot line.

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

LOT MEASUREMENTS

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

B. Width: The horizontal distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot lines.

LOT TYPES

A. Corner: A lot or development site bounded entirely by streets, or a lot having only one side not bounded by a street, or a lot which adjoins the point of intersections of two (2) or more streets and in which the interior angle formed by the extensions of the street lines in the direction which they take at their intersections with side lot lines forms an angle of one hundred thirty five degrees (135) or less. In the event that any street line is a curve at its point of intersection with a side lot line, the tangent to the curve at the point of intersection shall be considered the direction of the street line.

B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street. A lot or parcel having frontage on two (2) parallel or approximately parallel streets other than alleys.

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

D. Flag Lot: A lot or parcel that has a narrow frontage on a public street with access provided via a narrow accessway or “pole” to the main part of the lot used for building, which is located behind another lot that has street frontage. There are 2 distinct parts to the flag lot; the development area or “flag” which comprises the actual building site, and the access strip or “pole” which provides access from the street to the flag.

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

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

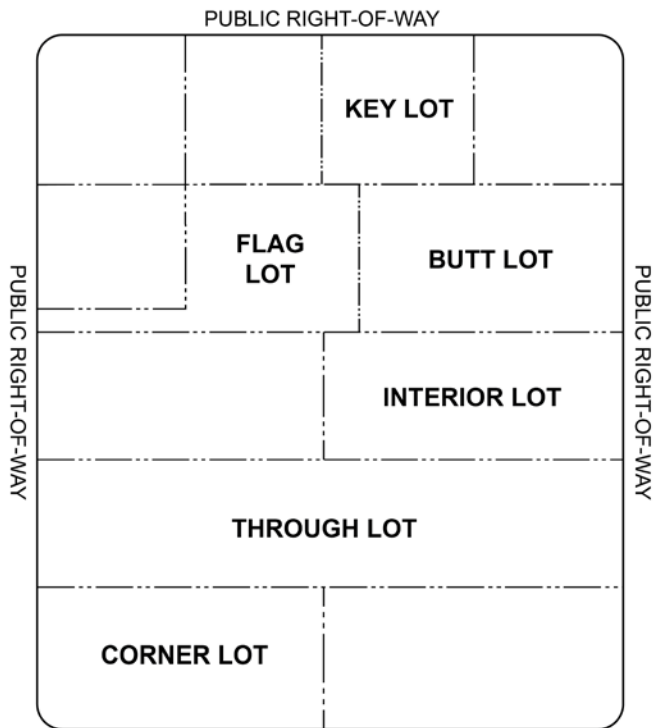


Figure 10-2-13-2: An illustration depicting lot types.

| | |
|---------------------------------|---|
| MAIN BUILDING | A building within which is conducted the principal use permitted on the lot, as provided by this Title. |
| MAIN CHANNEL | That part of a waterway which extends upstream from the entrance channel into the estuary proper (also called "inner channel").—All or segments of the main channel may be maintained by dredging. The main channel does not include auxiliary channels or waterways. |
| MAINTAIN | Support, keep, and continue in an existing state or condition without decline. |
| MANAGEMENT UNIT | A discrete geographic area, defined by biophysical characteristics and features, within which particular uses and activities are promoted, encouraged, protected, or enhanced, and others are discouraged, restricted, or prohibited. |
| MANUFACTURED HOME | A structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or forty or more body feet in length, or when erected on site is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems herein. A manufactured home is a home built on or after June 15, 1976, to the standards and requirements of the National Manufactured Home Construction and Safety Standards Act of 1974 |
| <u>MARKET RATE HOUSING UNIT</u> | <u>A single housing unit, or a single space in a manufactured dwelling park, that does not qualify as affordable housing.</u> |
| MEDICAL MARIJUANA | A medical marijuana dispensary business required to register with the Oregon Health Authority under ORS 475.314. |

