

**CITY OF FLORENCE  
ORDINANCE NO. 4, SERIES 2018**

**AN ORDINANCE APPROVING A CITY-INITIATED UPDATE TO ZONING CODE TITLE 10, CHAPTERS 1, 2, 3, 4, AND 10 TO PERMIT ACCESSORY DWELLING UNITS, PERMANENT RESIDENCES AT PLACES OF WORSHIP, MAKE NECESSARY CHANGES RELATED TO SB 1051, AND MAKE OTHER CHANGES TO CITY CODE.**

**RECITALS:**

1. The Florence City Council initiated amendments to code on January 8, 2018.
2. On April 2, 2018 notice of the proposed code amendments was sent to the Department of Land Conservation and Development, prior to the first evidentiary hearing.
3. On April 25 and May 2, notice of hearing was published in the Siuslaw News prior to the Planning Commission hearing of May 8, 2018.
4. On May 12 and May 16, notice of hearing was published in the Siuslaw News prior to the City Council hearing of May 21, 2018.
5. Planning Commission opened their public hearing May 8, 2018 and deliberated to a decision for a recommendation to the City Council.
6. City Council conducted a public hearing on May 21, 2018 and found the amendments consistent with applicable criteria in Florence City Code, Realization 2020 Florence Comprehensive Plan, Oregon Administrative Rules and Oregon Revised Statutes.

Based on these findings,

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

1. Florence City Code Title 10, Chapters 1, 2, 3, 4, and 10 are amended as explained in Exhibit A, as shown in Exhibits B through F, and initiated through Council.
2. This ordinance shall become effective thirty days following adoption. (June 21, 2018).
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on the 21<sup>st</sup> day of May 2018.

Second Reading on the 21<sup>st</sup> day of May 2018.

This Ordinance is passed and adopted on the 21<sup>st</sup> day of May 2018.

AYES

NAYS

ABSTAIN

ABSENT

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Joe Henry, Mayor

Attest:

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Kelli Weese, City Recorder

**FINDINGS OF FACT**  
**Ordinance No. 4, Series 2018**  
**Exhibit "A"**

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**Public Hearing Date:** May 21, 2018

**I. PROPOSAL DESCRIPTION**

**Proposal:** A City-initiated update to zoning code (Title 10) to permit Accessory Dwelling Units, permanent residences at places of worship, make necessary changes related to SB 1051, and make other changes to City Code.

**II. NARRATIVE**

Senate Bill 1051 was signed by Governor Brown on August 15, 2017 and was made effective that same date. All sections of SB 1051 become operative on July 1, 2018.

Senate Bill 1051 places the following requirements on cities with a population greater than 5,000 people:

- Cities must review and decide on applications for certain housing developments containing affordable housing units within 100 days.
- Cities are prohibited from denying applications for housing developments which comply with clear and objective standards.
- Cities are prohibited from reducing the density or height of housing applications if the density or height being applied for is at or below those authorized for the zone where the proposal is located.
- Cities must allow nonresidential places of worship to use real property for affordable housing.
- Local governments must report information related to their applications received for needed housing annually to the Department of Land Conservation and Development.
- Cities (with a population greater than 2,500 people) are barred from prohibiting the building of Accessory Dwelling Units in areas zoned for single-family dwellings.

The Planning Commission and City Council have had several work sessions regarding SB 1051 and related changes, summarized below.

This code amendment also accomplishes a number of minor housekeeping tasks and proposes to rearrange several sections/chapters of code for clarity.

A summary of proposed changes by Chapter:

**Exhibit:**

- B. FCC 10-1: Zoning Administration: FCC 10-1-1-5:** Addition of 100-day provision for applications meeting the criteria of ORS 197.311.
- C. FCC 10-2: General Zoning: FCC 10-2-13:** Addition of Definitions.
- D. FCC 10-3: Off-Street Parking and Loading:** Addition of parking requirements for Accessory Dwelling Units.
- E. FCC 10-4: Conditional Uses: FCC 10-4-12-A:** Addition of code criteria for places of worship, permitting the construction of housing, provided that 50 % is affordable.
- F. FCC 10-10: Restricted Residential District: FCC 10-10-6:** Addition of code criteria to permit Accessory Dwelling Units. Section number is a place holder for upcoming code changes.

**III. NOTICES**

Department of Land Conservation and Development notice was submitted electronically on April 2, 2018. DLCD File # 005-18.

Notice regarding the proposed amendments was published in the May 12 and May 16, 2018 editions of the Siuslaw News as well as posted on the City of Florence website.

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

**IV. APPLICABLE REVIEW CRITERIA**

**Florence City Code, Title 10:**

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

**Realization 2020 Florence Comprehensive Plan:**

Chapter 1: Citizen Involvement, Policies 4 through 6

Chapter 2: Land Use, Policies 1 through 3

Residential, Policies 2 and 8 & Recommendation 4

Chapter 9: Economic Development, Policy 1

Chapter 10: Housing Opportunities, Policies 1 through 3, Recommendation 1 and 3

**Oregon Revised Statutes:**

ORS 197.610(1) through 197.610(6)

ORS 227.186(4)

## V. PROPOSED FINDINGS

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

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### FLORENCE CITY CODE

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

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

**A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.**

**C. Legislative Changes:**

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

Application for this legislative change was made by initiation of the City Council at their January 8, 2018 meeting. The proposed changes were considered by the Planning Commission on May 8, 2018 and their recommendation forwarded to the Council as Resolution PC 18 10 TA 01.

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

Notification of the Planning Commission legislative public hearing for this application was published in the Siuslaw News two times on April 25 and May 2, 2018. Notification of the City Council legislative public hearing for this application was published in the Siuslaw News two times on May 12, 2018 and May 16, 2018. The notification procedures meet the requirements of Florence City Code, the policies of the Florence Realization 2020 Comprehensive Plan, and state law.

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## FLORENCE REALIZATION 2020 COMPREHENSIVE PLAN

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### CHAPTER 1: CITIZEN INVOLVEMENT

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#### Goal

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

#### Policies:

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

This policy is met. The proposed code amendments are consistent with this policy because the notice of the public hearing was noticed in the newspaper prior to a public hearing before the City Council, as required by state law. Notice was published in the Siuslaw News on May 12 and May 16, 2018. Staff also updates the City's website to state when City meetings are held. Materials for City Council meetings are posted on the website prior to the meeting. The agendas are also posted in the temporary City Hall location at the Public Works Facility.

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

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

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

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

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### CHAPTER 2: LAND USE

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#### LAND USE

#### Goal

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

**Policy 1. Designation and location of land uses shall be made based on an analysis of documented need for land uses of various types, physical suitability of the lands for the uses proposed, adequacy of existing or planned public facilities and the existing or planned transportation network to serve the proposed land use, and potential impacts on environmental, economic, social and energy factors.**

Accessory dwellings have been deemed an appropriate solution to providing housing within established neighborhoods, the existing public facilities and transportation network adequate for the increase in needed services, and the potential impacts on environmental, economic, social, and energy factors deemed positive in contrast to the alternative of building traditional single-family dwellings on traditionally-sized and platted lots.

Permanent residences provided by places of worship are also a low-impact solution to housing issues currently being experienced in Florence and throughout the state. Many places of worship are suitable sites for housing by being located in close proximity to existing housing, education, needed services, or within residential zoning districts. These facilities also allow for the structured and adequate provision of housing for those who may not be able to afford market-rate housing.

**Policy 2. Land use plans and actions of special districts, County, State and Federal agencies shall be consistent with the Florence Realization 2020 Comprehensive Plan, as amended.**

The proposed code amendments establish City Code in compliance with state law put in place by SB 1051. The establishment of these criteria allow a measurable or quantifiable factual base for land use decisions and actions.

The proposed code amendments are consistent with the Florence Realization 2020 Comprehensive Plan in all aspects.

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

The establishment and update of the zoning code will allow for planning decisions for proposals such as Accessory Dwelling Units, affordable housing meeting the criteria of ORS 197.311, and residences proposed at places of worship that clearly meet the criteria in code in order to better serve the Florence community and better enforcement of City zoning. The proposed regulations will establish consistent standards of development for the activities permitted by state law.

## Residential

### Goal

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

The City is implementing these zoning codes in order to both address newly adopted state law and as a result of a Housing Needs Analysis undertaken in 2017. The Housing Needs Analysis is not yet finalized or adopted as part of the Comprehensive Plan, but recommends the implementation of standards also required by SB 1051. These types of housing have also been identified as a way to provide housing within established neighborhoods without the need to develop large tracts of undeveloped land or providing costly City utility extensions.

- Policy 8.**            **Existing residential uses in residential zoning districts and proposed residential areas shall be protected from encroachment of land uses with characteristics that are distinctly incompatible with a residential environment. Existing residential uses in commercial and industrial zones shall be given the maximum practicable protection within the overall purposes and standards of those districts.**

The uses permitted by this code text amendment are residential in nature, therefore, no protection is needed from these newly established uses. All uses which will be allowed are inherently compatible with residential environments.

### Recommendations

- Rec. 4.**            **City Codes should be amended to encourage innovative housing types and subdivision layouts which embrace new trends in residential living and promote neighborhoods within the Florence community.**

The proposed code change is updating City Code to address a trend in residential living. This trend stems from both a lack of available affordable housing and a desire for smaller homes. Accessory Dwelling Units and church-provided Affordable Housing are both innovative housing types which will address these housing issues.



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## CHAPTER 9: ECONOMIC DEVELOPMENT

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### Goal

**Policy 1. The City shall encourage actions and activities that promote the availability of new employment in the community, especially family wage jobs.**

The proposed code amendments will affect the permitted uses of several zoning districts, such as Restricted Residential, Single-Family, Multi-Family, Mobile Home/Manufactured Home, and Coast Village districts. The provision of housing, especially workforce housing, is undoubtedly interconnected and interrelated to the availability of family-wage jobs. By providing for a greater number of housing units, many of which will be affordable by Florence's workforce, the City can encourage consistent employment and greater opportunities for members of the workforce who may live in inflated-price housing or outside of the immediate area to reduce their housing costs and commute times.

The ability for property owners to construct accessory dwellings also creates an opportunity for an increase in demand for construction trade workers and employment within the industry.

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## CHAPTER 10: HOUSING OPPORTUNITIES

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### Goal

**To provide the opportunities and conditions to meet housing needs within the City of Florence and the Urban Growth Boundary.**

**Policy 1. The Zoning Ordinance shall provide for varying density levels, land use policies, and housing types in support of this goal.**

The incorporation of provisions to allow Accessory Dwelling Units will provide for a previously unpermitted type of housing which could provide additional needed housing at a cost affordable to both property owners and tenants.

**Policy 2. City codes and standards shall be enforced for the purpose of maintaining and upgrading the housing supply.**

Senate Bill 1051 does not provide any standards for accessory dwellings other than direction to cities with a population over 2,500 people to allow for their construction and use. The codes proposed for Accessory Dwelling Units serve the purpose of ensuring that the provided housing supply meets a minimum standard of safety, sanitation, and convenience.

**Policy 3. Sufficient land within the Florence area shall be made available for high density housing development where**

**public services are adequate and where higher densities and traffic will be compatible with the surrounding area.**

The proposed code amendment allows for increased infill development within existing neighborhoods where public services already exist. Higher traffic and utility upgrades are generally not regarded as consequences to allowing construction of Accessory Dwelling Units. Permitting ADUs also allows for reduced pressures to construct single-family-type dwellings on lands reserved for higher-density housing developments.

**Recommendations**

**Rec. 1. Housing programs to meet the needs of the City’s elderly and low-income families should be pursued.**

The provision of Accessory Dwelling Units is typically thought to allow for aging-in-place by allowing elderly residents to move from a larger home (the primary dwelling) into a smaller home on property they own, allowing them to maintain long-time residences while also allowing them to keep up with a smaller space. Where much of the housing issue in Florence revolves around the lack of rental stock, accessory dwellings also provide the opportunity for lower-income families and individuals by allowing for a greater number of rental units to be constructed. These units may also be constructed on the properties of related persons and resided in rent-free, allowing for a true, fully-contained, additional dwelling on the same property.

