



Oregon

Theodore R. Kubongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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NOTICE OF ADOPTED AMENDMENT

11/13/2009

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Florence Plan Amendment
DLCD File Number 001-09B

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Wednesday, November 25, 2009

This amendment was submitted to DLCD for review prior to adoption. Pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Melissa Anderson, City of Florence
Gloria Gardiner, DLCD Urban Planning Specialist
Dave Perry, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner

<paa> YA

Notice of Adoption

In person electronic mailed

DATE

NOV 05 2009

DEPT OF LAND CONSERVATION AND DEVELOPMENT
For DLCD Use Only

STAMP

THIS FORM **MUST BE MAILED** TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
 PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

Jurisdiction: **City of Florence** Local file number: **PC 09 04 TA 01**

Date of Adoption: **November 2, 2009** Date Mailed: **November 4, 2009**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Select one** Date: April 16, 2009

Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment

Land Use Regulation Amendment Zoning Map Amendment

New Land Use Regulation Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

The amendments to Florence City Code (FCC) Title 8, 9, 10 and 11 adopt development standards for landscaping, access and circulation, public facilities, miscellaneous amendments and related housekeeping amendments.

Does the Adoption differ from proposal? Yes, Please explain below:

The original proposal included amendments to the sign code to add sign standards for the Professional Office/Institutional District and amendments to the sidewalk width standard in the Mainstreet District. These amendments were adopted earlier through separate ordinances and notice was sent to DLCD on these specific items. Other adopted changes that differ from the original proposal are based on comments received from the public and subsequent deliberations by the decision-making bodies. However, the general purpose of the adopted amendments is consistent with the original proposal, which are development standards for landscaping, access and circulation, public facilities, and related housekeeping amendments.

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: N/A Acres Involved: N/A

Specify Density: Previous: N/A New: N/A

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment

45-days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. 001-09B (17524) [15811]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

DLCD, ODOT, Lane County, Central Lincoln PUD, Charter Communications, Qwest, Siuslaw Valley Fire & Rescue

Local Contact: **Melissa Anderson**

Phone: (541) 997-8237 Extension:

Address: **250 Hwy. 101 N.**

Fax Number: **541-997-4109**

City: **Florence**

Zip: **97439**

E-mail Address: **Melissa.andrson@ci.florenc.or.us**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, or by emailing **larry.french@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **twenty-one (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **<http://www.lcd.state.or.us/>**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **larry.french@state.or.us** - **Attention: Plan Amendment Specialist.**

City of Florence
Ordinance No. 9, Series 2009

IN THE MATTER OF LEGISLATIVE AMENDMENTS TO THE FLORENCE CITY CODE FOR TITLES 8, 9, 10 and 11 TO ADOPT DEVELOPMENT STANDARDS FOR LANDSCAPING, ACCESS AND CIRCULATION, PUBLIC FACILITIES AND MISCELLANEOUS AMENDMENTS.

WHEREAS, in 2006 the Planning Commission began working on a comprehensive update of the City zoning code based on the state's model code to implement the Realization 2020 Comprehensive Plan and to address problems of the current code;

WHEREAS, in 2007, the City Council and Planning Commission decided to not complete a comprehensive update of the code, but to rather work on discrete sections of the code;

WHEREAS, the Planning Commission began meeting in work sessions every other week in October 2008 to review and discuss changes to the City code relating to development standards for landscaping, access and circulation, and public facilities;

WHEREAS, the Planning Commission and City Council held a joint work session on March 18th, 2009 to review and discuss these changes to the City code;

WHEREAS, the Planning Commission initiated the proposed amendments to the City code by passing Resolution 09 04 TA 01 on April 14, 2009;

WHEREAS, the City sent notice of the proposed code amendments to the Department of Land, Conservation and Development on April 16, 2009, not less than 45 days prior to the first evidentiary hearing as required by state law and the Florence City Code;

WHEREAS, the City sent notice to property owners and posted the proposed code amendments on the web site on May 11, 2009 and published a notice in the Siuslaw News on May 20, 2009 prior to the Planning Commission public hearing June 3, 2009;

WHEREAS, the Planning Commission continued the public hearing to June 30, 2009 and deliberated to a decision for a recommendation to the City Council on August 11, 2009;

WHEREAS, the City sent notice of the City Council public hearing to people who had commented during the Planning Commission public hearing process on August 21, 2009 with a correction of the hearing date mailed on August 26, 2009;

WHEREAS, the City posted notice on the website on August 26, 2009, and published the notice in the Siuslaw News on September 2, 2009;

WHEREAS, the City Council held a public hearing on September 14, 2009 and closed the record after hearing public testimony;

WHEREAS, the City Council deliberated on October 12th and 26th of 2009 and made a final decision on November 2, 2009;

WHEREAS, the proposed text amendments to Title 8, 9, 10 and 11 establish development standards for landscaping, access and circulation, and public facilities and miscellaneous amendments; and

WHEREAS, the City Council finds the proposed text amendments are consistent with applicable criteria in Florence Realization 2020 Comprehensive Plan, Florence City Code and the Oregon Revised Statutes;

NOW, THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

- Section 1. Adopt the Findings of Fact (Exhibit A)
- Section 2. Amend FCC, Title 10 and add Chapter 34 Landscaping (Exhibit B);
- Section 3. Amend FCC, Title 10 and add Chapter 35 Access and Circulation (Exhibit C);
- Section 4. Amend FCC, Title 10 and add Chapter 36 Public Facilities (Exhibit D);
- Section 5. Amend FCC, Title 8 Chapter 2, Streets and Sidewalks (Exhibit E);
- Section 6. Amend FCC, Title 9 Chapter 5, Stormwater Management Utility, User Fee System and Stormwater Management Requirements (Exhibit F);
- Section 7. Amend FCC, Title 10 Chapter 1, Zoning Administration (Exhibit G);
- Section 8. Amend FCC, Title 10 Chapters 2 through 32 (Exhibit H); and
- Section 9. Amend FCC, Title 11 Chapter 1, Subdivision Administration, General Provisions (Exhibit I)
- Section 10. Amend FCC, Title 11 Chapter 2, Minor Partitioning Procedure (Exhibit J)
- Section 11. Amend FCC, Title 11 Chapter 3, Major Partition, Tentative Plan Procedure (Exhibit K)
- Section 12. Amend FCC, Title 11 Chapter 5, Platting and Mapping Standards (Exhibit L)
- Section 13. Amend FCC, Title 11 and delete Chapter 6, Required Improvements (Exhibit M)
- Section 14. Amend FCC, Title 11 Chapter 7, Modifications, Subdivision Regulations


(Exhibit N)

Section 15. These amendments will be in effect 30 days after passage of the Ordinance.

Passed by the Florence City Council this 2nd day of November, 2009.

AYES	<u>5</u>	<i>Councilors Franzen, Xavier, Burns, Roberts, Mayor Brubaker</i>
NAYS	<u>0</u>	
ABSTAIN	<u>0</u>	
ABSENT	<u>0</u>	

APPROVED BY THE MAYOR, this 2nd day of November, 2009.



Phil Brubaker, MAYOR

ATTEST:

Pat Heinze, CITY RECORDER

Exhibit A

CITY COUNCIL FINDINGS FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT

Public Hearing Date: September 14, 2009 **Planner Name:** Melissa Anderson
File: PC 09 04 TA 01

I. PROPOSAL DESCRIPTION

The proposal amends the Florence City Code by adding three new chapters to the Title 10 zoning code, which address development standards for landscaping, access and circulation, and public facilities. Additionally, amendments to various chapters of the city code are amended to ensure consistency with the new development standards. The proposed changes to the code are summarized as follows:

1. **Landscaping:** This section, proposed as Title 10 Chapter 34, includes standards for preservation of native vegetation, landscape installation, parking lot landscaping, buffering and screening, street trees, as well as walls and fences.
2. **Access and Circulation:** This section, proposed as Title 10 Chapter 35, includes standards for vehicle, bicycle, and pedestrian access on site and from the street to a site.
3. **Public Facilities:** This section, proposed as Title 10 Chapter 36, includes standards for street development, infrastructure requirements (i.e. sewer, water, stormwater), and utilities.
4. Code amendments are also proposed to existing zoning code sections in Title 8, Title 9, Title 10, and subdivision code Title 11 related to consistency with the new development standards and miscellaneous other amendments.