FACILITY

| | |
|---|--|
| MINING | All or any part of the process of mining by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method including open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse and the construction of adjacent or off-site borrow pits except those constructed for use as access roads. The term does not include excavations of sand, gravel, clay, rock or other similar materials conducted by a landowner or tenant on the landowner's or tenant's property for the primary purpose of reconstruction or maintenance of access roads and excavation or grading operations conducted in the process of farming or cemetery operations, onsite road construction or other onsite construction or non-surface impacts of underground mines. |
| MINOR NAVIGATIONAL IMPROVEMENTS | Alterations necessary to provide water access to existing or permitted uses in Conservation Management units, including dredging for access channels and for maintaining existing navigation but excluding fill and in-water navigational structures other than floating breakwaters or similar permeable wave barriers. |
| MITIGATION | The creation, restoration, or enhancement of an estuarine area to maintain the functional characteristics and processes of the estuary, such as its natural biological productivity, habitats, and species diversity, unique features and water quality. |
| MOBILE HOME | A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes which was built prior to June 15, 1976 under the State Mobile Home Code in effect at the time of construction. |
| MOBILE HOME/ MANUFACTURED HOME PARK | A place where four (4) or more mobile homes/manufactured homes are located within five hundred feet (500') of one another on a lot, tract or parcel of land under the same ownership. |
| MOBILE HOME SPACE | A plot of ground within a mobile home park that is designed for the accommodation of one mobile home |
| MODULAR BUILDING | A building constructed off-site which does not have axles or a frame, but which conforms to all local building codes. |
| MOTEL | See "Hotel". |
| MULTI-USE PATH | A paved 10 to 12-foot wide way that is physically separated from motorized vehicular traffic; shared with pedestrians, skaters, and other |

| | |
|--|--|
| | non-motorized users. (Ord. No. 2, Series 2011) |
| MULTI-USE PATHWAY | A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage. |
| MULTI-USE TRAIL | An unpaved path that accommodates pedestrians; shared with other non-motorized users. (Ord. No. 2, Series 2011) |
| NATURAL AREAS | Includes land and water that has substantially retained its natural character, which is an important habitat for plant, animal, or marine life. Such areas are not necessarily completely natural or undisturbed, but can be significant for the study of natural, historical, scientific, or paleontological features, or for the appreciation of natural features. |
| NATURAL HAZARDS | Natural events that are known to result in death or endanger the works of man, such as stream flooding, ocean flooding, groundwater, erosion and deposition, landslides, earthquakes, weak foundation soils and other hazards unique to local or regional areas. |
| NATURAL RESOURCES | Air, land and water and the elements thereof which are valued for their existing and potential usefulness to humans. |
| NEIGHBORHOOD COMMERCIAL | The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required. |
| NONCONFORMING USE | A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located. |
| NON-STRUCTURAL EROSION CONTROL SOLUTIONS | Alternatives to erosion control structures, including, but not limited to, a combination of soils, sands, gravels and stone in conjunction with biodegradable protective materials and live plant materials. |
| OCCDC | Oregon Coastal Conservation and Development Commission created by ORS 191; existed from 1971 to 1975. Its work is continued by LCDC. |
| OCEAN FLOODING | The flooding of lowland areas by salt water owing to tidal action, storm surge, or tsunamis (seismic sea waves). Land forms subject to ocean flooding include beaches, marshes, coastal lowlands, and low-lying interdune areas. Areas of ocean flooding are mapped by the Federal Emergency Management Agency (FEMA). Ocean flooding includes areas of velocity flooding and associated shallow marine flooding. Ocean flooding is more specifically defined in the individual Chapters of this Plan as it pertains to the policies and objectives in the respective chapters. |
| OPEN SPACE | Any publicly or privately owned land that is retained in a substantially |