**Rec. 3. The City should encourage innovative design techniques (such as clustering, townhouses, or condominiums) in appropriate areas, as a method to preserve open space, to lower the costs of housing and public facilities, and to maintain vegetative cover.**

Accessory dwellings are an innovative design technique that allow for additional housing through infill development. These types of dwellings are appropriate for existing single-family neighborhoods and allow for the provision of housing without expensive investment associated with subdivision development. This type of infill development also allows for the preservation or delay of development of existing tracts of land where vegetative cover would have been removed for traditional single-family development.

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**OREGON REVISED STATUTES**

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

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

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

Notice of the proposed changes were sent to the Department of Land Conservation and Development on April 2, 2018, more than 35 days prior to the first evidentiary hearing.

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

All changes were submitted within the timeline established by the State and DLCD. Revisions to the proposed codes were submitted at the first opportunity.

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

- (a) The text of the proposed change to the comprehensive plan or land use regulation implementing the plan;**
- (b) If a comprehensive plan map or zoning map is created or altered by the proposed change, a copy of the map that is created or altered;**
- (c) A brief narrative summary of the proposed change and any supplemental information that the local government believes may be useful to inform the director or members of the public of the effect of the proposed change;**
- (d) The date set for the first evidentiary hearing;**
- (e) The form of notice or a draft of the notice to be provided under ORS 197.763, if applicable; and**
- (f) Any staff report on the proposed change or information describing when the staff report will be available, and how a copy of the staff report can be obtained.**

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

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**CHAPTER 227 – CITY PLANNING AND ZONING**

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**ORS 227.186: Notice to Property Owners of hearing on Certain Zone change: Form of Notice; Exception; Reimbursement of Cost.**

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

The proposed code amendments apply to all residential zoning districts of the City, however, the proposed changes do not affect any particular residential district more so than any other. Proposed changes relax restrictions on allowed uses by allowing a previously unpermitted use. Staff finds that this Oregon Revised Statute does not apply in this particular situation. No changes have been proposed which have the effect of rezoning property or effecting the value of property. Notice was published within the Siuslaw News on May 12 and 16, 2018.

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**VI. CONCLUSION**

The proposed text amendments to Florence City Code Title 10 meet the requirements of City Code, applicable criteria in the Florence Realization 2020 Comprehensive Plan, and Oregon Revised Statutes and recommends approval of Ordinance No. 4, Series 2018 – An Ordinance amending Florence City Code Title 10, Chapters 1, 2, 3, 4, and 10 to address accessory dwelling units, permanent affordable housing provided by places of worship, land use processing timelines, and other changes related to Senate Bill 1051.

## TITLE 10 CHAPTER 1

### ZONING ADMINISTRATION

#### SECTION:

- 10-1-1: Administrative Regulations
- 10-1-1-1: Short Title
- 10-1-1-2: Scope
- 10-1-1-3: Purpose
- 10-1-1-4: Application
- 10-1-1: Table: Summary of Approvals by Review Procedure
- 10-1-1-5: General Provisions
- 10-1-1-6: Types of Review Procedures
- 10-1-1-6-1: Type I Reviews
- 10-1-1-6-2: Type II Reviews
- 10-1-1-6-3: Type III Reviews
- 10-1-1-6-4: Type IV Reviews
- 10-1-1-7: Appeals
- 10-1-1-8: Enforcement
- 10-1-2: Use Districts and Boundaries
- 10-1-2-1: Districts Established
- 10-1-2-2: Change of Boundaries on Zoning Map
- 10-1-2-3: Zoning of Annexed Areas
- 10-1-3: Amendments and Changes

#### 10-1-1: ADMINISTRATIVE REGULATIONS:

**10-1-1-1: SHORT TITLE:** This Title shall be known as the "Zoning Ordinance of the City of Florence", and the map herein referred to shall be known as the "Zoning Map of the City of Florence". Said Map and all explanatory matter thereon are hereby adopted and made a part of this Title.

**10-1-1-2: SCOPE:** No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless in conformity with the regulations herein specified for the district in which it is located, except as otherwise provided herein. No permit for the construction or alteration of any building shall be issued unless the plan, specifications and intended uses of such building conform in all respects with the provisions of this Title. The zoning regulations are not intended to abrogate, annul or impair easement, covenant or other agreements between parties, except that where the zoning regulations impose a greater restriction or higher standard than that required by such agreement, the zoning regulations shall control.

#### 10-1-1-3: PURPOSE

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

1. To fulfill the goals of Florence's Comprehensive Plan.
2. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.
3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open space.

4. Protect residential, commercial, industrial and civic areas from the intrusion of incompatible uses, and to provide opportunities for establishments to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
5. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
6. To promote safe, fast and efficient movement of people and goods without sacrifice to the quality of Florence's environment, and to provide adequate off-street parking.
7. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
8. To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.

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

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

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

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

1. **Type I (Ministerial) Procedure (Staff Review – Zoning Checklist).** Type I decisions are made by the City Planning Director, or his or her designee, without public notice and without a public hearing. A Type I procedure is used in applying City standards and criteria that do not require the use of discretion (i.e., clear and objective standards);
2. **Type II (Administrative) Review Procedure (Administrative/Staff Review with Notice).** Administrative decisions are made by the City Planning Director, with public notice and an opportunity for appeal to the Planning Commission. Alternatively the City Planning Director may refer an Administrative application to the Planning Commission for its review and decision in a public meeting;
3. **Type III (Quasi-Judicial) Procedure (Public Hearing).** Quasi-Judicial decisions are made by the Planning Commission after a public hearing, with an opportunity for appeal to the City Council; or in the case of a Quasi-Judicial zone change (e.g., a change in zoning on one property to comply with the Comprehensive Plan), a Quasi-Judicial decision is made by the City Council on recommendation of the Planning Commission. Quasi-Judicial decisions involve discretion but implement established policy.
4. **Type IV (Legislative) Procedure (Legislative Review).** Type IV procedures apply to legislative matters. The Legislative procedure applies to the creation or revision, or large-scale implementation, of public policy (e.g., adoption of regulations, zone changes, annexation, and comprehensive plan amendments). Legislative reviews are considered by the Planning Commission, who makes a recommendation to City Council. City Council makes the final decision on a legislative proposal through the enactment of an ordinance.

- C. Except when this Code provides to the contrary, an application or petition regulated by Titles 10 and 11 of this Code:
1. Shall be reviewed by the Planning Director within thirty (30) days to determine if the application is complete, including required drawings, plans, forms, and statements.
  2. Shall identify the public facilities and access which may be needed to support the development, including but not limited to utilities and transportation infrastructure, and how they will be financed.
  3. Shall identify off-site conditions including property lines, utility locations and sizes, existing and future streets, land uses, significant grade changes and natural features such as streams, wetlands and sand dunes for an area not less than three hundred (300) feet from the proposed application site that is one (1) acre or larger and within 100 feet from the proposed application site that is less than one (1) acre in size. (Amd. By Ord. No. 4, Series 2011)
  4. Shall be accompanied by a digital copy or two hard copies of required plans of dimensions measuring 11 inches by 17 inches or less. Costs of document reduction may be passed onto the applicant.
  5. Shall be filed with a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making. Additional information may be required under the specific application requirements for each approval.
  6. Shall be accompanied by any other information deemed necessary by the City Planning Department.
  7. Shall be accompanied by the required, non-refundable fee.
- D. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted at least thirty (30) days prior to the hearing as provided in Subsection 10-1-1-6. (Amd. by Ord. No. 30 Series 1990)
- E. Traffic Impact Studies:
1. Purpose of Traffic Impact Study: The purpose of a Traffic Impact Study is to determine:
    - a. The capacity and safety impacts a particular development will have on the City's transportation system;
    - b. Whether the development will meet the City's minimum transportation standards for roadway capacity and safety;
    - c. Mitigating measures necessary to alleviate the capacity and safety impacts so that minimum transportation standards are met; and
    - d. To implement section 660-012-0045(2)(e) of the State Transportation Planning Rule.

2. **Criteria for Warranting a Traffic Impact Study:** All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. The City shall require a Traffic Impact Study (TIS) as part of an application for development; a proposed amendment to the Comprehensive Plan, zoning map, or zoning regulations; a change in use, or a change in access, if any of the following conditions are met:
  - a. A change in zoning or plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.
  - b. Any proposed development or land use action that may have operational or safety concerns along its facility(s), as determined by the Planning Director in written findings.
  - c. The addition of twenty-five (25) or more single family dwellings, or an intensification or change in land use that is estimated to increase traffic volume by 250 Average Daily Trips (ADT) or more, per the ITE Trip Generation Manual.
  - d. A change in land use that may cause an increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicle trips or more per day
  - e. The location of the access driveway does not meet minimum sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard.
  - f. A change in internal traffic patterns that may cause safety problems, such as backed up onto a street or greater potential for traffic accidents.
  - g. The Planning Director, based on written findings, determines that a TIS is necessary where traffic safety, street capacity, future planned facility, or multimodal concerns may be associated with the proposed development. The City will consider the following criteria when determining the need for a TIS:
    - i. If there exists any current traffic problems, such as high accident location, poor roadway alignment, or capacity deficiency that are likely to be compounded as a result of the proposed development.
    - ii. If it is anticipated the current or projected level of service of the roadway system in the vicinity of the development will exceed minimum standards.
    - iii. If it is anticipated that adjacent neighborhoods or other areas will be adversely impacted by the proposed development.
  - h. A road authority with jurisdiction within the City may also require a TIS under their own regulations and requirements.
3. **Traffic Study Requirements:** In the event the City determines a TIS is necessary, the information contained shall be in conformance with FCC 10-35-2-5, Traffic Study Requirements.



F. Initiation of applications:

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

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

**Table 10-1-1 – Summary of Approvals by Review Procedure\***

\*Not a comprehensive list of City procedures

Approvals**	Review Procedures	Applicable Regulations
Zoning Checklist Review	Type I	Applicants are required to complete a Zoning Checklist before applying for any other permit or approval. See FCC 10-1-1-6.
Access to a Street	Type I	FCC 10-35 and the standards of the applicable roadway authority (City/County/ODOT)
Adjustment	Type II	See FCC 10-1-1-6
Annexation	Type IV	See Oregon Revised Statute 222 & FCC 10-1-3
Code Interpretation	Type I or II	See FCC 10-1-1-6. Routine interpretations that do not involve discretion & do not require a permit.
Code Text Amendment	Type IV	See FCC 10-1-1-6 and 10-1-3
Comprehensive Plan Amendment	Type IV	See FCC 10-1-1-6 and 10-1-3
Conditional Use Permit	Type III	See FCC 10-1-1-6 and 10-4
Agency Review Form	Type I	See FCC 10-1-4 and FCC 10-1-1-6
Flood Plain Permit	Type I	See FCC 10-1-4 and FCC 10-1-1-6
Home Occupation	Type I	See FCC 10-1-4 and FCC 10-1-1-6
Legal Lot Determination	Type I	See FCC 10-1-1-6
Planned Unit Development Preliminary Plan Final Plan	Type III	See FCC 10-1-1-6
Modification to Approval or Condition of Approval	Type I, II, or III	See FCC 10-1-1-6
Non-Conforming Use or Structure, Expansion of	Type II or III	See FCC 10-1-1-6
Partition or Re-plat of 2-3 lots Tentative Plan Final Plat or Map	Type III Type I	See FCC Title 11 See FCC Title 11, FCC 10-1-1-6
Property Line Adjustments, including Lot Consolidations	Type I	See FCC Title 11
Site Design Review	Type II or III	See FCC 10-1-1-6 and FCC 10-6
Subdivision or Replat of >3 lots Tentative Plan Final Plat or Map	Type III Type I or III	See FCC Title 11 See FCC Title 11 and FCC 10-1-1-6
Variance Zoning District Map Change	Type III Type III or IV	See FCC 10-5 See FCC 10-1-1-6 and 10-1-3

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

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

- A. 120-Day Rule: The City shall take final action on Type I, II, and III permit applications that are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete, unless the applicant requests an extension in writing. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions – plan and code amendments – without an applicant under ORS 227.178.)
1. The City shall take final action on housing applications meeting the criteria of ORS 197.311 within 100 days.
- B. Consolidation of proceedings: When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.
1. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, or the City Planning Official or designee.
  2. When proceedings are consolidated:
    - a. The notice shall identify each application to be decided.
    - b. The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions.
    - c. When appropriate, separate findings shall be prepared for each application. Separate decisions shall be made on each application.
- C. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
1. Acceptance. When an application is received by the City, the City Planning Official or designee shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.
    - a. The required forms.
    - b. The required, non-refundable fee.
    - c. The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
  2. Completeness.
    - a. Review and notification. After the application is accepted, the City Planning Official or designee shall review the application for completeness. If the application is incomplete, the City Planning Official or designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days from the date that the application was submitted to submit the missing information. Applications which have been deemed incomplete and for which the applicant has not submitted required information or formally refused to submit additional information shall be deemed void on the 181<sup>st</sup> day after original submittal.