II. NOTICE AND REFERRALS

1. Notice:

Prior to the Planning Commission public hearing, notice was mailed to property owners and posted on the City web site on May 11th, 2009 and published in the Siuslaw News on May 20th, 2009 as required by state law and the Florence City Code.

Prior to the City Council public hearing, notice was mailed to people who had commented during the Planning Commission public hearing process on August 21, 2009 with a correction of the hearing date mailed on August 26, 2009. A notice was also posted on the website on August 26, 2009, and published the notice in the Siuslaw News on September 2, 2009.

2. Referrals:

Notice of the proposed City Code Amendments were sent to the Depart-

ment of Land, Conservation and Development (DLCD) on April 16, 2009 not less than 45 days prior to the proposed first evidentiary hearing of June 3, 2009, as required by State law and the Florence City Code.

On May 4th, 2009, prior to the Planning Commission public hearing, referrals were sent to City of Florence Building Official, Police Department, Code Enforcement and Public Works, and the Siuslaw Valley Fire & Rescue, Central Lincoln PUD, Qwest, Charter Communications, Confederated Tribes, Heceta Water District, Florence Urban Renewal Agency, Florence Area Chamber of Commerce, Lane County Land Management and Transportation Planning, and State of Oregon Department of Land Conservation and Development and Department of Transportation.

On August 26th, 2009, prior to the City Council public hearing, referrals were sent again to PeaceHealth, Heceta Water District, Lane County Land Management and Transportation Planning, Oregon Department of Transportation.

III. APPLICABLE CRITERIA

1. **Florence City Code (FCC) Title 10: Zoning Regulations**
 - Chapter 1: Zoning Administration, Section 1-3 Amendments and Changes, Section C Legislative Changes
2. **Florence Realization 2020 Comprehensive Plan**
 - Plan Adoption, Amendments, Review and Implementation
 - Chapter 1 Citizen Involvement
 - Chapter 2 Land Use
 - Chapter 5 Open Spaces, Scenic and Historical and Natural Resources
 - Chapter 6 Air, Water and Land Quality
 - Chapter 11 Utilities and Facilities
 - Chapter 12 Transportation
 - Chapter 13 Energy Facilities and Conservation
3. **Oregon Revised Statutes**
 - Oregon Revised Statutes (ORS): ORS 197.610 and ORS 227.186.

IV. FINDINGS

Florence City Code (FCC)

Title 10 Zoning Regulations, Chapter 1 Zoning Administration

FCC 10-1-3 Amendments and Changes, Section C Legislative Changes

1. **Initiation: A legislative change in zoning district boundaries, in the text of this Title, Title 11 or in the Comprehensive Plan may be initi-**

ated 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.

2. **Notice and Public Hearing:** Such notice and hearing as prescribed by state law and the Comprehensive Plan then in effect.

Finding: The proposal is consistent with these criteria because:

- The proposed text amendments are a legislative change that affects all land use applications;
- The proposal was initiated by Planning Commission Resolution PC 09 04 TA 01 on April 14, 2009; and
- Notice of the proposed change (described on page 1) was provided in accordance with state law and the Comprehensive Plan.

Realization 2020, Florence Comprehensive Plan

Plan Adoption, Amendments, Review and Implementation

Adoption of the Plan represents a commitment by the City to attempt the achievement of what the Plan proposes and is considered by other governmental units, the courts and the public to be a statement of policy. City ordinances covering development and land use must be consistent with the intent of the Plan. Federal, State, County and Special District land use actions must also be consistent with the Plan. (pp. 2-3)

Finding: The proposed amendments to the City ordinances relate to development standards for landscaping, access, and public facilities, as well as amendments to existing City code for consistency with these standards and miscellaneous other amendments. The applicable Plan policies for the proposed amendments are addressed in the policies that follow. These findings are incorporated herein.

Chapter 1: Citizen Involvement

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

Policies

4. **Official City meeting shall be well publicized and held at regular times. Agendas will provide the opportunity for citizen comment.** (pg. I-1)

Finding: The proposal for these legislative code amendments is consistent with this policy because the notice of the public hearing was mailed to

property owners on May 11, 2009 in accordance with ORS 227.186 and was published in the Siuslaw News on May 20, 2009. Additionally, the agenda and proposed amendments were posted on the City's web site prior to the hearing. Citizens were provided the opportunity to comment on the proposed amendments and the Planning Commission made changes where appropriate to address those comments.

Prior to the City Council public hearing, notice was mailed to people who had commented during the Planning Commission public hearing process on August 21, 2009 with a correction of the hearing date mailed on August 26, 2009. A notice was also posted on the website on August 26, 2009, and published the notice in the Siuslaw News on September 2, 2009. Citizens were provided the opportunity to comment on the proposed amendments and the City Council made changes where appropriate to address those comments

5. **Records of all meetings where official action is taken shall be kept at City Hall and made available on request to the public.** (pg. I-1)

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

6. **Planning documents and background data shall be available to interested citizens.** (pg. I-1)

Finding: The proposal for these actions is consistent with this policy because the staff report is made available to the public prior to the public hearing as well as posted on the City web site.

Chapter 2: Land Use Policies

7. **The City shall determine estimated additional usage and the impacts of proposed development upon maximum capability for sewer, water and stormwater systems. This information is to be included in subdivision and design review staff reports.** (pg. II-2)

Finding: The proposal for these actions is consistent with this policy because subdivision and design review applications must address infrastructure in the following criteria:

- Design review criteria FCC 10-6-5-L requires public facilities and infrastructure to meet standards set forth in FCC 10-36 Public Facilities.
- Subdivision review criteria FCC 11-5-3 requires all utilities to comply with applicable development standards in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-3-A and -B requires new development to address sanitary sewers, water and stormwater systems based on plans approved by the City that are consistent with applicable con-

struction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as wells FCC Title 9, Chapters 2, 3 and 5.

Residential

Policies

4. **Residential developers shall expect, in order to obtain subdivision approval, to provide streets of a suitable width and cross-section, sidewalks, other transportation facilities consistent with the Transportation System Plan, conveyance of natural drainage flows through the site, stormwater management systems, appropriate traffic safety signs and street lights, and normal and incidental public and quasi-public utilities including water, sanitary sewer, stormwater, and underground electric, cable, telephone and potentially fiber optic cable. (pg. II-4)**

Finding: The proposal for these actions is consistent with this policy because subdivision applications must address transportation facilities and infrastructure in the following criteria:

- Subdivision review criteria FCC 11-5-1 requires all streets to comply with development standards in FCC 10-36 Public Facilities.
- Subdivision review criteria FCC 11-5-3 requires all utilities to comply with applicable development standards in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-2 requires all new development to meet the street standards set forth in that Section and to be consistent with Transportation System Plan.
- Public facility criteria FCC 10-36-2-24 require street lights to be installed as applicable.
- Public facility criterion FCC 10-36-2-22 requires all new development to be responsible for the installation of street signs as approved through the land use process.
- Public facility criteria FCC 10-36-3-A and -B requires new development to address sanitary sewers, water and stormwater systems based on plans approved by the City that are consistent with applicable construction specifications and the Wastewater Master Plan, Water System Master Plan and Stormwater Master Plan, as wells FCC Title 9, Chapters 2, 3 and 5.
- Public facility criteria FCC 10-36-3-C requires new development to address existing watercourses through an easement or drainage right-of-way to protect the public health and safety.
- Public facility criteria FCC 10-36-5 requires all new utility lines, but not limited to, those required for electric, communication, lighting and cable television services and related facilities to be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.