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

| | |
|-------------------------------|--|
| OVERLAY ZONING DISTRICT | A zoning district that applies to property in addition to a “Base Zoning District.” In Title 10 of the Florence City Code, “Natural Resources Conservation Overlay District” is an example of an overlay zoning district and “Single-family Residential” is an example of a base zoning district. |
| PARKING AREA PRIVATE | Private or publicly-owned property, other than streets or alleys, on which parking spaces are defined, designated or otherwise identified for use by the general public, either free or for remuneration. Public parking areas may include parking lots which may be required by this Title for retail customers, patrons and clients. (Ord. 625, 6-30-80). |
| PARKING SPACE | A permanently maintained space with proper access for one automobile. (Ord. 669, 5-17- 82). |
| PARKLANDS | Provide for human development and enrichment, and include, but are not limited to: open space and scenic landscapes that provide a place for people to exercise and interact; active recreational lands; historical, archaeology and natural science resources that incorporate a combination of interpretive signage, trails, picnicking and seated areas, and viewing areas; sports and cultural facility areas; picnicking; trails; waterway use facilities; active and passive activities. (Ord. No. 2, Series 2011) |
| PIER | A structure, usually of open construction, extending out into the water from the shore, to serve as a landing place, recreational facility, etc., rather than to afford coastal protection. |
| PILE | A long, heavy timber or section of concrete or metal to be driven or jettied into the earth or seabed to serve as a support or protection. |
| PILING | A group of piles |
| PLANNING DIRECTOR OR DIRECTOR | As used in this Title and Title 11, the person so designated by the City Manager. |
| PUBLIC ACCESS EASEMENT | A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel. |
| POLLUTION | The introduction of contaminants into an environment that causes instability, disorder, harm or discomfort to the ecosystem, i.e., physical systems or living organisms. |
| PRESERVE | To save from change or loss and reserve for a special purpose. |

| | |
|--|---|
| PROTECT | Save or shield from loss, destruction, or injury or for future intended use. |
| PROVIDE | Prepare, plan for, and supply what is needed. |
| PUBLIC FACILITIES AND SERVICES AND PUBLIC GAIN | <p>Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.</p> <p>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.</p> |
| QUALITY | The degree of excellence or relative goodness. |
| RECREATION | <p>Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.</p> <p><u>Coastal Recreation</u> occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.</p> <p><u>Low-Intensity Recreation</u> does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.</p> <p><u>High-Intensity Recreation</u> uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.</p> |
| RECREATIONAL VEHICLE <u>(RV)</u> | A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes (except as permitted in Coast Village District) and has floor space of less than 220 <u>400</u> square feet <u>in set up mode</u> , excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms. |
| RECREATION NEEDS | Existing and future demand by citizens and visitors for recreation areas, facilities, and opportunities which can contribute to human health, development, and enrichment. (Ord. No. 2, Series 2011) |
| <u>RELIGIOUS INSTITUTION</u> | <u>A building together with its accessory buildings and uses, where persons regularly assemble for worship and which is maintained and controlled by a religious body organized to sustain public worship or support religious activities or organizations. Accessory uses may include dwelling(s) for employees of the institution such as a parsonage or rectory.</u> |
| <u>RESIDENTIAL CARE HOME / ADULT FOSTER CARE</u> | <u>A residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. These homes are</u> |

regulated the same as other residential uses.

RESIDENTIAL
CARE FACILITY /
NURSING HOME

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

RESOURCE
CAPABILITIES
ASSESSMENT

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

RESTING AND
PASSING SPACE

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

RESTORE

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

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

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

RIGHT OF WAY

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

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

or ocean current promotes deposition of granular material, resulting in localized shallowing (shoaling) of the water.

SHOALING

A decrease in water depth, especially near a shoreline.

SHORELINE

The boundary line between a body of water and the land, measured on tidal waters at mean higher high water, and on non-tidal waterways at the ordinary high-water mark.

**SIGNIFICANT
HABITAT AREAS**

A land or water area where sustaining the natural resource characteristics is important or essential to the production and maintenance of aquatic life or wildlife populations.