- b. Application deemed complete for review. In accordance with the application submittal requirements of this Chapter, the application shall be deemed complete upon the receipt by the City Planning Official or designee of all required information. The applicant shall have the option of withdrawing the application, or refusing to submit information requested by the City Planning Official or designee in section 10-1-1-5-C-2-a, above.
- c. Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time it was first accepted.
- d. Coordinated review. The City shall also submit the application for review and comment to the City Engineer, road authority, and other applicable County, State, and federal review agencies.

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

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

E. Amended Decision Process.

1. The purpose of an amended decision process is to allow the City Planning Official or designee to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The City Planning Official or designee may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the application shall follow the procedures outlined in section 10-1-1-6. All other changes to decisions that are not modifications under 10-1-1-6 follow the appeal process.

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

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

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

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

1. Access to a Street
2. Parking Lot Improvements, such as initial surfacing, striping, or changes to accesses or stormwater facilities, but not including parking lot resurfacing or restriping which meets current code requirements.
3. Building fascia changes to include but not limited to additions, substitutions, changes of windows, doors, fascia material, building, roof, and trim colors, awnings,
4. Property Line Adjustments, including lot consolidations
5. Final Plat (Partition or Subdivision)
6. Modification to an Approval or Condition of Approval
7. Legal Lot Determination
8. Home Occupations
9. Hazard Tree Removal

10. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
  11. Landscape Plan Modifications that exclusively include one or more of the following:
    - a. Plant or tree substitutions (e.g. shrub for shrub, tree for tree),
    - b. Ground cover substitutions,
    - c. Trading plant locations if planting beds remain the same, or
    - d. Change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area. (Amended Ord. No. 9, Series 2009)
  12. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.
  13. Modification to an approved Design Review of a conforming use or structure up to and including 1,500 square feet or up to and including 25% of the building square footage, whichever is less.
  14. Within the Limited Industrial District and Pacific View Business Park District: A change in setbacks or lot coverage by less than 10 percent provided the resulting setback or lot coverage does not exceed that allowed by the land use district.
  15. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
  16. Changes to or the addition of on-site stormwater facilities not reviewed as part of another process.
  17. Other proposals that do not require the exercise of discretion.
- B. Zoning Checklist: The City Planning Official reviews proposals requiring a staff review using a Zoning Checklist. The Zoning Checklist is a preliminary review that is intended to ensure a project proposal meets the basic requirements of Title 10 (Zoning) before more detailed plans are prepared and before the City authorizes the Building Official to issue a building permit.
  - C. Application Requirements: Approvals requiring Type I review, including Zoning Checklists, shall be made on forms provided by the City.
  - D. Requirements: The City shall not act upon an application for land use approval and a building permit shall not be issued until the City Planning Official has approved a Zoning Checklist for the proposed project.
  - E. Criteria and Decision: The City Planning Official's review of a Zoning Checklist is intended to determine whether minimum code requirements are met and whether any other land use permit or approval is required prior to issuance of a building permit.
  - F. Effective Date. A Zoning Checklist decision is final on the date it is signed by the City Planning Director. It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the State Land Use Board of Appeals. A Type I decision is the final decision of the City. It cannot be appealed to City officials through a Type I process.

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

- A. The Planning Director, or designated planning staff may make administrative decisions (limited land use). The Type II procedure is used when there are clear and objective approval criteria and applying City standards requires limited use of discretion.
- B. Type II (Administrative) Decisions are based upon clear compliance with specific standards. Such decisions include, but are not limited to the following:
  - 1. Vegetation clearing permits.
  - 2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage and does not require more than five additional parking spaces.
  - 3. Modification of a non-conforming use or structure up to and including 1,500 square feet or up to and including 25% of the building square footage, whichever is less.
  - 4. An increase in residential density by less than 10 percent, provided the resulting density does not exceed that allowed by the land use district.
  - 5. A change in setbacks or lot coverage by less than 10 percent, provided the resulting setback or lot coverage does not exceed that allowed by the land use district.
  - 6. Type II review is required for modifications to an approved landscaping plan except those changes permitted under the ministerial process, provided the proposed landscaping plan is consistent with the intent and character of the original approval.
  - 7. Special Use Permit
  - 8. Type II Review is required for all new construction, expansions, change of use and remodels within the Limited Industrial District and Pacific View Business Park District, except certain changes may be approved as indicated under the ministerial process.
- C. The Director may refer a request for administrative review to the Planning Commission/for decision. If such a referral is made, the request shall be scheduled on the next available Planning Commission agenda, providing that time allows and subject to proper notice requirements.
- D. Notice - Information:
  - 1. Type II Decisions: The City will post a notice on the subject property and provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made. The list of property owners will be compiled from the most recent property tax assessment roll.
    - a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4 and any governmental agency that is entitled to notice under an intergovernmental agreement with the City or that is potentially affected by the proposal. For proposals located adjacent to a state roadway or where proposals are expected to have an impact on a state transportation facility, notice of the application shall be sent to the Oregon Department of Transportation.

2. Property Owner Notice shall:
  - a. Provide a 14 day period of submission of written comments prior to the decision;
  - b. List applicable criteria for the decision;
  - c. Set forth the street address or other easily understood geographical reference to the subject property;
  - d. State the place, date and time that comments are due, and the person to whom the comments should be addressed;
  - e. State that copies of all evidence relied upon by the applicant are available for review at no cost, and that copies can be obtained at a reasonable cost;
  - f. Include the name and phone number of local government representative to contact and the telephone number where additional information may be obtained.
  
- E. Request for referral by the Planning Commission Chair: The Chair of the Planning Commission may, within the 14 days notice period, request that staff refer any application to the Planning Commission for review and decision.
  
- F. Type II decision requirements: The Director's decision shall address all of the relevant approval criteria. Based on the criteria and the facts contained within the record, the Director shall approve with or without conditions or deny the request, permit or action.
  
- G. Notice of Decision: A notice of the action or decision and right of appeal shall be given in writing to the applicant. Any party who submitted written testimony must provide a mailing address in order to be noticed. The notice may be served personally, or sent by mail. The notice shall be deemed served at the time it is deposited in the United States mail.
  
- H. Appeal process: As set forth in 10-1-1-7 or appealed by the Planning Commission.
  
- I. Fee: A fee shall be established to cover at least direct costs of the application. (Ord. No. 15, 2002)

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

- A. Hearings are required for Type III (quasi-judicial) land use matters requiring Planning Commission review. Type III applications include, but are not limited to:
  1. Limited land use decisions made by staff, for which a request for referral to Planning Commission by the Planning Commission Chairperson or Planning Director has been made.
  2. Change of use from a less intensive use to a greater intensive use, which does not increase the building's square footage, but requires more than five additional parking spaces.
  3. Modification of greater than 1,500 square feet or greater than 25% of the building square footage, whichever is less.
  4. An increase in residential density by more than 10 percent, or where the resulting density exceeds that allowed by the land use district.
  5. New construction requiring Design Review.
  6. Planned Unit Developments, preliminary and final plans.
  7. Conditional Use Permits.



8. Variances.
9. Partitions, tentative plans.
10. Subdivisions.
11. Replats.
12. Quasi-Judicial 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 approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 4, Series 2011)

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

- A. A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
- B. Pre-Application Conference: A pre-application conference is required for all Type IV applications initiated by a party other than the City of Florence.
- C. Timing of Requests: The City Council may establish a calendar for the purpose of accepting Type IV requests only at designated times. The City Council may initiate its own legislative proposals at any time.
- D. Notice of Hearing:
  - 1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications (e.g., re-zonings and comprehensive plan amendments).
  - 2. Notification requirements. Notice of public hearings for the request shall be given by the Planning Department in the following manner:
    - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.186 and mailed to:
      - 1. Each owner whose property would be rezoned in order to implement the ordinance (including owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment.
      - 2. Any affected government agency.
      - 3. Any person who requests notice in writing.
      - 4. For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
      - 5. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.
    - b. At least 10 days before the scheduled Planning Commission hearing date, and 14 days before the City Council hearing date, public notice shall be published in a newspaper of general circulation in the City.
    - c. The City Planning Official or designee shall:
      - 1. For each mailing of notice, file an affidavit of mailing in the record as provided by subsection.
      - 2. For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
    - d. The Oregon Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and zoning code amendments at least 35 days before the first evidentiary hearing.

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

**10-1-1-7: APPEALS:** Under this Title, any limited land use or quasi-judicial decision may be appealed in accordance with the procedure listed below. Administrative decisions may be appealed to the Planning Commission. Planning Commission decisions may be appealed to the City Council.

- A. A notice of intent to appeal must be filed by an affected party, which includes persons testifying orally or in written form at the hearing held on the matter.
- B. Such appeal shall be initiated within twelve (12) calendar days of the date of the mailing of the decision by filing written notice of appeal with the City of Florence Community Development Department. The person filing the notice of intent to appeal shall also certify the date that a copy of the notice was delivered or mailed by first class mail postage prepaid to all other affected parties. If an appeal is not received by the city no later than 5:00 pm of the 12<sup>th</sup> day after the notice of decision is mailed, the decision shall be final.
- C. If the applicant has signed an "Agreement of Acceptance" and there is no other party who could appeal the decision, the appeal period is waived.

- D. The written petition on appeal shall include:
1. A statement of the interest of the petitioner to determine standing as an affected party.
  2. The date of the decision of the initial action.
  3. The specific errors, if any, made in the decision of the initial action and the grounds therefore.
  4. The action requested of the Planning Commission or Council and the grounds therefore.
  5. A certification of the date that a copy of the written petition on appeal was delivered or mailed by first class mail postage prepaid to all affected parties.
- E. The review of the initial action shall be confined to the issues raised upon appeal and be based on the record of the proceeding below, which shall include:
1. All materials, pleadings, memoranda, stipulations and motions submitted by any party to the proceeding and received or considered as evidence.
  2. All materials submitted by the City staff with respect to the application.
  3. The minutes of the hearing (if applicable).
  4. The Findings on which the decision is based.
  5. The notice of intent to appeal or the requests for review and the written petitions on appeal.
  6. Argument by the parties or their legal representatives.
- F. The Body hearing the appeal may affirm, reverse or amend the decision and may reasonably grant approval subject to conditions necessary to carry out the Comprehensive Plan and ordinances. The Council may also refer the matter back to the Planning Commission for additional information. When rendering its decision, the Body hearing the appeal shall make findings based on the record before it and any testimony or other evidence received by it.
- G. Whenever two members of the City Council submit to the Community Development Department a written request for review within twelve (12) days of the date of the mailing of the Planning Commission decision, the Council shall review the decision of the Planning Commission. Each request for review shall identify the issues that the affected parties are to address. The Community Development Department shall deliver or mail by first class mail a copy of the requests for review to all affected parties and to the other members of the Council. Such requests for review shall be considered an appeal, with all affected parties allowed an opportunity to submit written petitions on appeal within the time specified in paragraph A of this subsection. Each person filing a written petition on appeal shall be heard by the Council. The Council shall review the record to determine whether there is sufficient evidence to support the findings, whether the finds are sufficient to support the Planning Commission decision, and where appropriate, whether the decision of the Commission is a proper interpretation of the applicable ordinances.
- H. Any action or decision by the City Council arising from an appeal, except a referral back to the Planning Commission, shall be final and conclusive.
- I. The Council, by resolution shall establish a schedule of filing fees for all appeals from final decisions of the Planning Commission. Council shall use the following criteria in establishing such a fee schedule; that the fee charged bear some relation to the City's cost in processing the appeal; and that the fee or fees charged be consistent in amount with fees charged by similar municipalities or agencies. (Amd. by Ord. No. 30, Series 1990).