5. **Residential development shall be discouraged in areas where such development would constitute a threat to the public health and welfare, or create excessive public expense. The City continues to support mixed use development when care is taken such that residential living areas are located, to the greatest extent possible, away from areas subject to high concentrations of vehicular traffic, noise, odors, glare, or natural hazards. (pg. II-4)**

Finding: The proposal for these actions is consistent with this policy because new development must address the infrastructure requirements of FCC 10-36 and the land use buffering standards of FCC 10-34 as follows:

- Public facility standards of FCC 10-36 require adequate transportation and infrastructure facilities to support the public health, safety and welfare.
- Landscaping standards of FCC 10-34-3-7-D require a visual and noise buffer when a commercial, industrial or other non-residential use abuts a residential district or residential land use.

6. **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. (pg. II-5)**

Finding: The proposal for these actions is consistent with this policy because the landscaping standards in FCC 10-34-3-7-D requires a visual and noise buffer adjacent to the residential property line when a commercial, industrial or other non-residential use abuts a residential district or residential land use.

11. **New residential subdivisions shall dedicate rights-of-way and construct pedestrian and bicycle trails in accordance with the City's Transportation System Plan or where the extension of an existing pedestrian and bicycle facility is warranted as a logical extension of that city wide transportation system. (pg. II-5)**

Finding: The proposal for these actions is consistent with this policy because new residential subdivisions must address transportation facilities in the following criteria:

- Subdivision review criteria FCC 11-5-1 requires transportation facilities to comply with street standards of FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-2-1-B requires all new development to meet the street standards set forth in that Section and be consistent with Transportation System Plan.
- Public facility criteria FCC 10-36-2-5 require street rights-of-way and improvements to be consistent with the Transportation System Plan

- and the standards specified in FCC 8-2, Streets and Sidewalks.
- Public facility criteria FCC 10-36-2-5-A-4 requires streets width to be based on, among other things, the pedestrian and bicycle requirements and anticipated level of use;
 - Public facility criteria FCC 10-36-2-9-C requires a mid-block connection with a multi-use path when adhering to the maximum block length is impractical.

Commercial

Policies

4. **The City shall encourage commercial developments which enhance their surroundings through the on-site use of attractive architecture, relative scale, abundant landscaping, vehicular access improvements and appropriate signage.** (pg. II-9)

Finding: The proposal for these actions is consistent with this policy because commercial development must address the following Design Review criteria:

- Design review criteria FCC 10-6-5-C requires landscaping to meet the standards set forth in FCC 10-34, Landscaping.
- Design review criteria FCC 10-6-5-D requires access improvements to meet the standards set forth in FCC 10-35, Access and Circulation.
- Design review criteria FCC 10-6-5-G requires signs to meet the standards set forth in FCC 10-26, Sign Regulations and Matrix.

6. **All commercial developments shall be expected to meet a minimum level of improvement and development standards, either initially or at the time of reuse or redevelopment.** (pg. II-9)

7. **Commercial areas shall be planned in relation to the capacity of existing and future transportation systems and public infrastructure (sewer, water, stormwater).** (pg. II-9)

Finding: The proposal for these actions is consistent with these policies because commercial development must address the standards of the following Design Review criteria:

- Design review criteria FCC 10-6-5-C requires new commercial development to meet a minimum level of landscaping improvements with standards set forth in FCC 10-34, Landscaping.
- Design review criteria FCC 10-6-5-D requires new commercial development to meet minimum access standards set forth in FCC 10-35, Access and Circulation.
- Design review criteria FCC 10-6-5-L requires new commercial development to meet a minimum level of transportation and infrastructure standards set for in FCC 10-36, Public Facilities.

9. **Commercial facilities along highways and arterials shall be designed to avoid congestion through alternative local street access or consistent with the City's access management guidelines found within its Transportation System Plan. (pg. 11-9)**

Finding: The proposal for these actions is consistent with this policy because commercial development must address access standards through the following Design Review criteria:

- Design review criteria FCC 10-6-5-D requires access improvements to meet the standards set forth in FCC 10-35, Access and Circulation.
- Access and Circulation criteria FCC 10-35-2-4 requires projects with direct access onto a State Highway or County road to obtain a State or County access permit.
- Public Facility Criteria FCC 10-35-2-4 also stipulates that when a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan."
- Access and Circulation criteria FCC 10-35-2-6 stipulate that the roadway authority may require mitigation as a condition of development approval to ensure the safe and efficient operation of a street or highway system.
- Public Facility Criteria FCC 10-36-2-19 stipulates that property access to abutting arterials shall be minimized and shared driveways may be required; if vehicle access of a secondary street is possible, then the City may prohibit access to the primary street. In general, access shall be from the street with a lower-level street classification.

Chapter 5: Open Spaces and Scenic, Historic, and Natural Resources

Wetlands

Policies

1. **For the purpose of land planning and initial wetland identification, the City and Lane County shall rely on the 1997 Florence Local Wetland and Riparian Area Inventory, approved by the Oregon Division of State Lands, and as amended hereafter. (pg. V-1)**
2. **The City shall consider formal wetland delineation reports approved by the Oregon Division of State lands as a valid source of wetland information specific to a land use action or limited land use action. Such reports, if approved by DSL, will be incorporated by reference into the City's 1997 Local Wetland and Riparian Area Inventory. (pg. V-2)**

Riparian Areas

Policies

- 1. For the purpose of riparian area identification, the 1997 Florence Local Wetland and Riparian Area Inventory shall serve the needs of the City and Lane County in land use planning and riparian area identification. (pg. V-4)**
- 5. The retention of native vegetation in riparian areas is critical to their function. Therefore, the City shall adopt effective regulations ensuring the retention, or if necessary, the replanting of native species in riparian areas and may include conditions regarding fertilizer and pesticide runoff. (pg. V-4)**

Finding: The proposal for these actions is consistent with these policies because the landscaping standards in FCC 10-34 provide incentives to preserve native vegetation, wetlands and riparian areas. Specifically, FCC 10-34-2-4 provides a preservation credit if significant vegetation such as wetlands and riparian areas on the site are preserved; a landscape credit for preserved significant vegetation areas is granted at a ratio of 2 to 1 (e.g. for every one square foot of preserved significant vegetation is counted as two square feet in meeting the total landscaping requirements for the site).

Native Vegetation

Policies

- 1. Native vegetation is part of the character of the community. Retention and enhancement of native vegetation provides for continuation of the unique character of the community. Therefore, the City shall work with local landscaping companies to develop a way of integrating native vegetation into site plans, with emphasis placed on retention of existing native materials and reduction in the use of water for irrigation. (pg. V-14)**

Finding: The proposal for these actions is consistent with these policies because the landscaping standards in FCC 10-34 were crafted with extensive input from local landscaping companies and incentives to preserve native vegetation are included in the following standards:

- FCC 10-34-2-2 provides standards for preserving native vegetation when using it to meet the landscaping requirements of FCC 10-34-3-3, Landscaping Area and Planting Standards.
- FCC 10-34-2-4 provides a preservation credit if native vegetation on the site is preserved; a landscape credit for preserved native vegetation is granted at a ratio of 2 to 1 (e.g. for every one square foot of preserved significant vegetation is counted as two square feet in meeting the total landscaping requirements for the site).

- 2. City Code currently requires minimal landscaping. The City shall evaluate its codes, to determine whether landscaping requirements**

need to be increased. The integration of native vegetation into site plans should reduce costs of additional landscaping as well as the need for irrigation once plantings are established. (pg. V-14)

Finding: The proposal for these actions is consistent with this policy because the City, after evaluating the existing codes, determined the overall landscaping requirements should be increased from 10% to 15% of a site area, but with the following provisions:

- FCC 10-34-3-4-D allows stormwater facilities with landscaping such as bio-swales to be counted toward meeting the 15% area calculation.
- FCC 10-34-2-4 allows significant vegetation, which includes native vegetation, wetlands, riparian areas and steep slopes, to be used as a preservation credit to meet the landscaping requirement at a ratio of 2 to 1.
- FCC 10-34-3-5 exempts existing native vegetation from irrigation requirements and allows new drought tolerant plants to only have temporary irrigation for plant establishment.