**SOCIAL
CONSEQUENCES**

The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.

**SPECIAL
OCCUPANCY
STRUCTURES**

A class of structures particularly vulnerable to earthquakes and tsunamis due to the nature of their use or occupancy. These structures typically include (per ORS 455.446):

- A. Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons;
- B. Buildings with a capacity of greater than 250 individuals for every public, private or parochial school through secondary level or child care centers;
- C. Buildings for colleges or adult education schools with a capacity of greater than 500 persons;
- D. Medical facilities with 50 or more resident, incapacitated persons not included in subsection (a) through (c) of this paragraph;
- E. Jails and detention facilities; and
- F. All structures and occupancies with a capacity of greater than 5,000 persons.

**SPECIAL USE
PERMIT**

The administrative approval of a use or activity based on criteria and standards set forth in the Florence City Code (as differentiated from a Conditional Use Permit, which requires public hearings and Planning Commission approval).

| | |
|-------------------------------|--|
| STORY | That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or, for the topmost story, the ceiling above. |
| STREET | A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved. |
| STRUCTURE | See "Building." For the purposes of administering Code Chapters 7, 18, 19, and 24, the definition shall also mean anything constructed, installed, or portable, the use of which requires a location on the ground, either above or below water. |
| SUBSTANCIAL IMPROVEMENT | Any repair, reconstruction, or improvement of a structure which exceeds 50 percent of the real market value of the structure. |
| SUBSTRATE | The medium upon which an organism lives and grows. The surface of the land or bottom of a water body. |
| SUBTIDAL | Below the level of mean lower low tide (MLLT). |
| TEMPORARY ESTUARY ALTERATION | Dredging, filling, or another estuarine alteration occurring over a specified short period of time which is needed to facilitate a use allowed by the Florence Comprehensive Plan. Temporary alterations may not be for more than three years and the affected area must be restored to its previous condition. Temporary alterations include: (1) alterations necessary for federally authorized navigation projects (e.g., access to dredged material disposal sites by barge or pipeline and staging areas or dredging for jetting maintenance), (2) alterations to establish mitigation sites, alterations for bridge construction or repair and for drilling or other exploratory operations, and (3) minor structures (such as blinds) necessary for research and educational observation. |
| TERRITORIAL SEA | The ocean and seafloor area from mean low water seaward three nautical miles. |
| TIDAL MARSH | Wetlands from lower high water (LHW) inland to the line of non-aquatic vegetation. |
| TOURIST COURT | See "Hotel". |
| TRADITIONAL CULTURAL PROPERTY | A place which is culturally significant because of its association with cultural practices or beliefs of a living community that are rooted in that community's history and that are important in maintaining the continuing cultural identity of the community. |

TRANSITIONAL HOUSING

A congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. The facility may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Transitional facilities are not considered bed and breakfast inns/boardinghouses, hotels or motels.

TSUNAMI INUNDATION MAPS (TIMs)

The map, or maps in the DOGAMI Tsunami Inundation Map (TIM) Series, published by the Oregon Department of Geology and Mineral Industries, which cover(s) the area within the City of Florence.

TSUNAMI VERTICAL EVACUATION STRUCTURE

A building or constructed earthen mound that is accessible to evacuees, has sufficient height to place evacuees above the level of tsunami inundation, and is designed and constructed with the strength and resiliency needed to withstand the effects of tsunami waves.