**10-1-1-8: ENFORCEMENT:**

- A. Enforcement Responsibility: It shall be the duty of the City Manager and/or Building Official to see that this Title is enforced through the proper legal channels. There shall be no permit issued for the construction or alteration of any building, or part thereof, unless the plans, specifications and intended use of such building conforms in all respects to the provisions of this Title.
- B. Abatement: Any use which is established, operated, erected, moved, altered, enlarged or maintained contrary to the zoning regulations shall be, and is hereby declared to be unlawful and a public nuisance and may be abated as such. (Ord. 625, 6-30-80).
- C. Final Action on Permits: Final action on permit applications and zone changes shall take place within 120 days of filing a complete application, except where the applicant requests a longer time, in compliance with ORS 227.178. (Amd. by Ord. No. 30, Series 1990).

**10-1-2: USE DISTRICTS AND BOUNDARIES:**

**10-1-2-1: DISTRICTS ESTABLISHED:** For the purpose of this Title, the City is hereby divided into the zoning districts, as established within this Title 10.

**10-1-2-2: CHANGE OF BOUNDARIES ON ZONING MAP:** The basic purpose of this Title is to indicate the zoning districts into which the City is divided and to set forth the uses permitted in each zone. The zoning districts are shown on the Zoning Map which is an integral part of this Title. The map shall be prepared from base maps which clearly indicate property lines as well as lot, block and street lines. Once adopted, one copy of the Zoning Map shall be filed with the City Recorder and never destroyed or altered in any way. Amendments to the map (zone boundary changes) shall be indicated on subsequent maps, dated and filed with the map originally adopted. Each map shall bear the signature of the Planning Commission chairman who shall testify to their authenticity. (Amd. by Ord. 30, 1990).

**10-1-2-3: ZONING OF ANNEXED AREAS:** The City Council may establish zoning and land use regulations that become effective on the date of annexation. This zoning district shall be consistent with the objectives of the Florence Comprehensive Plan and Zoning Code. When zoning is not established at the time of annexation, an interim zoning classification most nearly matching the existing County zoning classification shall be automatically applied until the City Council establishes zoning and land use regulations in accordance with the conditions and procedures of Chapter 1 of this Title. (Amd. by Ord. 30, Series 1990).

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

- A. Purpose: As the Comprehensive Plan for the City is periodically reviewed and revised, there will be a need for changes of the zoning district boundaries and the various regulations of this Title. Such changes or amendments shall be made in accordance with the procedures in this Section.
- B. Type III (Quasi-Judicial) Changes:
  - 1. Initiation: A quasi-judicial zoning change and related Comprehensive Plan changes may be initiated by application of a property owner within the affected area, by a person having substantial ownership interest in the property, by resolution of the Planning Commission or motion of the City Council, and also by individual citizens or citizen groups during Plan update as provided in The Comprehensive Plan.
  - 2. Application Fees: When proceedings are initiated by a property owner, filing fees shall be collected. The schedule of application fees shall be established by the City Council by resolution. The fee charged shall be no more than the average cost of providing service.
  - 3. Notice and Public Hearing: Notice and public hearing for quasi-judicial changes to this Code and the Comprehensive Plan shall be in accordance with Code Section 10-1-1-6.

4. Planning Commission Review: The Planning Commission shall review the application for quasi-judicial changes and shall receive pertinent evidence and testimony as to why or how the proposed change is consistent or inconsistent with and promotes the objectives of the Florence Comprehensive Plan and Zoning Ordinance and is or is not contrary to the public interest. The applicant shall demonstrate that the requested change is consistent with the Comprehensive Plan and Zoning Ordinance and is not contrary to the public interest.

C. Type IV (Legislative) Changes:

1. Initiation: A legislative change in zoning district boundaries, in the text of this Title, (Title 10), Title 11, or in the Comprehensive Plan may be initiated by resolution of the Planning Commission or by a request of the Council to the Planning Commission that proposes changes be considered by the Commission and its recommendation returned to the Council, or by an application for an amendment by a citizen.
2. Notice and Public Hearing: Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect. (Amd. by Ord. 30, Series 1990).

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Amended by Ord. No. 15, Series 1988

Amended by Ord. No. 18, Series 1990

Amended by Ord. No. 30, Series 1990

Amended by Ord. No. 7, Series 1994

Amended by Ord. No. 13, Series 2002

Amended by Ord. No. 15, Series 2002

Amended by Ord. No. 26, Series 2008 – See Exhibit B

Amended by Ord. No. 10, Series 2009 – See Exhibit C

Amended by Ord. No. 9, Series 2009 – See Exhibit G

Amended by Ord. No. 4, Series 2010 – See Exhibit C (effective 4-5-10)

Amended by Ord. No. 2, Series 2011 (effective 3-11-11)

Sections 10-1-1-4, 10-1-1-5, and 10-1-4 Amended by Ord. No. 4, Series 2011 – See Exhibit 4E (effective 4-22-11)

Section 10-1-4 “Dwelling” & “Recreational Vehicle” Amended by Ord. No. 21, Series 2011 – See Exhibit C (effective 1-5-12)

Section 10-1-1-4-D, 10-1-1-5-B-1-a and 10-1-1-6-D-1-a Amended by Ord. No. 5, Series 2012 – See Exhibit C (effective 1-16-13)

Section 10-1-1-6, 10-1-1-7, and 10-1-5 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

Section 10-1-4 “Lighting” added by Ord. No. 12, Series 2014

Section 10-1-4 amended by Ord. No. 1, Series 2015 (effective 3-17-15)

Sections 10-1-1-3, -1-1-4, -1-1-5, -1-1-6, and 10-1-3 amended, and Sections 10-1-4 and 10-1-5 deleted by Ord. 11, Series 2016 (effective 11-16-16)

[Section 10-1-1-5 amended by Ord. XX, Series 2018 \(effective XX/XX/XX\)](#)

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: 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.

**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:** 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.

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

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

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

- A. Operation, maintenance, repair or preservation of public roads and highway facilities, including, but not limited to sewer, water line, electrical power, or telephone or television cable system;
- B. Operation, maintenance, and repair of existing transportation facilities identified in the Transportation System Plan, such as bicycle, pedestrian, port, airport and rail facilities, and major regional pipelines and terminals;
- C. Authorization of construction and the construction of facilities and improvements identified in the Transportation System Plan or other Public Facilities Plan, where the improvements are consistent with clear and objective dimensional standards; and
- D. Changes to the frequency of transit or airport service.
- E. Exceptions: The following uses and activities require land use approval:
  - 1. Reconstruction or modification of an historic building or other historic structure.
  - 2. Development that requires acquisition of additional property other than the following

widening of a public road or highway right-of-way.

(a) Right-of-way identified for acquisition on an official map or that is consistent with an established special setback.

\* Oregon Attorney General OP-5715, August 23, 1984 states that a county may exempt highway right-of-way acquisitions from the county's land partition regulations except those that partition land located in "exclusive farm use zones" established under ORS 215.203 to 215.263.

(b) A minor right-of-way acquisition to permit public road or highway safety improvement or modernization that complies with Section 10-2-12.

3. Temporary location of industrial activities, such as sand and gravel extraction or processing and asphalt or concrete batch plants in, or adjacent to, residential development or sensitive resource areas.
4. Development or activities involving reconstruction or modernization in a location identified as environmentally or culturally sensitive, such as floodplains, estuarine areas, wetlands, and archeological sites.

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

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

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 where lodging, with or without meals, is provided for compensation, but shall not include 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/rivers, 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 average height of the highest gable of a pitch or hip roof.
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. (Amd. By Ord. No. 30, Series 1990)
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	Any stream within the coastal zone.
COLLECTOR	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"

<u>COTTAGE</u>	<u>A small, detached dwelling clustered around a central outdoor common space.</u>
<u>COTTAGE CLUSTER</u>	<u>A cluster of cottages on a lot. Cottage clusters typically or sometimes can provide 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.</u>
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.
<u>DENSITY</u>	<u>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.</u>
	<u>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.</u>
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. <u>“Develop” also includes, but is not limited to, new building, building alterations or additions, site improvements, or a change in use.</u>
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	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.
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. <u>Dwellings include both buildings constructed on-site and manufactured homes.</u>
DWELLING, DUPLEX	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.
DWELLING, MULTIPLE	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>DWELLING, SECONDARY</u>	<u>See ACCESSORY DWELLING UNIT.</u>

DWELLING, SINGLE	<ul style="list-style-type: none"> <li>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</li> <li>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.</li> <li>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)</li> </ul>
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.
ESTUARY	The portion of the Siuslaw River that is semi-enclosed by land, connected with the open ocean, and within which salt water is usually diluted by freshwater derived from the land. The estuary includes: (a) estuarine water; (b) tidelands; (c) tidal marshes; and (d) submerged lands. The Siuslaw River's estuary extends upstream to the head of tidewater.
ESTUARINE IMPACT ASSESSMENT	An evaluation of uses or activities which are major in nature and which could potentially alter the integrity of the estuarine ecosystem. The Estuarine Impact Assessment is required for Special Use Permits and Conditional Use Permits in the Natural Estuary and Conservation Estuary Zoning Districts, in place of a Resource Capabilities Assessment, when an Environmental Impact Statement (EIS) is required through the Corps of Engineers Section 10/404 permit process.
FAMILY	One or more persons occupying a single housekeeping unit and using common housekeeping facilities; provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than five (5) persons; or provided, that unless all members are related by blood or marriage, no such "family" shall consist of more than a total of five (5) physically or mentally handicapped 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. <sup>a</sup>
FINANCE OFFICER	As used in this Title and Title 11, the person so designated by the City Manager. (Amd. By Ord. No. 30, Series 1990)
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

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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.

sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.

GEOLOGIC	Relating to the occurrence and properties of earth. Geologic hazards include faults, land and mudslides, and earthquakes.
GRADE (ADJOINING GROUND LEVEL)	The average of the finished ground level at the center of all walls of a building. If walls are parallel to and within five feet (5') of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
GROIN	A small structure extending from a shore to protect a beach against erosion or to trap shifting sands.
GROUNDWATER	Water in the zone of saturation beneath the surface of the earth.
GROUP CARE HOME	Any home or institution maintained and operated for the care of more than five (5) physically or mentally handicapped persons or aged persons and attendants residing at this address. (Ord. 711, 1-24-84)
HALF STORY	That part of any building wholly or partly within the roof frame and not occupying more than two-thirds (2/3) of the floor area immediately below it.
HARDPAN	A layer of hard soil usually formed by clay particles cemented by iron oxide or calcium carbonate.
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	Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria: <ul style="list-style-type: none"><li>A. No employment of help other than the members of the resident family.</li><li>B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.</li><li>C. No sales of products or services not produced on the premises.</li><li>D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.</li><li>E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.</li></ul>

- 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.
- J. The use shall be conducted entirely within a building.
- K. Medical and recreational marijuana producers and processors shall also comply with the criteria outlined in FCC 10-4-12-I.

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.
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	<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>C. Side: Any property line which is not a front of rear</li> </ul>

	lot line.
LOT MEASUREMENTS	<ul style="list-style-type: none"> <li>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</li> <li>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.</li> </ul>
LOT TYPES	<ul style="list-style-type: none"> <li>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.</li> <li>B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.</li> <li>C. Interior Lot: A lot or development site other than a corner having frontage only on one street.</li> </ul>
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
MARIJUANA PROCESSING SITE	A location for compounding or converting of marijuana into medical products, concentrates, or extracts under the authority of the Oregon Health Authority.
MARIJUANA PROCESSOR	The compounding or converting of marijuana into products, concentrates, or extracts under the authority of the Oregon Liquor Control Commission.