- 3. The City shall continue to require vegetative stabilization of steep slopes and cut-banks. The emphasis will be on the use of native plant materials where possible. However, since slope/bank stability is the paramount concern in these situations, the City will approve the plant materials that best stabilize the slope/bank, even if they are not native plant materials. (pg. V-14)**

Finding: The proposal for these actions is consistent with this policy because:

- FCC 10-34-2-4 provides an incentive to preserve steep slopes by allowing steep slopes to meet the landscaping requirements of FCC 10-34-3-3 with a credit at a ratio of 2 to 1.
- FCC 10-34-2-2-F requires stabilization measures along perimeter areas to avoid erosion when native vegetation with grade changes is used to meet landscaping requirements.
- FCC 10-36-4 stipulates that in addition to the standard City requirements for stormwater, erosion control and sand management, projects that disturb one or more acres of land must obtain a National Pollution Discharge Elimination System permit.

- 4. To eradicate or at least control, noxious and undesirable non-native vegetation. (pg. V-14)**

Finding: The proposal for these actions is consistent with this policy because:

- FCC 10-34 defines noxious weeds as those plants identified by the current Lane County Public Works "Noxious and Invasive Weed Management List," with additional City of Florence footnotes. Additionally, the code identifies noxious weeds common to the area as Scotch

- Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.
- FCC 10-34-3-3-B of the landscaping standards requires noxious weeds to be removed during site development and prohibits the planting of invasive or noxious weeds.
- FCC 10-34-2-2-E of the landscape conservation standards requires existing noxious weeds to be removed if they are located within an area of native vegetation that is intended to be preserved.

Scenic Resources and Visual Quality

Policies

6. **The City shall work with landowners, developers and local landscaping companies to enhance the quality of our main thoroughfares through improved landscaping, including use/retention of native species as appropriate. (pg. V-20)**

Finding: The proposal for these actions is consistent with these policies because the landscaping standards in FCC 10-34 were crafted with extensive input from local landscaping companies, and provisions are included to enhance the main thoroughfares with landscaping, as well as incentives to preserve native vegetation in the following standards:

- FCC 10-34-2-2 provides standards for preserving native vegetation when using it to meet the landscaping requirements of FCC 10-34-3-3, Landscaping Area and Planting Standards.
- FCC 10-34-3-3 establishes minimum standards for landscaping including area, placement of trees and shrubs along all lot lines that are adjacent to a street, and locating required landscaping within the first 20 feet of any lot line that abuts a street.

Chapter 6: Air, Water and Land Quality

Policies

3. **Site construction procedures shall not contribute to serious erosion and sedimentation of lakes, impoundments or waterways. (pg. VI-1)**

Finding: The proposal for these actions is consistent with this policy because subdivision and design review applications must address infrastructure in the following criteria:

- Design review criteria FCC 10-6-5-L and subdivision review criteria FCC 11-5-3 requires new development to meet standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-3-A and -B requires new development to address stormwater systems based on plans approved by the City that are consistent with applicable construction specifications and the Stormwater Master Plan, as well as FCC Title 9, Chapter 5, Stormwater Management Requirements.
- FCC 10-36-4 stipulates that in addition to the standard City require-

ments for stormwater, erosion control and sand management, projects that disturb one or more acres of land must obtain a National Pollution Discharge Elimination System permit.

Chapter 11: Utilities and Facilities

Stormwater Management

Policies

1. **The City shall encourage on-site retention of stormwater. However, in instances where flows are in excess of that generated on-site, or where site conditions make this physically impracticable, a combination of piped systems and natural drainage systems may carry stormwater off-site to approved collection or dispersion facilities. (pg. XI-5)**

3. **Maintenance of stormwater facilities is critical to their functioning, especially with natural systems. The City shall ensure that adequate measures are available to provide, or to require developers and homeowners to provide, on-going maintenance. (pg. XI-5)**

3. **City approved provision for controlling storm run-off shall be made before development takes place in areas that have drainage problems. (pg. XI-5)**

4. **Storm drainage facilities, as approved by the City, may include culverts, drywells, catchment basins, pretreatment facilities, natural or surface channel systems or pipelines, or other facilities developed with accepted engineering practices and standards. Such facilities shall be a part of all subdivisions, planned unit developments, street construction or improvements, commercial and industrial development or other developments which may impact storm drainage patterns. (pg. XI-5)**

Finding: The proposal for these actions is consistent with these policies because subdivision and design review applications must address infrastructure in the following criteria:

- Design review criteria FCC 10-6-5-L and subdivision review criteria FCC 11-5-3 requires new development to meet standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-3-A and -B requires new development to address stormwater systems based on plans approved by the City that are consistent with applicable construction specifications and the Stormwater Master Plan, as well as FCC Title 9, Chapter 5, Stormwater Management Requirements.
- Public facility criteria FCC 10-36-4 stipulates that in addition to the standard City requirements for stormwater, erosion control and sand management, projects that disturb one or more acres of land must ob-

- tain a National Pollution Discharge Elimination System permit.
- Landscaping criteria FCC 10-34-3-4-D encourages on-site retention of stormwater by allowing stormwater facilities that are landscaped such as bio-swales to be counted toward meeting the 15% landscaping area requirement.

Chapter 12: Transportation

Policies

- 1. City street standards shall promote street design which provides for adequate lane widths, curvature and grades to create a street network which provides safe transportation at all seasons of the year. (pg. XII-1)**

Finding: The proposal for these actions is consistent with this policy because subdivision and design review applications must address infrastructure in the following criteria:

- Design review criteria FCC 10-6-5-L and subdivision review criteria FCC 11-5-3 requires new development to meet standards set forth in FCC 10-36 Public Facilities.
- FCC 10-36-2 establishes street widths based on the street classification in the Transportation System Plan, as well as other relevant criteria of site conditions.
- FCC 10-36-2 establishes street standards for curves, grades, intersection angles, street alignment and radii to provide safe transportation facilities.

- 2. Vision clearance provisions shall be enforced. (pg. XII-2)**

Finding: The proposal for these actions is consistent with this policy because the vision clearance standard from FCC 10-2-15 is replaced with vision clearance standards in FCC 10-35-2-13.

- 6 & 8. The City shall continue to require new development to pay its share of costs of development of, or improvements to, transportation facilities which will serve the proposed development. (pg. XII-2)**

Finding: The proposal for these actions is consistent with this policy because design review criteria FCC 10-6-5-L and subdivision review criteria FCC 11-5-3 requires new development to meet the street standards set forth in FCC 10-36 Public Facilities.

- 9. The City shall protect the function of existing and planned transportation systems as identified in this Plan through application of appropriate land use and access management techniques. (pg. XII-2)**

Finding: The proposal for these actions is consistent with this policy be-

cause new development must address access standards through the following criteria:

- Design review criteria FCC 10-6-5-D requires access improvements to meet the standards set forth in FCC 10-35, Access and Circulation.
- Access and Circulation criteria FCC 10-35-2-4 requires projects with direct access onto a State Highway or County road to obtain a State or County access permit.
- Access and Circulation criteria FCC 10-35-2-6 stipulate that the roadway authority may require mitigation as a condition of development approval to ensure the safe and efficient operation of a street or highway system.
- Public Facility Criteria FCC 10-35-2-4 stipulates that when a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan."
- Public Facility Criteria FCC 10-36-2-19 stipulates that property access to abutting arterials shall be minimized and shared driveways may be required; if vehicle access of a secondary street is possible, then the City may prohibit access to the primary street. In general, access shall be from the street with a lower-level street classification.

10. **At the time of land development or land division, the City shall require right-of-way or easements consistent with the adopted TSP in order to maintain adequate street widths, bikeways and walkways and to accommodate transit facilities. (pg. XII-2)**

Finding: The proposal for these actions is consistent with this policy because subdivisions must address transportation facilities in the following criteria:

- Subdivision review criteria FCC 11-5-1 requires transportation facilities to comply with street standards of FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-2-1-B requires all new development to meet the street standards set forth in that Section and be consistent with Transportation System Plan.
- Public facility criteria FCC 10-36-2-5 require street rights-of-way and improvements to be consistent with the standards specified in FCC 8-2, Streets and Sidewalks.
- Public facility criteria FCC 10-36-2-5-A-4 requires streets width to be based on, among other things, the pedestrian and bicycle requirements and anticipated level of use.