TYPE III BARRICADE

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

USE

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

VISION CLEARANCE

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

WALKWAYS

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

WATER DEPENDENT SITES

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

WATER-DEPENDENT USE

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

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

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

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

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

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

"Energy production" means uses which need quantities of water to produce energy directly (e.g. hydroelectric facilities, ocean thermal energy conversion);

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

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

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

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

WATER
ORIENTED

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

WATER-RELATED

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

WETLANDS

Land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities

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

WRECKING YARD,
MOTOR
VEHICLES
BUILDING
MATERIALS

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

YARD

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

YARD, FRONT

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

YARD, REAR

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

YARD, SIDE

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

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

Industrial Use Categories

| | |
|---|--|
| INDUSTRIAL SERVICE | Industrial Service firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site. |
| MANUFACTURING AND PRODUCTION | Manufacturing and Production firms are involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site. |
| WAREHOUSE, FREIGHT MOVEMENT, AND DISTRIBUTION | Warehouse, Freight Movement, and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. |
| WATER-RELATED INDUSTRIAL USE | Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Municipal waste-related industrial uses are those solely owned by, or in partnership with the City of Florence. |
| WHOLESALE SALES | Wholesale Sales firms are involved in the sale, lease, or rent of products primarily intended for industrial, institutional, or commercial businesses. The uses emphasize on-site sales or order taking and often include display areas. Businesses may or may not be open to the general public, but sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on site or delivered to the customer. |

Commercial Use Categories

| | |
|----------------------|--|
| EDUCATIONAL SERVICES | Commercial Educational Service uses are characterized by activities conducted in an office setting and generally focusing on serving |
|----------------------|--|

students with supplemental training, education, and/or tutoring. Some examples are nursing and medical training centers accessory to a hospital or college or an after school math and reading center. Educational service uses are distinct from college and school land use categories.

| | |
|---------------------------|---|
| OFFICE | Office uses are characterized by activities conducted in an office setting and generally focusing on business, government, professional, medical or financial services. |
| PARKING FACILITY | Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility may be a surface parking lot or structured parking garage. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Parking facility. |
| QUICK VEHICLE SERVICING | Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (different than Vehicle Repair). Some examples are car washes, quick lubrication services and gas stations. |
| RETAIL SALES | Retail Sales firms are involved in the sale, lease or rent of new or used products to the general public. |
| RETAIL ENTERTAINMENT | Retail Entertainment firms provide consumer-oriented entertainment, activities or games to the general public. Some examples are game arcades, theaters and health clubs. |
| RETAIL SERVICE AND REPAIR | Retail Service firms provide personal services and/or provide product repair for consumer and business goods. Some examples are photographic studios, dance classes, locksmith and upholsterer (different than Quick Vehicle Servicing and Vehicle Repair). |
| VEHICLE REPAIR | Firms servicing passenger vehicles, light and medium trucks and other consumer motor vehicles such as motorcycles, boats and recreational vehicles. Generally, the customer does not wait at the site while the service or repair is being performed (different than Quick Vehicle Servicing). Some examples are auto repair or body shop, auto detailing and auto tire sales and mounting. |

Institutional and Civic Use Categories

| | |
|--------------------|--|
| BASIC UTILITIES | Basic Utilities are infrastructure services that need to be located in or near the area where the service is provided. Basic Utility uses generally do not have regular employees at the site. Services may be public or privately provided. Some examples are electrical substations, water storage facilities, sewer pump stations and bus stops. |
| COMMUNITY SERVICES | Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions but are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may provide mass shelter or |

short term housing where tenancy may be arranged for periods of less than one month when operated by a public or non-profit agency. The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature. Some examples are libraries, museums and social service facilities.

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

PARKS AND OPEN AREAS Parks and Open Areas are uses of land focusing on natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Lands tend to have few structures.

Other Use Categories

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

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

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

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

Amended by Ordinance No. 15, Series 1988
Amended by Ordinance No. 2, Series 2000
Amended by Ordinance No. 12, Series 2002
Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009
Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11
Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12
Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13
Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)
Sections 10-2-13 and 10-2-14 amended by Ord. No. 11, Series 2016 (effective 11-16-16)
Section 10-2-13 amended by Ord. No. 4, Series 2018 (effective 6-21-18)
Section 10-2-13 amended by Ord. No. 13, Series 2018 (effective 11-21-18)