MARIJUANA PRODUCER	The manufacture, planting, cultivation, growing, and harvesting of marijuana under the authority of the Oregon Liquor Control Commission.
MARIJUANA RETAILER	A retail business licensed by the Oregon Liquor Control Commission to sell marijuana items to consumers in this state.
MARIJUANA WHOLESALER	The purchase of marijuana items in this state for resale to a person, other than a consumer, under the authority of the Oregon Liquor Control Commission.
MEDICAL MARIJUANA DISPENSARY	A location to transfer marijuana registered with the Oregon Health Authority. Formerly or also known as a Medical Marijuana Facility.
MEDICAL MARIJUANA PRODUCTION	The manufacture, planting, cultivation, growing, and harvesting of marijuana at a specific location registered by the Oregon Health Authority to produce marijuana for medical use by a specific patient. Also defined by the OHA as a "grow site."
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	A building constructed off-site which does not have axles or a frame,

BUILDING	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. (Amd. by Ord. 30, Series 1990).
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	Projects, activities and facilities which the City of Florence determines to be necessary for the public health, safety and welfare.
PUBLIC GAIN	The net gain from combined economic, social, and environmental effects which accrue to the public because of a use or activity and its subsequent resulting effects.
QUALITY	The degree of excellence or relative goodness.
RECREATION	Any experience voluntarily engaged in largely during leisure (discretionary time) from which the individual derives satisfaction.  <u>Coastal Recreation</u> occurs in offshore ocean waters, estuaries, and streams, along beaches and bluffs, and in adjacent shorelands. It includes a variety of activities, from swimming, scuba diving, boating, fishing, hunting, and use of dune buggies, shell collecting, painting, wildlife observation, and sightseeing, to coastal resorts and water-oriented restaurants.  <u>Low-Intensity Recreation</u> does not require developed facilities and can be accommodated without change to the area or resource. For example, boating, hunting, hiking, wildlife photography, and beach or shore activities can be low-intensity recreation.  <u>High-Intensity Recreation</u> uses specially built facilities, or occurs in such density or form that it requires or results in a modification of the area or resource. Campgrounds, golf courses, public beaches, and marinas are examples of high-intensity recreation.
RECREATIONAL VEHICLE	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 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

	<b>BULKHEAD.</b>
<b>SEDENTARY</b>	Attached firmly to the bottom, generally incapable of movement.
<b>SEDIMENT</b>	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.
<b>SEDIMENTATION</b>	The process of forming sediment in liquid: the process by which particles in suspension in a liquid form sediment.
<b>SENSITIVE AREA</b>	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.
<b>SERVICE STATION</b>	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.
<b>SHOAL</b>	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.
<b>SHOALING</b>	A decrease in water depth, especially near a shoreline.
<b>SHORELINE</b>	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.
<b>SIGNIFICANT HABITAT AREAS</b>	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.
<b>SOCIAL CONSEQUENCES</b>	The tangible and intangible effects upon people and their relationships with the community in which they live resulting from a particular action or decision.
<b>SPECIAL USE PERMIT</b>	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.
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.
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.

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Amended by Ordinance No. 15, Series 1988

Amended by Ordinance No. 2, Series 2000

Amended by Ordinance No. 12, Series 2002

Sections 10-2-14 and 10-2-15 removed by Ordinance No. 9, Series 2009

Section 10-2-8 deleted and all subsequent sections renumbered by Ord. No. 4, Series 2011 (Exhibit 4E) effective 4-22-11

Section 10-2-9 amended by Ordinance No. 21, Series 2011 (exhibit D) – effective 1-5-12

Section 10-2-12 amended by Ordinance No. 5, Series 2012 (exhibit C) – effective 1-16-13

Section 10-2-6 Amended by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

Sections 10-2-13 and 10-2-14 amended by Ord. No. 11, Series 2016 (effective ~~XX/XX/XX~~11-16-16)

Section 10-2-13 amended by Ord. No. XX, Series 2018 (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

**10-3-1: PURPOSE:** The purpose of Chapter 3 is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This Chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

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

- A. The provision for and maintenance of off-street parking and loading spaces are continuing obligations of the property owners. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space.
- B. At the time of new construction or enlargement or change in use of an existing structure within any district in the City, off-street parking spaces shall be provided as outlined in this Chapter, unless requirements are otherwise established by special review or City Council action. Additional parking spaces shall meet current code.
- C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.
- D. Required parking spaces shall be available for the parking of passenger automobiles of residents, customers, patrons and employees, and shall not be used for storage of materials of any type.
- E. Ingress and egress for parking and loading shall not endanger or impede the flow of traffic.
- F. The required off-street parking for nonresidential uses shall not be used for loading and unloading operations during regular business hours.
- G. Parking and Loading standards that are listed under specific zoning districts supersede the general requirements of this chapter.
- H. Provisions of this Chapter shall not apply to any parking located in an organized parking district.

- I. The provisions of this Chapter shall be in addition to the provisions for parking design and construction in FCC Title 9 Chapter 5 and, where there are conflicts, Title 9 Chapter 5 shall prevail.

**10-3-3: MINIMUM STANDARDS BY USE:** The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 10-3-1. Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described below:

- A. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. Parking in driveways does not count toward required minimum parking.
- B. The minimum number of parking spaces may also be determined through a parking demand analysis prepared by the applicant and approved by the Planning Commission. This parking demand analysis may include an acceptable proposal for alternate modes of transportation, including a description of existing and proposed facilities and assurances that the use of the alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis. Examples of alternate modes include but are not limited to:
1. Transit-related parking reduction. The number of minimum parking spaces may be reduced by up to 10% if:
    - a. The proposal is located within a ¼ mile of an existing or planned transit route, and;
    - b. Transit-related amenities such as transit stops, pull-outs, shelters, park-and-ride lots, transit-oriented development, and transit service on an adjacent street are present or will be provided by the applicant.

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

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

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

Single Family Dwelling including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit on a single lot
<u>Accessory Dwelling Units</u>	<u>1 space per unit</u>
Multiple-family dwelling (except senior citizen & student housing) Studio & one bedroom units Two-bedroom units Three-bedroom units or larger	1 space per unit 1 1/2 spaces per unit 2 spaces per unit
Mobile home parks	2 spaces per each mobile home, plus 1 space per each 4 mobile homes
Student housing (fraternities, sororities, & dormitories)	1 space for each 2 students of capacity
Lodging: Motels, hotels (see also Bed and Breakfast Inns)	1 space per rental unit, hotels, etc. plus additional spaces as required for restaurants, gift shops, bars, public assembly rooms and other activities.

Bed and Breakfast Inns	1 space per Bedroom
Boarding and rooming houses, excluding group home facilities	1 space per each 2 occupants at capacity.

**B. Institutions and Public Assembly Types:**

Elementary, middle school and other children's day schools	1 space per classroom, or as determined by the Planning Commission
Daycare, adult or child day care (does not include Family Daycare (12 or fewer children under ORS 657A.250))	1 space per 500 sq. ft. of floor area
High schools Colleges and universities	7 per classroom, or as determined by the Planning Commission
Educational Services, not a school (e.g., tutoring or similar services)	1 space per 500 sq. ft. floor area
Libraries, reading rooms, museums, art galleries and Community Service Facilities	1 space per 200 sq. ft. of floor area
Churches and other places of worship	1 space per 50 sq. ft. of main assembly area; or as determined by the Planning Commission, as applicable
Stadiums, grandstands, coliseums, auditoriums	1 space for each 4 persons of seating capacity, except that on-street parking in non-residential and theaters areas, within 1,000 feet of the main assembly area may be used toward fulfilling this requirement.
Parks and Open Space	Determined as determined by the Planning Commission for active recreation areas, or no standard
Meeting rooms, private clubs and lodges	10 spaces plus 1 space per each 200 square feet of floor area over 1,000 square feet, except that on-street parking in non-residential areas within 800 feet of the main assembly room or building may be used toward fulfilling this requirement.
Commercial outdoor recreation, golf courses	as determined by the Planning Commission
Swimming pools, for pool only	10 spaces plus 1 space per each 150 square feet of pool surface area.
Public and semi-public buildings	1 for every 400 square feet of floor area. Special review may be given by the Planning Commission.
Hospitals	1 space per each 2 beds plus 1 space for each staff doctor plus 1 space for each 2 full-time employees.
Medical and dental clinics	1 space per each 200 square feet of floor area.
Animal hospitals and clinics	1 space per each 400 square feet of floor area.
Radio and television stations and studios	1 space for each 2 employees, plus 1 space per each 300 square feet over 2,000 square feet of floor area.
Radio Frequency Transmission Facilities	None
Airports	Special review by the Planning Commission.
Rail and bus passenger terminals	5 spaces plus 1 space per each 100 square feet of waiting area.
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None

**C. Commercial and Retail Trade Types:**

Drive-Up/Drive-In/Drive-Through (drive-up)	None
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windows, kiosks, ATM's, similar uses/facilities)	
Offices Call centers, data centers, and other similar telecommunications or internet businesses	1 space per 400 sq. ft. floor area
Parking Lot (when not an accessory use)	as determined by the Planning Commission
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or as determined by the Planning Commission
Retail Sales and Service (See also Drive-Up Uses)	<u>Retail</u> : 1 spaces per 333 sq. ft., except bulk retail (e.g., auto, boat, trailers, nurseries, lumber and construction materials, furniture, appliances, and similar sales) 1 per 500 sq. ft.
	<u>Restaurants and Bars</u> : 1 spaces per 125 sq. ft. floor area
	<u>Health Clubs, Gyms, Continuous Entertainment</u> (e.g., bowling alleys): 1 space per 333 sq. ft.
	<u>Theaters and Cinemas</u> : 1 per 6 seats
Self-Service Storage	None

**D. Manufacturing, Storage and Wholesale Types:**

Industrial Service (See also Drive-Up Uses)	1 space per 1,000 sq. ft. of floor area
Manufacturing and Production	1 space per 1,000 sq. ft. of floor area
Warehouse and Freight Movement	1 space per 2,000 sq. ft. of floor area
Wholesale Sales -fully enclosed -not enclosed	1 space per 1,000 sq. ft. as determined by the Planning Commission

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

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

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

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

- A. In the case of mixed uses, the total requirement of off- street parking space shall be the sum of the requirements for the various uses. Reductions from the minimum parking requirements for individual uses may be granted by the Planning Commission where circumstances indicate that joint use of parking or other factors will mitigate peak parking demand.

Requests for parking reductions shall be made to the Planning Commission by filing an application for Design Review. The applicant(s) shall provide the information that is outlined below based upon the document "Shared Parking" authored by the Urban Land Institute. The Planning Commission and/or staff may require the information be prepared by a registered traffic engineer.

1. **Step One:** Initial Project Review.  
Document and quantify the proposed land uses and anticipated functional interrelationships between differing uses. The initial phase also must include data gathered regarding general location of parking facilities, surrounding land uses, land use mix and other variables which affect parking.
2. **Step Two:** Adjustment for Peak Parking Factor.  
Calculate the number of off-street parking spaces required for each land use within the study area.
3. **Step Three:** Analysis of Hourly Accumulation.  
Estimate the hourly parking accumulations for each land use during a typical weekday and weekend day.

4. **Step Four: Estimate of Shared Parking.**  
Combine the hourly parking demand for each land use to determine the overall parking to be required within the planning area.
- B. In granting parking reductions, the Planning Commission shall make one or more of the following findings:
    1. The traffic report justifies the requested parking reduction based upon the presence of two or more adjacent land uses which, because of substantially different operating hours or different peak parking characteristics, will allow joint use of the same parking facilities.
    2. The traffic report indicates the presence of public transportation facilities and/or pedestrian circulation opportunities which justify the requested reduction of parking.
    3. The traffic report finds that the clustering of different land uses is such that a reduced number of parking spaces can serve multiple trip purposes to the area in questions.
  - C. As a condition of approval to the granting of a parking reduction, the City may require the recording of reciprocal access and parking agreements between affected property owners.
  - D. The parking facility for which shared parking or off-site parking is proposed shall meet the criteria listed in 10-3-7.
  - E. Decisions may be appealed in accordance with the procedures specified in Code Section 10-1-1-7.

**10-3-7: OFF-SITE PARKING:** Except parking for residential uses, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 500 feet of the use it serves and the City has approved the off-site parking through Design Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed or easement. The Planning Commission may grant approval for off-site parking only if affirmative findings can be made to the criteria listed in 10-3-7.

- A. The location of the parking facility will not be detrimental to the safety and welfare of residents in the area; and,
- B. Reasonably safe pedestrian access will be provided from the parking facility to the building or use requiring the parking; and,
- C. The property owner of land for which a building or use requires off-site parking has recorded a covenant agreeing to require any occupant or tenant to maintain such parking facilities; and,
- D. The applicant requesting off-site parking has furnished a copy of a deed showing ownership of the property or a recorded exclusive, perpetual easement granted by the property owner of the land for which the off-site parking is to be located, use of the off-site property for parking purposes in perpetuity.