11. **New development shall gain access primarily from local streets. Driveway access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections. Land development shall not encroach**

within setbacks required for future expansion of transportation facilities. (pg. XII-2)

Finding: The proposal for these actions is consistent with this policy because:

- Design review criteria FCC 10-6-5-L requires infrastructure improvements to meet the standards set forth in FCC 10-36, Public Facilities.
- FCC 10-36-2-19 stipulates that property access to abutting arterials shall be minimized and shared driveways may be required; if vehicle access of a secondary street is possible, then the City may prohibit access to the primary street. In general, access shall be from the street with a lower-level street classification

13. Convenient access for motor vehicles, transit, bicycles and pedestrians shall be provided to major activity centers, including public buildings and schools, shopping areas, parks and places of employment. (pg. XII-2)

Finding: The proposal for these actions is consistent with this policy because new development must address access standards through the following criteria:

- Design review criteria FCC 10-6-5-D requires access improvements to meet the standards set forth in FCC 10-35, Access and Circulation.
- Access and Circulation criteria FCC 10-35-2-4 requires projects with direct access onto a State Highway or County road to obtain a State or County access permit.
- Access and Circulation criteria FCC 10-35-2-6 stipulate that the roadway authority may require mitigation as a condition of development approval to ensure the safe and efficient operation of a street or highway system.

14. Streets, bikeways and walkways shall be designed to meet the needs of pedestrians and cyclists to promote safe and convenient bicycle and pedestrian circulation within the community. To promote bicycling and walking, all new collector and arterial streets should have bicycle lanes, and all new streets, except short, very low volume local streets, should have sidewalks. (pg. XII-2)

Finding: The proposal for these actions is consistent with this policy because new development must address transportation facilities in the following criteria:

- Design review criteria FCC 10-6-5-L and subdivision review criteria FCC 11-5-3 requires new development to meet the street standards set forth in FCC 10-36 Public Facilities.
- Public facility criteria FCC 10-36-2-1-B requires all new development to meet the street standards set forth in that Section and be consistent with Transportation System Plan.

- Public facility criteria FCC 10-36-2-5 require street rights-of-way and improvements to be consistent with the standards specified in FCC 8-2, Streets and Sidewalks.
- Public facility criteria FCC 10-36-2-5-A-4 requires streets width to be based on, among other things, the pedestrian and bicycle requirements and anticipated level of use.

15. Streets shall be designed to efficiently and safely accommodate emergency service vehicles. (pg. XII-3)

Finding: The proposal for these actions is consistent with this policy because FCC 10-36-2-15 establishes street grades, and stipulates that grades in excess of 10% require Fire Code Official approval.

24. Design and construction of transportation facilities shall be responsive to topography and should minimize impacts on natural resources such as streams, wetlands and wildlife corridors. (pg. XII-3)

Finding: The proposal for these actions is consistent with this policy because Public Facility criteria FCC 10-36-2-5-A requires streets width to be based on, among other things minimizing drainage, slope and sensitive lands impacts, as well as protecting significant vegetation (i.e. native vegetation, wetlands, riparian areas and steep slopes).

Chapter 13: Energy Facilities and Conservation

Policies

- 1. Energy conservation shall be considered when services are extended and public facilities are upgraded. (pg. XIII-1)**
- 12. Energy conservation shall be one of the considerations when planning for transportation systems and land use density requirements. (pg. XIII-1)**

Finding: The proposal for these actions is consistent with this policy because the street standards of FCC 10-36 establishes standards for mid-block connections, multi-use paths and maximum block lengths to create an efficient transportation system with greater connectivity and options for pedestrian and bicycle access.

Oregon Revised Statutes (ORS)

The procedures for legislative decisions and public hearings are set out in the Florence City Code, which has been acknowledged by DLCD and these local regulations effectively implement state law. The sections of State statute that relate to the proposed amendments to the City code are listed below with findings to address consistency with these State laws.

ORS 197.610: Local Government Notice of Proposed Amendment or New Regulation; Exceptions; Report to Commission.

197.610(1) A proposal to amend a local government acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation shall be forwarded to the Director of the Department of Land Conservation and Development at least 45 days before the first evidentiary hearing on adoption. The proposal forwarded shall contain the text and any supplemental information that the local government believes is necessary to inform the director as to the effect of the proposal. The notice shall include the date set for the first evidentiary hearing.

Finding: The proposal is consistent with this criterion because notice to DLCD was sent on April 16, 2009 at least 45 days prior to the June 3, 2009 (first) joint public hearing and the notice contained the information required in this statute.

ORS 227.186: Notice to Property Owners of Hearing on Certain Zone Change; Form of Notice; Exceptions; Reimbursement of Cost.

227.186(4) At least 20 days but not more than 40 days before the date of the first 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.

Finding: The proposal is consistent with this statute because notice to property owners was mailed on May 11, 2009, which is at least 20 days but not more than 40 days before the date of the first hearing on the proposed ordinance amending the Florence City Code. Notice was mailed to all owners of property that the code amendments may affect, which includes properties with non-residential zoning (i.e. commercial, industrial and mixed-use zones) and residentially zoned properties with development potential (improvement value of \$10,000 or less and greater than .14-acres in size).

V. CONCLUSION

The proposed amendments to the Florence City Code Title 8, 9, 10 and 11 are consistent with the applicable criteria in the Florence Realization 2020 Comprehensive Plan, Florence City Code and Oregon Revised Statutes.

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TITLE 10 CHAPTER 34

LANDSCAPING

SECTION:

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

10-34-1: PURPOSE: The purpose of Chapter 34 is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Landscaping plants and materials are intended to conserve, enhance and be compatible with the coastal village character of Florence, with liberal use of evergreens and native species. The Chapter is organized into the following sections:

10-34-2: Landscape Conservation encourages the incorporation of existing native vegetation in landscaping and provides incentives for the preservation or replacement of particularly significant vegetation.

10-34-3: Landscaping sets standards for and requires landscaping of all development sites. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other relevant standards are provided in each land use district for specific types of development.

10-34-4: Street Trees sets standards for planting of street trees for shading, water quality, and aesthetic purposes.

10-34-5: Fences and Walls regulate the design of fences and walls, including allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

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10-34-2: LANDSCAPE CONSERVATION

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

10-34-2-2: Native Vegetation. "Native vegetation" means those plant species native to the Florence region that are listed as native on the suggested *Tree and Plant List for the City of Florence*, such as Shore Pine, Fir, Hemlock, Spruce, Native Rhododendron, Wax Myrtle, Kinnikinnick, Huckleberry and Salal. Preservation of existing native vegetation is strongly encouraged and preferred over removal of vegetation and re-planting. Existing native vegetation may be credited toward the landscape requirements of Section 10-34-3-3 if it is preserved in accordance with the following standards:

- A. Living plant material covers a minimum of 70 percent of the area proposed for preservation;
- B. Preservation area(s) are a minimum of 30 square feet for any one area with dimensions a minimum of 5 feet on any side to ensure adequate space for healthy plant growth;
- C. Preservation area(s) are setback from new construction areas a minimum of 10 feet from new structures, and a minimum of 5 feet from new hard-surface areas (e.g. parking lot, walkways), and replanted with native vegetation if damaged during construction;
- D. The preservation area is clearly marked and identified for protection on the landscaping plan as well as on-site (e.g. construction fencing) prior to site disturbance.
- E. Existing noxious weeds¹ within the preservation area are removed prior to approval of the installed landscaping; and
- F. Preservation areas with grade changes around the perimeter are addressed with appropriate transition or stabilization measures (e.g. retaining wall) to avoid erosion.

10-34-2-3: Significant Vegetation. "Significant vegetation" means:

- A. Native vegetation, or
- B. Plants within designated sensitive land areas such as wetlands, riparian areas, and slopes steeper than 40%, or
- C. Trees having a DBH of four (4) inches or larger measured 4½ feet above ground.