**10-3-8: PARKING AREA IMPROVEMENT STANDARDS:** All public or private parking areas, loading areas and outdoor vehicle sales areas shall be improved according to the following: All required parking areas shall have a durable, dust free surfacing of asphaltic concrete, cement concrete, porous concrete, porous asphalt, permeable pavers such as turf, concrete, brick pavers or other materials approved by the City. Driveways aprons shall be paved for the first fifty feet (50') from the street.

- A. Parking for new single family dwellings and duplexes shall be provided as a carport or garage, unless the majority of existing dwellings within 100 feet of the property boundary of the proposed development do not have such covered parking facilities. The number of required covered parking spaces shall be based on the predominant number of covered spaces on the majority of lots within the 100 foot radius. Parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long. No encroachments (such as water heaters, steps, door swings) are

allowed into the required parking spaces. Parking for Accessory Dwelling Units may be covered or uncovered.

- B. All parking areas except those required in conjunction with a single-family or duplex dwelling shall be graded so as not to drain storm water over public sidewalks. All drainage systems shall be connected to storm sewers where available. Parking lot surfacing shall not encroach upon a public right of way except where it abuts a concrete public sidewalk, or has been otherwise approved by the City.
- C. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses.
- D. Except for parking areas required in conjunction with a single-family or duplex dwelling, all parking areas shall provide:
  - 1. A curb of not less than six inches (6") in height near abutting streets and interior lot lines. This curb shall be placed to prevent a motor vehicle from encroaching on adjacent private property, public walkways or sidewalks or the minimum landscaped area required in paragraph D2 of this subsection.
  - 2. Except for places of ingress and egress, a five foot (5') landscaped area wherever it abuts street right-of-way. In areas of extensive pedestrian traffic or when design of an existing parking lot makes the requirements of this paragraph unfeasible, the Planning Commission may approve other landscaped areas on the property in lieu of the required five foot (5') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.
- E. No parking area shall extend into the public way except by agreement with the City.
- F. Except for parking in connection with dwellings, parking and loading areas adjacent to a dwelling shall be designed to minimize disturbance by the placement of a sight obscuring fence or evergreen hedge of not less than three feet (3') nor more than six feet (6') in height, except where vision clearance is required. Any fence, or evergreen hedge must be well kept and maintained.
- G. Lighting: Refer to Section 10-37 of this Title for requirements.
- H. Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their use will require no backing movements or other maneuvering within a street right of way other than an alley.
- I. Unless otherwise provided, required parking and loading spaces shall not be located in a required front or side yard.
- J. Planning review is required for all parking lot construction or resurfacing.
- K. A plan, drawn to a suitable scale, indicating how the off- street parking and loading requirements are to be met shall accompany an application for a building permit. The plan shall indicate in detail all of the following:
  - 1. Individual parking and loading spaces.
  - 2. Circulation area.
  - 3. Access to streets and property to be served.
  - 4. Curb cut dimensions.



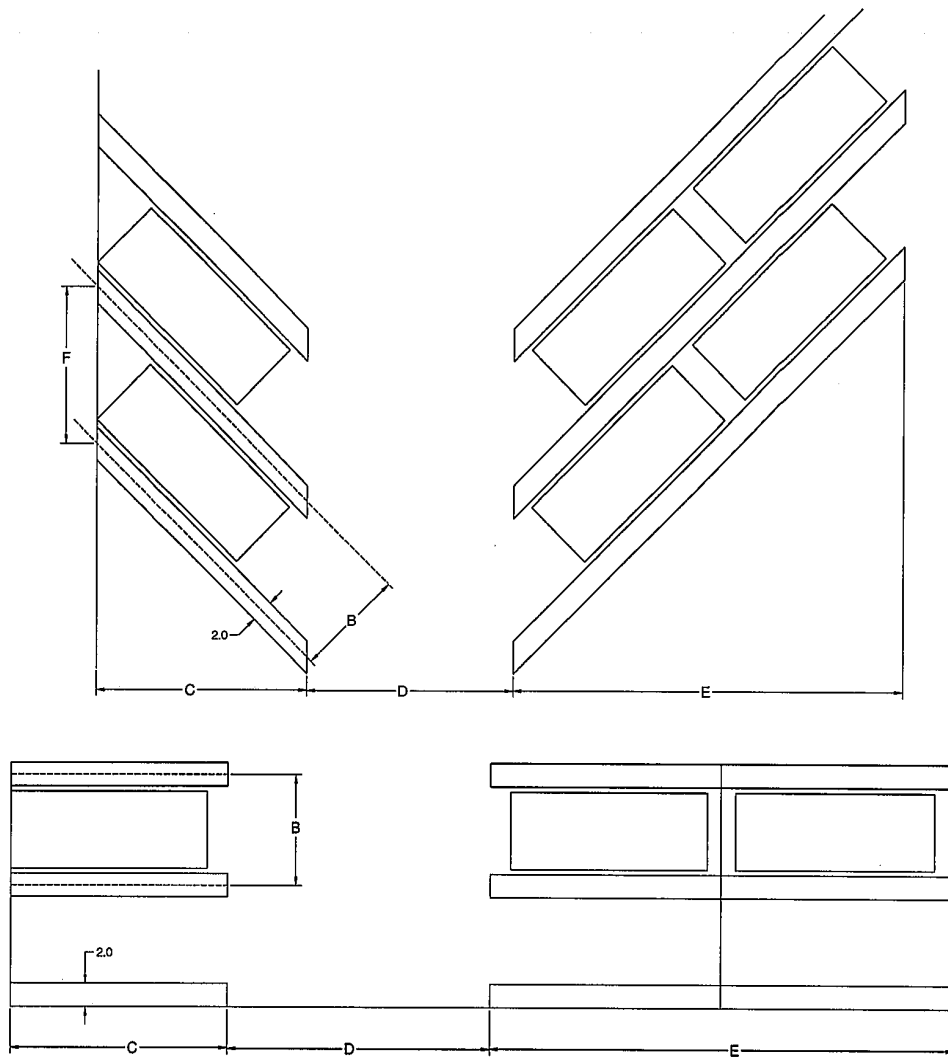
5. Dimensions, continuity and substance of screening, if any.
  6. Grading, drainage, surfacing and subgrading details.
  7. Obstacles, if any, to parking and traffic circulation in finished parking areas.
  8. Specifications for signs, bumper guards and curbs.
  9. Landscaping and lighting.
- L. In addition to other penalties and remedies, the failure to provide, maintain and care for a parking area as required by this Section:
1. Is declared a public nuisance which may be abated under subsection 6-1-8-5 of this Code.
  2. May be the basis for denying any business license required or permit issued by the City. (Ord. 625, 6-30-80; re-lettered by Ord. 669, 5-17-82; Ord. 4, Series 1985, 4-23- 85)

M. Parking provided for Accessory Dwelling Units:

1. Parking for Accessory Dwelling Units may be covered or uncovered.
2. Provided parking shall be hard-surfaced.
3. Parking for Accessory Dwelling Units may be provided on-street where on-street parking is available along the lot frontage. Site conditions may prevent the use of this specific area for that purpose, but shall not restrict the ability to count on-street parking towards the reduction of parking requirements off-street.

**10-3-9: PARKING STALL DESIGN AND MINIMUM DIMENSIONS:** All off-street parking spaces (except those provided for single-family and duplex homes) shall be improved to conform to City standards for surfacing, stormwater management, and striping and where provisions conflict, the provisions of FCC Title 9 Chapter 5 shall prevail. Standard parking spaces shall conform to minimum dimensions specified in the following standards and Figures 10-3(1) and Table 10-3-3:

- A. Motor vehicle parking spaces shall measure nine (9) feet and six (6) inches wide by nineteen (19) feet long.
- B. Each space shall have double line striping with two feet (2') wide on center.
- C. The width of any striping line used in an approved parking area shall be a minimum of 4" wide.
- D. All parallel motor vehicle parking spaces shall measure eight (8) feet six (6) inches by twenty-two (22) feet;
- E. Parking area layout shall conform to the dimensions in Figure 10-3(1), and Table 10-3-3, below;
- F. Parking areas shall conform to Americans With Disabilities Act (ADA) standards for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines.



**FIGURE 10-3 (1)**

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

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

- A. **Minimum Size Space:** Bicycle parking shall be on a two (2) feet by six (6) feet minimum.
- B. **Minimum Required Bicycle Parking Spaces.** Short term bicycle parking spaces shall be provided for all non-residential uses at a ratio of one bicycle space for every ten vehicle parking spaces. In calculating the number of required spaces, fractions shall be rounded up to the nearest whole number, with a minimum of two spaces.
- C. **Long Term Parking.** Long term bicycle parking requirements are only for new development of group living and multiple family uses (three or more units). The long term parking spaces shall be covered and secured and can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building; Multifamily= 1 per 4 units/ Group Living = 1 per 20 bedrooms/ Dormitory = 1 per 8 bedrooms.
- D. **Location and Design.** Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space other than handicap parking, or fifty (50) feet, whichever is less and shall be easily accessible to bicyclists entering the property from the public street or multi-use path.
- E. **Visibility and Security.** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage;
- F. **Lighting.** For security, bicycle parking shall be at least as well lit as vehicle parking. Refer to Section 10-37 of this Title for requirements.
- G. **Reserved Areas.** Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards. If bicycle parking cannot be provided safely, the Planning Commission or Community Development Director may waive or modify the bicycle parking requirements.

**10-3-11: LOADING AREAS:**

- A. **Purpose.** The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.
- B. **Applicability.** This section applies to residential projects with fifty (50) or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.
- C. **Location.**
  - 1. All necessary loading spaces for commercial and industrial buildings and uses shall be off the street and shall be provided in addition to the required parking spaces.
  - 2. Vehicles in the berth shall not protrude into a public right of way or sidewalk. When possible, loading berths shall be located so that vehicles are not required to back or maneuver in a public street.
  - 3. A school having a capacity greater than twenty five (25) students shall have a driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children.

**D. Number of Loading Spaces.**

1. **Residential buildings.** Buildings where all of the floor area is in residential use shall meet the following standards:

- a. Fewer than fifty (50) dwelling units on a site that abuts a local street: No loading spaces are required.
- b. All other buildings: One (1) space.

2. **Non-residential and mixed-use buildings.** Buildings where any floor area is in non-residential uses shall meet the following standards:

- a. Less than 20,000 square feet total floor area: No loading spaces required.
- b. 20,000 to 50,000 square feet of total floor area: One (1) loading space.
- c. More than 50,000 square feet of total floor area: Two (2) loading spaces.

E. **Size of Spaces.** Required loading spaces shall be at least thirty-five (35) feet long and ten (10) feet wide, and shall have a height clearance of at least thirteen (13) feet.

F. **Placement, setbacks, and landscaping.** Loading areas shall conform to the setback and perimeter landscaping standards of FCC 10-34 Landscaping. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than one hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

The following ordinances were repealed and replaced by:

Ord. No. 7, Series 2008 – effective 4/3/2008

Ord. No. 9, Series 2008 – effective 5/9/2008 - lighting

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Amended by Ordinance No. 15, Series 1988

Amended by Ordinance No. 12, Series 1994

Amended by Ordinance No. 19, Series 1994

Amended by Ordinance No. 14, Series 1995

Amended by Ordinance No. 2, Series 2000

Section 10-3-8 amended by Ordinance No. 9, Series 2009

Sections 10-3-4-C, and 10-3-11-F amended by Ordinance No. 4, Series 2011 effective 4-22-11

Section 10-3-2-I added, and Section 10-3-9 amended by Ordinance No. 18, Series 2011 effective 9-16-11

Section 10-3-3 and 10-3-10 amended by Ordinance No. 5, Series 2012 effective 1-16-13

Section 10-3-8 and 10-3-9 amended by Ordinance No. 3, Series 2013 effective 7-31-13

Section 10-3-8-G and 10-3-10-F amended by Ord. No. 12, Series 2014, effective 12-31-14

Section 10-3-4 amended by Ord. No. 12, Series 2015, effective 1-1-15

Section 10-3-6 amended by Ord. No. 11, Series 2016, effective ~~XX/XX/XX~~11-16-16

Sections 10-3-4 and 10-3-8 amended by Ord. No. XX, Series 2018, 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:

- A. The size of the area required for development of such uses;
- B. The effect such uses have on the public utility systems;
- C. The nature of traffic problems incidental to operation of the use;
- D. The effect such uses have on any adjoining land uses; and
- E. The effect such uses have on the growth and development of the community as a whole.