10-34-2-4: Preservation Credit. The City may grant a "Preservation Credit" if existing significant vegetation on the site is preserved, in the form of a reduction of the

¹ Noxious and invasive weeds are those identified by the current Lane County Public Works "Noxious and Invasive Weed Management List," with additional City of Florence footnotes. If a current county list is not available, the list in the current Oregon Department of Agriculture in "Noxious Weed Policy and Classification System" will be used. Noxious weeds common to the area are Scotch Broom, English Ivy, Gorse, and Himalayan (Armenian) Blackberry.

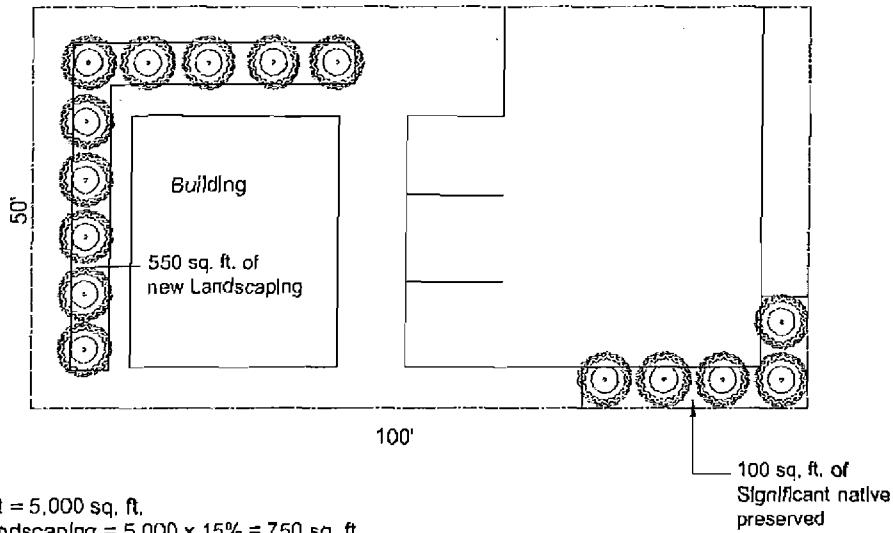
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overall landscape area and planting requirements of Sections 10-34-3-3. The City may authorize credits which effectively reduce the required landscaping if the following standards are met:

- A. Significant vegetation species and areas to be preserved shall be mapped and flagged in support of the site development application. Significant trees shall be mapped individually and identified by species and diameter. Wetland resources shall have a current delineation approved by the Department of State Lands. Appropriate protection from construction damage shall be in place prior to site disturbance. For a "Burn to Learn" site, significant vegetation that can be saved shall be protected.
- B. Native vegetation, wetland, riparian, and steep slope vegetation shall meet the standards set forth in Section 10-34-2-2 subsections A through F above.
- C. Dead or diseased vegetation and split, leaning, or unstable trees shall not qualify as preserved vegetation.
- D. Mature vegetation shall be trimmed and pruned as appropriate by qualified personnel to form a long-term element of the site landscaping.
- E. Landscape credit for preserved significant vegetation areas shall be granted at the ratio of 2 to 1 (e.g. every one square foot of preserved significant vegetation shall be counted as two square feet in meeting the total specified landscape area for a site). However, in no case shall the requirement for actual landscaped area be reduced below $\frac{2}{3}$ of the area that would be required with no credit.
- F. Landscape credit for preserved trees shall be granted at the ratio of one less new tree planting for every two (2) inches diameter of preserved significant trees (e.g. a preserved tree of six inch diameter counts as three newly planted trees). This credit can be applied against required front yard, parking island, buffer, and/or street trees. However in no case shall this credit reduce the requirement for newly planted trees below $\frac{2}{3}$ of the number that would be required with no credit. All preserved trees shall be protected from construction compaction or grade changes of more than six inches on the surface area in relation to the crown of the tree canopy.

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Figure 10-34(1): Native Preservation Credit Trade-off



Lot = 5,000 sq. ft.
Landscaping = 5,000 x 15% = 750 sq. ft.
100 sq. ft. of significant native preserved = 200 sq. ft. Landscaping
New Planting = 750 sq. ft. - 200 sq. ft. = 550 sq. ft. new Plantings.
Actual landscaped area coverage = 650 sq. ft./5,000 sq. ft. = 13%

10-34-3: LANDSCAPING

10-34-3-1: Applicability. Except for single-family and duplex dwelling uses, this Section shall apply to all new development as well as changes of use and expansions as described below, and shall apply in all districts except where superseded by specific zoning district requirements.

- A. For developments requiring a public hearing, all landscaping shall be brought up to current code requirements.
- B. For developments not requiring a public hearing, landscaping shall be brought up to current code requirements in the same proportion as the increase in use and/or building size.

10-34-3-2: Landscaping Plan Required. A landscape plan is required. All landscape plans shall include the following information:

- A. The location and height of existing and proposed fences and walls, buffering or screening materials.
- B. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas.
- C. The location, size, and species of the new proposed plant materials (at time of planting).
- D. The location(s) of areas where existing vegetation will be cleared and the location(s) of areas where existing vegetation will be preserved, delineated on a recent aerial photo or site plan drawn to scale.

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- E. Existing and proposed building and pavement outlines.
- F. Specifications for soil at time of planting, irrigation and anticipated planting schedule.
- G. Other information as deemed appropriate by the City Planning Official.

10-34-3-3: Landscape Area and Planting Standards. The minimum landscaping area is 15% of the lot area, unless specified otherwise in the applicable zoning district² for the proposed use. This required minimum landscaping area may be reduced if preservation credits are earned as specified in Section 10-34-2-4.

- A. Landscaping shall include planting and maintenance of the following:
 - 1. One tree per 30 lineal feet as measured along all lot lines that are adjacent to a street.
 - 2. Six shrubs per 30 lineal feet as measured along all lot lines that are adjacent to a street.
 - 3. Living plant materials shall cover a minimum of 70 percent of the required landscape area within 5 years of planting.
 - 4. Except for preservation of existing significant vegetation, the required plant materials on-site shall be located in areas within the first 20 feet of any lot line that abuts a street. Exceptions may be granted where impracticable to meet this requirement or the intent is better served. Required trees may be located within the right-of-way and must comply with Section 10-34-4. Plant materials may be installed in any arrangement and do not need to be equally spaced nor linear in design. Plantings and maintenance shall comply with the vision clearance standards of FCC 10-35-2-13.
 - 5. Pocket-planting³ with a soil-compost blend around plants and trees shall be used to ensure healthy growth.
- B. Noxious Weeds shall be removed during site development and the planting of invasive or noxious weeds is prohibited.

10-34-3-4: Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, existing native vegetation, outdoor hardscape features and storm water features, as described below.

- A. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, consistent with the purpose of this Chapter. A suggested *Tree and Plant List for the City of Florence* and the *Sunset Western Garden Book* are available at City Hall. The selection of plant and tree species shall be based upon site conditions such as wind and sun exposure, space limitations, water availability, and drainage conditions. The use of indigenous plants is encouraged, and may be required where exposure, slope

² Mainstreet District (FCC 10-27) and Old Town District, Area A and B (FCC 10-17A and 10-17B) require 10% of the gross lot area to be landscaped.

³ Pocket-planting is used in conjunction with sandy soils by removing existing sand approximately twice the width and the same depth of the pot, and replacing it with a soil-compost blend.

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or soil conditions warrant.

1. Ground Cover. Ground cover may consist of separate plants or mowed grass turf. Ground cover plant species shall meet the following minimum standards: plants from 4-inch pots shall be spaced a minimum of 18 inches on center, and 1-2 gallon size plants shall be spaced a minimum of 3 feet on center.
 2. Shrubs. Shrub plant species shall be planted from 3 gallon containers unless otherwise specified in the *Tree and Plant List for the City of Florence*.
 3. Trees. Evergreen and deciduous tree species shall meet the following minimum standards: deciduous trees shall be a minimum of 1 ¾ inch caliper (diameter) measured 6 inches above grade, and evergreen trees shall be a minimum of 5 feet tall (Nursery Grade 5/6).
 4. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used. Non-plant ground cover located adjacent to pedestrian ways shall be confined to the material within the planting bed to avoid safety hazards by edging 4 inches above-grade or recessing from grade. Non-plant ground covers cannot be a substitute for ground cover plants.
- B. Existing Native Vegetation. Preservation of existing native vegetation is encouraged and preservation credits in accordance with Section 10-34-2-4 may be used to meet the landscape requirements of this Chapter.
- C. Hardscape features, such as plazas, pathways, patios and other pedestrian amenities may count toward ten (10) percent of the required landscape area, except in the Old Town and Main Street districts where hardscape features may count toward 50 percent of the landscape area, provided that such features conform to the standards of those districts. Swimming pools, sports courts, decks and similar facilities may not be counted toward fulfilling the landscape requirement in any zone.
- D. Storm Water Facilities. Storm water facilities, such as detention/retention ponds and swales shall be landscaped. Landscaped bio-swales are encouraged and shall count toward meeting the landscaping requirement of this section if they are designed and constructed in accordance with the standards specified in Title 9 Chapter 5, and approved by the Public Works Department. Storm water facilities shall be landscaped with water-tolerant, native plants.

10-34-3-5: Irrigation. Permanent, underground irrigation is required for all landscaping, except existing native vegetation that is preserved in accordance with the specifications of Section 10-34-2-2 and new drought tolerant plants which must have temporary irrigation for plant establishment. All irrigation systems require an irrigation permit and shall be installed with a backflow prevention device per FCC 9-2-3-5.

10-34-3-6: Parking Lot Landscape Standards. All parking lots shall meet Parking Area Improvement Standards set forth in FCC 10-3-8. Parking areas with more than twenty (20) spaces shall include interior landscaped "islands" to break up the parking

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area. Interior parking lot landscaping shall count toward the minimum landscaping requirement of Section 10-34-3-3. The following standards apply:

- A. For every parking space, 10 square feet of interior parking lot landscaping shall be provided;
- B. Parking islands shall be evenly distributed to the extent practicable with a minimum of one tree selected from the *Tree and Plant List for the City of Florence* installed per island;
- C. Parking island areas shall provide a minimum of 30 square feet of planting area and any planting area dimension shall be a minimum of 5 feet on any side (excluding curb dimensions), unless reduced by the Planning Commission where a lesser distance will provide adequate space for healthy plant growth;
- D. Irrigation is required for interior parking lot landscaping to ensure plant survival;
- E. Living plant material shall cover a minimum of 70% of the required interior parking lot landscaping within 5 years of planting; and
- F. Species selection for trees and shrubs shall consider vision clearance safety requirements and trees shall have a high graft (lowest limb a minimum of 5 feet high from the ground) to ensure pedestrian access.

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

- A. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a berm; an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade; trellis; or similar partially opaque structure 3-4 feet in height shall be established between street and driveway or parking area. See also FCC 10-3-8-D for standards specific to parking lots adjacent to the street. The required screening shall have breaks or portals to allow visibility (natural surveillance) into the site and to allow pedestrian access to any adjoining walkways. Hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide year-round screening within five (5) years after planting. Vegetative ground cover is required on all surfaces between the wall/hedge and the street/driveway line.
- B. Parking/Maneuvering Area Adjacent to Building. Where a parking or maneuvering area or driveway is adjacent to a building, the area shall be separated from the building by a curb and a raised walkway, plaza, or landscaped buffer not less than five (5) feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles.
- C. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened

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from view from all public streets and adjacent Residential districts. When these or other areas are required to be screened, such screening shall be provided by:

1. a decorative wall (i.e., masonry or similar quality material),
2. evergreen hedge,
3. opaque or sight-obscuring fence complying with Section 10-34-5, or
4. a similar feature providing an adequate screen.

- D. Abutting Land Use Buffers. When a commercial, industrial, or other non-residential use abuts a residential district or residential land use, a visual and noise buffer shall be established and maintained immediately adjacent to the residential property line. The buffer strip shall be not less than 15 feet in width unless reduced by the Planning Commission where a lesser distance will provide adequate buffering. The buffer strip may include existing vegetation, landscape plantings, evergreen hedge, berm, fence, and/or wall components. Fence and wall structures shall be not less than 5 feet and no more than 8 feet in height (see also Section 10-34-5). The buffer shall effectively screen at least 70 percent of the view between districts within five (5) years. Significant vegetation in these buffer strips may be preserved in accordance with Section 10-34-2, and replanting of local native vegetation is encouraged.

10-34-3-8: Maintenance. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., native Rhododendron replaces native Rhododendron, evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.) within six (6) months of their dying or removal, whichever comes first. All man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner within six (6) months of any such feature being removed or irreversibly damaged (whichever comes first).

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

- A. **Street Tree List.** Trees shall be selected from the *Tree and Plant List for the City of Florence* based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Other tree species are allowed with City approval.
- B. **Caliper Size.** The minimum diameter or caliper size at planting, as measured six (6) inches above grade, is one and one half (1 ½) inches with a high graft (lowest limb a minimum of 5 foot high from the ground) to ensure pedestrian access.
- C. **Spacing and Location.** Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas, in accordance with the requirements of FCC 10-35-2-3 and 10-36-2-16. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain sixteen (16) square feet, or typically, a four (4) foot by four (4) foot square. In general, trees shall be spaced no more than thirty (30) feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements,

Exhibit B

and shall comply with the vision clearance standards of FCC 10-35-2-13.

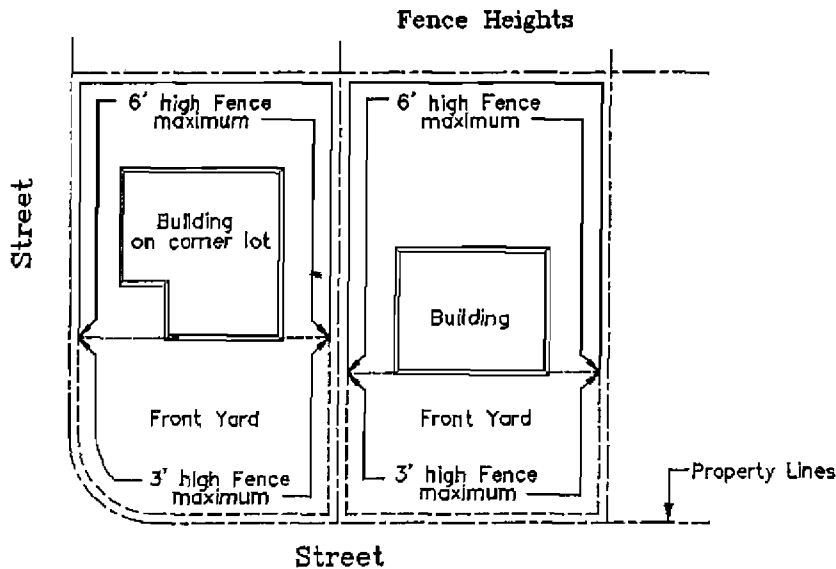
- D. **Soil Preparation, Planting and Care.** Street trees shall be planted with root guards to preserve the physical integrity of sidewalks and streets. Pocket-planting with a soil-compost blend around trees shall be used to ensure healthy growth (see footnote to FCC 10-34-3-3-A-5). The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

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

- A. **General Requirements.** All fences and walls shall comply with the height limitations of the respective zoning district and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval, approval of a conditional use permit, or design review approval. When required through one of these types of approvals, no further land use review is required. (See also, Section 10-34-3-6 for landscape buffering and screening requirements.)
- B. **Dimensions.**
1. **Residential and Commercial Zones:** Except as provided below, the height of fences and walls between the building and the front lot line shall not exceed three (3) feet as measured from the grade and no greater than 6 feet in height in rear and side yards unless taller fences or walls are allowed through Design Review approval. (See Figure 10-34(2))
 2. **Industrial Zones:** Except as provided below, the height of fences and walls in any required front yard shall not exceed three (3) feet as measured from the grade and no greater than eight (8) feet elsewhere on site.