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

**10-4-2: GENERAL APPLICABILITY:** Remodels and expansions of up to 25% of the floor area are allowed without a new conditional use permit as long as the remodel or expansion is consistent with the original approval.

**10-4-3: USE PERMIT PREREQUISITE TO CONSTRUCTION:** When a conditional use permit is required by the terms of this Title, no building permit shall be issued until the conditional use permit has been granted by the Planning Commission, and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent.

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

- A. Site and building plans and elevations.
- B. Existing conditions on the site and within three hundred feet (300') of a site that is one (1) acre or larger and within one hundred feet (100') from a site that is less than one (1) acres in size.
- C. Existing and proposed utility lines and easements.

- D. Operational data explaining how the buildings and uses will function.
- E. Any other pertinent information requested by the Planning Commission such as architectural renderings of the buildings and structures involved in the proposed development.
- F. Other information and format as required by FCC 10-1-1-4.

**10-4-5: PUBLIC HEARING AND NOTICE:** The Planning Commission shall hold at least one public hearing on each conditional use permit application.

**10-4-6: ACTION:** The Planning Commission shall make specific findings for granting or denying a conditional use permit in accordance with the general criteria and/or conditions of Section 10-4-9 of this Title.

**10-4-7: EFFECTIVE DATE:** A conditional use permit shall become effective at the close of the appeal period.

**10-4-8: EXPIRATION OF CONDITIONAL USE PERMIT:**

- A. Authorization of a conditional use permit shall be void one (1) year after the date of approval of a conditional use application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation.

The applicant may apply to the Planning Commission for a one-time extension of one (1) year maximum duration based on compliance with the following criteria:

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

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

- B. The discontinuance of a conditional use for twelve (12) consecutive months shall constitute expiration of that conditional use. The use occupying the premises thereafter shall conform to the regulations of the zoning district in which it is located.

**10-4-9: REVOCATION:** The Planning Commission, after notice and public hearing, may revoke a conditional use permit for any of the following reasons:

- A. Failure to comply with any prescribed requirement of the conditional use permit.
- B. Violation of any of the provisions of this Title.
- C. The use for which the permit was granted has ceased to exist or has been suspended for six (6) consecutive months or for eighteen (18) months during any three (3) year period.
- D. The use for which the permit was granted has been so exercised as to be detrimental to the public health, safety or general welfare, or so as to constitute a nuisance. (Ord. 625, 6-30-80).

**10-4-10: GENERAL CRITERIA:** A conditional use permit may be granted only if the proposal conforms to all the following general criteria: (Ord. 669, 5-17-82)

- A. Conformity with the Florence Comprehensive Plan.
- B. Compliance with special conditions established by the Planning Commission to carry out the purpose of this Chapter.

- C. Findings that adequate land is available for uses which are permitted outright in the district where the conditional use is proposed. Available land can be either vacant land or land which could be converted from another use within the applicable zoning district. Land needs for permitted uses may be determined through projections contained in the Florence Comprehensive Plan or other special studies.
- D. Conditional uses are subject to design review under the provisions of Chapter 6 of this Title, except single family and duplex residential use. (Ord. 625, 6-30-80) See Code Section 10-6-3 for Design Review requirements.
- E. Adequacy of public facilities, public services and utilities to service the proposed development.
- F. Adequacy of vehicle and pedestrian access to the site, including access by fire, police and other vehicles necessary to protect public health and safety. (Ord. 669, 5-17-82).

**10-4-11: GENERAL CONDITIONS:** The Planning Commission may require any of the following conditions it deems necessary to secure the purpose of this Chapter. Where a proposed conditional use is permitted in another district, the Planning Commission may apply the relevant development standards from the other district. In addition, conditions may be required by the Planning Commission. Such conditions may include: (Ord 625, 6-30-80; amd. Ord 669, 5-17-82).

- A. Regulation of uses, special yard setbacks, coverage and height.
- B. Requiring fences, walls, screens and landscaping plus their maintenance.
- C. Regulation and control of points of vehicular ingress and egress.
- D. Regulation of noise, vibration, odors, and sightliness.
- E. Requiring surfacing of parking areas.
- F. Requiring rehabilitation plans.
- G. Regulation of hours of operation and duration of use or operation.
- H. Requiring a time period within which the proposed use shall be developed.
- I. Requiring bonds to insure performance of special conditions.
- J. Regulation of tree and vegetation removal to maintain soil stability, preserve natural habitat, protect riparian vegetation, buffer conflicting uses, and maintain scenic qualities.
- K. Such other conditions as will make possible the development of the City in an orderly and efficient manner and in conformity with the intent and purpose of the Florence Comprehensive Plan.

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

A. Churches/Places of Worship:

1. Any building used for ~~church-worship~~ purposes in a residential district, except freestanding parsonages, shall provide and maintain a minimum setback of twenty feet (20') from any property line which is under a different ownership and is zoned for residential use.
2. Places of Worship may provide housing or space for housing in a building that is detached from the place of worship, provided:
  - a. At least 50 percent of the residential units provided are affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County.
  - b. The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
3. Housing and space for housing provided under ORS 227.500 and FCC 10-4-12-A-2 must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit designated as affordable housing as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for Lane County for a period of 60 years from the date of the certificate of occupancy.

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

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

D. Service Stations: as used herein, service station means a facility designed to provide fuel and automotive services for passenger-type vehicles. Truck stops or service centers will be treated separately and distinctly from service stations.

1. Location: Service stations shall be located adjacent to and integrated with other commercial uses, but not allowed in "spot" locations. They shall be located adjacent to an arterial street.
2. Site Dimensions: The minimum size for a service station shall be one hundred fifty foot (150') frontage and one hundred foot (100') depth. They shall not abut existing residential districts and there shall be a minimum distance of four hundred feet (400') between service stations except at intersections. No more than two (2) service stations will be allowed at any intersection.
3. Landscaping: Shall be installed in accordance with the standards set forth in FCC 10-34 Landscaping.
4. Curb Cuts: No more than two (2) curb cuts will be allowed off any arterial street and these shall be located a distance no less than thirty feet (30') from any point of intersection with a public right of way.



5. Signs: Signs shall be in accordance with the sign regulations of Title 4 Chapter 7 of this code.
6. Hazards and Nuisances: Noise shall be controlled so as not to exceed the normal ground level of adjacent uses. Lighting shall be in accordance with Section 10-37 of this Title.
7. Operations:
  - a. Only vehicles awaiting service will be stored on the premises.
  - b. Operations outside permanent structures shall be limited to dispensing gasoline, oil and water, changing tires, adjusting tire pressure, attaching and detaching trailers and washing vehicles.
  - c. Rental vehicles or utility trailer, not exceeding ten (10) in number, may be stored for rental, provided that any screening required by the City is in place and maintained.
  - d. No merchandise shall be displayed or stored outside, except for oil in racks adjacent to the pumps.
8. Discontinuance of Operations:
  - a. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the conditional use permit for the service station may be revoked.
  - b. When a service station is not operated for any nine (9) months out of any eighteen (18) consecutive months, the buildings and structures may be removed at the expense of the property owner(s).
  - c. If the property owner fails to remove the buildings and structures within six (6) months of the revocation of the conditional use permit, the City may remove such buildings and structures at the expense of the owner(s).
9. Design: An architectural rendering of the proposed service station shall be submitted in addition to the other information required for a conditional use permit. (Ord. 625, 6-30-80)

E. Temporary Mobile Building Space:

1. A conditional use permit may be issued to provide adequate temporary building space for the following uses:
  - a. Temporary offices accessible to the general public for use during construction or remodeling.
  - b. Temporary building space for education, nonprofit and government agencies.
2. Conditional Use Permits for Mobile Homes: A conditional use permit may be issued to an applicant showing an undue medical hardship. The applicant must demonstrate to the Commission with supporting factual information that this action is necessary to provide adequate and immediate health care for a person or persons who need close attention, but who would otherwise be unable to receive needed attention from the hospital or care facility, provided that the mobile home is to be used in conjunction with another permanent residential structure on the same lot. The written application for medical hardship special use permit shall be submitted to the Planning Commission and shall contain:
  - a. A written medical report from a licensed physician indicating the nature of the medical or disability hardship and the amount and type of care needed by the affected person or persons;

- b. A property plan showing in detail the proposed location and site of the mobile home with respect to the surrounding area, setbacks, existing structures and improvements to be made.
- c. Conditions of approval:
  - 1. There shall be no change in occupancy under the permit.
  - 2. The mobile home shall not be expanded or attached to a permanent structure.
  - 3. The mobile home shall have approved connections to utility systems and the owners shall be allowed to hook to an existing residential sewer service lateral without paying a sewer hookup charge.
  - 4. The mobile home shall be required to meet all setback requirements of residential dwellings and shall be situated so as to have the least possible visual exposure to adjoining streets.
  - 5. The owner agrees that the mobile home shall be removed from the property when the temporary need allowed by this permit ceases. (Ord. 8, Series 1985, 5-28-85).

F. Bed and Breakfast Facility:

- 1. A bed and breakfast facility must be in a one-family dwelling.
- 2. A maximum of three bedrooms shall be rented.
- 3. The bed and breakfast shall be an owner occupied residence. No separate structures shall be utilized.
- 4. Rooms may not be rented for more than seven consecutive days, and no more than fifteen (15) days per person in any thirty (30) day period.
- 5. The exterior of the building and the yard shall maintain a residential appearance.
- 6. A morning meal must be served on premise and included within the room charge for guests of the facility and shall be the only meal provided.
- 7. The facility must meet applicable county and state health, safety (including but not limited to the Uniform Building Code requirements concerning maximum occupancy) and liability requirements.
- 8. One off-street parking space will be required for each rented bedroom, in addition to the number of spaces required for each dwelling unit.
- 9. One sign shall be permitted on the premises with a maximum area of four (4) square feet.
- 10. The city, upon receipt of a citizen complaint, will review a conditional use permit approved for a bed and breakfast facility. The planning commission may withdraw the permit, at any time if it is determined that the conditions of the permit have been violated after reviewing written complaints and the staff report. The operator of a facility will be notified by the city in writing prior to the planning commission determination to allow the operator to appear and show cause why the conditional use permit should not be withdrawn.
- 11. An increase in the number of rooms rented, over those previously permitted and not to exceed 3 rooms, will require a new conditional use permit with the conditional use fee reduced to one-half.

12. The applicant must have written approval from the Board of Directors of any applicable Homeowner's Association. (Amended by Ord. No. 13, Series 2002)
- G. Waste Related Industrial Use:
1. Any waste related industrial use shall provide and maintain a minimum vegetated buffer of twenty feet (20') from any property line which is under a different ownership and/or zoned for residential use.
  2. A solid fence and/or wall a minimum of six feet (6') to a maximum of eight feet (8') in height shall be provided and located along side and rear property lines (except corner lots), behind the front yard landscaped setback and behind the side yard landscaped setback on corner lots.
  3. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.
  4. All necessary State and County permits shall be obtained to ensure the environmental health and safety of the public.
- H. Residential Caretaker Unit;
1. Residential caretaker unit must be located a minimum of twenty feet (20') from any property line abutting a street.
  2. Provision of a residential caretaker unit must be necessary to ensure adequate security and monitoring of the site and/or viable business operations (e.g. on-call persons, emergency maintenance).
- I. All Medical and Recreational Marijuana uses requiring licensing or registration by the Oregon Liquor Control Commission or the Oregon Health Authority.
1. Medical marijuana dispensaries, recreational marijuana retailers, medical and recreational marijuana processing sites, recreational producers, and marijuana wholesalers are permitted conditionally except as specifically provided for in the Pacific View Business Park District and Limited Industrial District and where permitted as a home occupation. Where a licensed marijuana use is not listed among the uses permitted conditionally or outright in a particular zoning district, the marijuana use is not permitted in that zoning district.
  2. Prior to submitting an application for a medical marijuana or recreational marijuana conditionally permitted use, the applicant shall attend a pre-development meeting with Community Development staff. In addition, prior to submitting the conditional use permit, the applicant shall submit a zone verification request for the development site to determine whether the proposed development site complies with the necessary separation requirements for a medical marijuana or recreational use.
  3. Medical marijuana dispensaries and marijuana retailers must be separated from the following by a minimum of the listed distance:
    - a. 175 feet from residential zones
    - b. 200 feet from public libraries.
    - c. 200 feet from public parks, except Miller Park which shall be 400 feet.

- d. 200 feet from child care facilities licensed by the Oregon Department of Education (registered family child care homes, certified family child care homes, and certified child care centers).
- e. 1,000 feet from:
  - 1. Public elementary or secondary school for which attendance is compulsory under ORS 339.020.
  - 2. Private or parochial elementary or secondary school, teaching children as described in ORS 339.030.

School buffers listed in “3.e.” above shall be measured as follows: A straight line measurement in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising a school to the closest point of the premises of a retailer or dispensary. For all other buffers, distance is measured in a straight line measurement in a radius extending for the buffered distance in every direction from any point on the boundary line of the real property comprising the buffered use to the nearest primary or accessory structure used for medical marijuana facility use. The distance limitations are based upon the uses surrounding the proposed medical marijuana facility location at the time the conditional use application is deemed complete.

- 4. All medical and recreational marijuana uses shall:
  - a. Not be a home occupation, except Medical Marijuana Production and Processing and Recreational Marijuana Producers and Processors in a permanent building as discussed in ‘c’ below.
  - b. Not locate in a building that also contains a dwelling or caretaker facility.
  - c. Only locate in a permanent building and shall not locate in a temporary or movable structure, such as a high tunnel, greenhouse, trailer, cargo container or motor vehicle, except as provided in ‘i’. Medical and Recreational Production not in a residential zone and not a home occupation may conduct outdoor grow operations, excepting in the Highway District.
  - d. Not have a drive-up window or walk-up window.
  - e. Provide exterior lighting after sunset during business hours to light the public entrance to the facility. The lighting shall be positioned so as to not negatively impact the picture quality of any video surveillance system used by the facility.
  - f. Provide overhead lighting after sunset during business hours for any on-site parking area.
  - g. Have only one public entrance and the single public entrance shall face a public street.
  - h. Not share an air circulation system with another use.
  - i. Not locate in greenhouses or high tunnels, except for producers and production sites that are not home occupations may use those structures in non-residential districts where the business use is permitted.
  - j. Provide effective odor control system such as by carbon filtration.
  - k. Not use artificial lighting after sunset and before sunrise with outdoor grow sites and production or those operating in greenhouses or high-tunnels.

- I. Position security cameras in such a way as to only show the licensee's property and surrounding public right-of-way.
5. All medical marijuana and recreational marijuana uses must have a current and active registration and/or license to conduct business as a facility from the Oregon Health Authority and from the Oregon Liquor Control Commission, as applicable and must have a current City business license.
6. All medical marijuana grow sites and recreational producers must provide the city a 'will serve' letter or equivalent from Florence Public Works, Central Lincoln PUD and Heceta Water PUD (as applicable) prior to submission of a land use permit application or business license, whichever application is made first.

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Sections: 10-4-4; 10-4-6; 10-4-7 Amended by Ord. 26, 2008

Section: 10-4-11-F: July, 2009 (housekeeping)

Section 10-4-11 amended by Ord. No. 9, Series 2009

Section 10-4-11 amended by Ord. No. 4, Series 2010 (effective 4/5/10)

Sections 10-4-3-B, 10-4-11-D-3, and 10-4-11-D-5 amended, AND Section 10-4-10-D deleted and subsequent sections renumbered by Ordinance No. 4, Series 2011 (effective 4/22/11)

Section 10-7-7 amended; sections 10-4-2 and 10-4-7-B added; and subsequent sections renumbered by Ord. No. 3, Series 2013 – See Exhibit B (effective 7-31-13)

Section 10-4-12-D-6 amended by Ord. No. 12, Series 2014 (effective 12-31-14)

Section 10-4-12-I added by Ord. No. 1, Series 2015 (effective 3-15-14)

Section 10-4-12-I amended by Ord. No. 12, Series 2015 (effective 1-1-16)

Sections 10-4-1, 10-4-4, and 10-4-12-C and -I amended by Ord. No. 11, Series 2016 (effective 11-16-16)

Section 10-4-12-A amended by Ord. No. XX, Series 2018 (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

**10-10-1: PURPOSE:** The Restricted Residential District is intended to provide a quality environment for low density, urban single-family residential use and other single or multifamily Planned Unit Development as determined to be necessary and/or desirable.

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

- A. Single-Family dwellings.
- B. Planned Unit Developments (Chapter 23 of this Title).
- C. Gardens and greenhouses for the raising and harvesting of fruit, vegetables, and flowers for noncommercial use.
- D. Accessory buildings and uses to the extent necessary and normal in a residential neighborhood. Accessory buildings are not permitted in the front yard.
- E. Home occupations.

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

- A. Public and semi-public buildings and uses such as fire stations, pumping stations, reservoirs, etc. that are essential for the physical, social and economic welfare of the community.
- B. Public and private parks, playgrounds, community centers and recreation facilities.
- C. Churches, except rescue missions or temporary revivals.
- D. Mobile home placement - medical hardship.
- E. Child care centers, as defined by OAR 414-300-1998(8)

**10-10-4: LOT AND YARD PROVISIONS:**

- A. Minimum Lot Dimensions: To be designated a building site, a lot must be at least fifty feet (50') wide and at least eighty feet (80') in depth. For new subdivisions and newly platted lots, the minimum width shall be eighty feet (80') and the minimum depth shall be eight five feet (85').
- B. Minimum Lot Area: To be designated a building site, a lot must be comprised of at least nine thousand (9,000) square feet.
- C. Lot Coverage: The maximum coverage by all enclosed buildings shall not exceed thirty five percent (35%) of the lot area. The maximum coverage by all structures, driveways, parking spaces and surfaced areas shall not exceed sixty five percent (65%) of the lot area.

- D. Yard Regulations: Unless a variance is granted in accordance with Chapter 5 of this Title, minimum setbacks and yard regulations shall be as indicated below:
1. Front Yards: No garage or parking structures shall be closer than twenty feet (20') from the front property line. All other buildings shall be set back at least twenty feet (20').
  2. Side Yards: A yard of not less than ten feet (10') shall be maintained on each side of the lot. Corner side yards shall not be used for clotheslines, incinerators, permanent storage of trailers, boats and recreational vehicles or of any materials, nor shall said yard be used for the regular or constant parking of automobiles or other vehicles.
  3. Rear Yards: Dwelling units shall be set back not less than ten feet (10') from the rear property line. Accessory buildings shall be set back not less than five feet (5') from the rear property line.
  4. All patio structures and swimming pools shall be a minimum of five feet (5') from any side or rear property line.

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

- A. Building or Structural Height Limitations:
1. Residential Buildings: The maximum building or structural height shall be twenty-eight feet (28').
  2. Accessory Buildings: The maximum building height shall be fifteen feet (15').
  3. Nonresidential Buildings: The maximum building height shall not exceed twenty-eight feet (28') in height.
- B. Fences: See Code Section 10-34-5 of this Title
- C. Vision Clearance: Refer to Section 10-2-13 and 10-35-2-14 of this Title for definition, and requirements.
- D. Off-Street Parking: Refer to Chapter 3 of this Title (Off-Street Parking and Loading)
- E. Signs: Signs shall be in accordance with Title 4, Chapter 7 of this Code. (Ord. 4, 2011)
- F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.
- G. Access and Circulation: Refer to Section 10-35 of this Title for requirements.
- H. Public Facilities: Refer to Section 10-36 of this Title for requirements.
- I. Lighting: Refer to Section 10-37 of this Title for requirements.

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

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

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

2. Siting & Design Criteria:

- a. Separate access shall be provided to each dwelling through a hard-surfaced pedestrian walkway leading to the nearest developed right-of-way or sidewalk. Connection through an existing sidewalk or driveway is permitted.
- b. Parking for each dwelling shall be denoted on a site plan, established, and maintained per FCC 10-3-4 and 10-3-8.
- c. One hundred square feet (100 sq. ft.) of open space, denoted on a site plan, shall be provided for the use of occupants of the ADU meeting the following criteria:
  - i. Not less than ten feet (10') in width or depth at any point.
  - ii. Located on land with less than a five percent (5%) slope.
  - iii. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.
  - iv. Not used for temporary or regular parking of automobiles or other vehicles.
- d. Accessory Dwelling Units shall meet the architectural standards of the underlying zoning district. ADUs need not match the architecture of the primary dwelling if located within the side or rear yards of the primary dwelling. ADUs within the front yard of the primary dwelling must match the appearance, building material (in appearance) and color of the primary dwelling.
- e. Sites with more than one primary dwelling (i.e. a duplex or triplex), where an Accessory Dwelling Unit is proposed may be approved through a Type II process.
- f. Within the Restricted Residential, Single-Family Residential, Mobile Home/Manufactured Home, and Coast Village zoning districts: One ADU may be constructed per legal, buildable lot.



g. Within the Multi-Family Residential District (High Density Residential District), both a detached ADU and an attached ADU may be constructed on the same lot. The number of Accessory Dwellings per legal, buildable lot shall not exceed two. Applications with more than one ADU may be approved through a Type II review. All other criteria in place for ADUs shall be met.

3. Safety Requirements:

a. All Accessory Dwelling Units shall meet the standards of Building and Fire Code.

b. All Accessory Dwelling Units shall be inspected by the Building Official prior to their occupancy in order to determine the safety of the structure for habitation.

B. Residential Development Density Standards do not apply to Accessory Dwelling Units.

C. Accessory Dwelling Units shall not be used for Short Term Rentals.

**10-10-7: Residential Zone General Development Standards**

<b>TABLE 10-10-2</b>				
<b>Residential Zone General Development Standards</b>				
<b>Standard</b>	<b>District</b>			
	<b>Restricted Residential</b>	<b>Single-Family Residential</b>	<b>Multi-Family Residential</b>	<b>Coast Village</b>
<b>Minimum Building Setbacks</b>				
<b>Front Setback</b>				
<u>Primary Building (excluding garages and carports)</u>	<u>10'</u>	<u>10'</u>	<u>5/10'</u>	<u>20'</u>
<u>Garages and Carports</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>	<u>20'</u>
<b>Side Setback</b>				
<u>Primary Building</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>8'</u>
<u>Accessory Buildings, Patio Structures, and Pools</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Accessory Dwellings</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>8'</u>
<b>Rear Setback</b>				
<u>Primary Building</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>10'</u>
<u>Accessory Buildings, Patio Structures, and Pools</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>	<u>5'</u>
<u>Accessory Dwellings</u>	<u>10'</u>	<u>5'</u>	<u>5'</u>	<u>8'</u>
<b>Maximum Lot Coverage (in percent)</b>				
<u>All Lots, Impervious Surface, except where specifically addressed below</u>	<u>65</u>	<u>65</u>	<u>75</u>	<u>65</u>
<u>Enclosed Building Area, All Lots</u>	<u>35</u>	<u>35</u>	<u>50</u>	<u>35</u>
<u>Enclosed Building Area, Lots with Accessory Dwellings</u>	<u>55</u>	<u>55</u>	<u>70</u>	<u>55</u>
<u>Enclosed Building Area, Multi-Family Dwellings and Other Uses</u>	<u>-</u>	<u>-</u>	<u>50</u>	<u>-</u>

Amended by Ordinance No. 15, Series 1988  
 Amended by Ordinance No. 3, Series 1999  
 Section 10-10-5 B,C,E - Amended by Ordinance No. 26, Series 2008  
 Section 10-10-5 amended by Ordinance No. 9, Series 2009  
 Section 10-10-3 B – Amended by Ord. No. 2, Series 2011 – effective March 11, 2011  
 Section 10-10-5-D-E – Amended by Ord. No. 4, Series 2011 – effective April 22, 2011  
 Section 10-10-5-D amended by Ord. No. 3, Series 2013 – effective 7-31-13  
 Section 10-10-5-I amended by Ord. No. 12, Series 2014 – effective 12-31-14  
 Section 10-10-3 and -5-C amended by Ord. No. 11, Series 2016 – effective 11-16-16  
Section 10-10-6 and -7 amended by Ord. No. XX, Series 2018 – effective XX/XX/XX