Exhibit B

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



C. The following exceptions may be allowed through Design Review or Administrative Review.

1. Specifically for RV parking in residential zones, the height of fences and walls shall not exceed eight (8) feet in the rear and side yards.
2. A retaining wall exceeding four (4) feet in height within a front yard setback which is necessary for site grading and development (see also FCC 10-34-5-D-3).
3. One arbor, gate, or similar garden structures not exceeding eight (8) feet in height and six (6) feet in width is allowed within the front yard, provided that it is not within a required clear vision area. Courtyard walls up to 6 feet in height may also be allowed in the front yard.
4. Walls and fences for swimming pools, tennis courts, and other recreational structures may exceed six (6) feet provided they are not located in the front yard.
5. Walls and fences taller than otherwise allowed if needed for screening, safety or security purposes.

D. Specific Requirements

1. Walls and fences to be built for required buffers shall comply with Section 10-34-3-6.
2. Fences and walls shall comply with the vision clearance standards of FCC 10-35-2-13.

Exhibit B

3. Retaining walls exceeding four (4) feet in height and freestanding walls or fences greater than six (6) feet in height require a building permit
- E. **Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.
- F. **Materials.**
1. Permitted materials: wood; chain-link steel, iron, bricks, stone; stucco, or similar masonry, and non-prohibited evergreen plants.
 2. Prohibited materials: unfinished concrete blocks; straw bales; electric or razor wire; scrap lumber or other scrap materials; sheet metal; and hedges taller than eight (8) feet.
 3. Barbed wire fencing may be permitted only within commercial and industrial zones or on public property subject to the criteria in FCC 6-1-6-14.

Exhibit C

TITLE 10 CHAPTER 35

ACCESS AND CIRCULATION

SECTION:

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

10-35-1: PURPOSE: The purpose of this Chapter is to ensure that developments provide safe, adequate, cost effective and efficient access and circulation for pedestrians, bicycles and vehicles. Section 10-35-2 provides standards for vehicular access and circulation. Section 10-35-3 provides standards for pedestrian access and circulation. Standards for street improvements are provided in Chapter 36 of this Title.

10-35-2: VEHICULAR ACCESS AND CIRCULATION

10-35-2-1: Intent and Purpose. This Section implements the access management policies of the City of Florence Transportation System Plan. The intent of this Section is to manage vehicular and bicycle access and on-site circulation to ensure the continued operational safety, capacity and function of the transportation system in a cost effective manner.

10-35-2-2: Applicability. Section 10-35-2 applies to vehicle access and on-site circulation facilities in the City of Florence. This Section applies to any type of land use or development permit. Access to a designated state or county highway is subject to the provisions of this Section in addition to the requirements of the applicable roadway authority. Where regulations of the City conflict with those of the roadway authority the more restrictive requirements apply.

Exhibit C

10-35-2-3: Access Approval Required. Access will generally be reviewed in conjunction with a land division or building permit. If a property owner wishes to access a public street (e.g., a new curb cut or driveway approach), or make improvements within the public right-of-way (e.g., install or replace sidewalk), the property owner must obtain a "Construction Permit in Right-of-Way". In either case, approval of an access shall follow the procedures and requirements of the applicable road authority.

10-35-2-4: State and County Access Permits. ODOT has responsibility and authority in managing access to State Highways and Lane County has responsibility and authority in managing access to County roads within the City. Projects with direct access onto a State Highway or County Road shall be required to obtain a State or County access permit. A State or County complete access permit application must be submitted as part of all land use permits. Conditions placed by the State or County upon these access permits shall be considered conditions of approval for all applicable land use and development approvals. When a transportation improvement is proposed along Highway 101 between the Siuslaw River Bridge and Highway 126, improvements shall be constructed in accordance with the standards specified in the "Highway 101 Access Management Plan." County roads are governed by the Lane County Transportation System Plan and Lane Code Chapter 15.

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

10-35-2-6: Conditions of Approval. The roadway authority may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting a land use or development approval or access permit, to ensure the safe and efficient operation of the street and highway system.

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

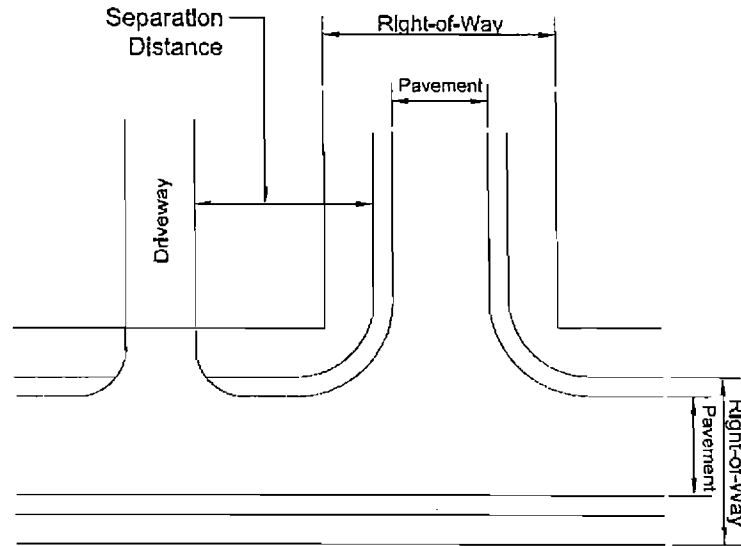
- A. Except as provided under subsection B, below, the distance from a street intersection to a driveway shall meet the following minimum spacing requirements for the street's classification, as measured from side of driveway to street or alley pavement (see Figure 10-35(1)). A greater separation may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

Separation Distance from Driveway to Pavement:

Alley	15 feet
Local Street	25 feet
Collector Street	30 feet
Arterial Street	50 feet

Exhibit C

Figure 10-35(1): Separation Distance from Driveway to Street



- B. Where the City finds that reducing the separation distance is warranted, such as:
- no other alternatives exist (e.g., alley or shared access is not feasible, building lot is too narrow, existing building prohibits access at correct distance, etc.), or
 - planned improvements or traffic circulation patterns show a different location to be efficient and safe,

the City may allow construction of an access connection at a point less than the dimensions listed above. In such case, the access should be as far away from the intersection as possible, and the total number of access points to the site shall be limited to the minimum necessary to provide reasonable access. The City may also require shared/joint access and/or impose turning restrictions (i.e., right in/out, right in only, or right out only).

- C. Access to and from off-street parking areas shall be designed to prevent backing onto a public street, except that single-family and duplex dwellings are exempt. Existing non-conforming accesses and parking lots shall be brought into conformance, as practical, when expanded or redeveloped.

10-35-2-8: Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian and bicycle connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, trails or paths, must conform to the provisions in Section 3-35-3.

10-35-2-9: Joint and Cross Access – Requirement. When necessary for traffic safety and access management purposes, the City may require joint access and/or shared driveways in the following situations:

Exhibit C

- A. For shared parking areas;
- B. For adjacent developments, where access onto an arterial street is limited and access spacing standards can not otherwise be met;
- C. For multi-tenant developments, and developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:
 - 1. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;
 - 2. Driveway stubs to property lines (for future extension) and other design features to demonstrate that the abutting properties may be required with future development to connect to the cross-access driveway;
 - 3. Fire Code Official-approved turnaround for service drives or driveways over 150 feet long.

10-35-2-10: Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, the following documents shall be recorded with the deed for each parcel:

- A. An easement allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;
- B. An agreement that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- C. A joint maintenance agreement defining maintenance responsibilities of property owners.

10-35-2-11: Driveway Design. All openings onto a public right-of-way and driveways shall conform to the following:

- A. Driveway Approaches. Driveway approaches, including private alleys, shall be approved by the Public Work Director and designed and located with preference given to the lowest functional classification street. Consideration shall also be given to the characteristics of the property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.
- B. Driveways. Driveways shall meet the following standards, subject to review and approval by the Public Works Director:
 - 1. Driveways for single family residences shall have a width of not less than ten (10) feet and not more than twenty-four (24) feet.
 - 2. Driveways shall have a minimum width of ten (10) feet, except where a driveway serves as a fire apparatus lane, in which case city-approved

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driveway surface of 12 feet minimum width shall be provided within an unrestricted, twenty (20) foot aisle, or as approved by the Fire Code Official.

3. Where a driveway is to provide two-way traffic, the minimum width shall be 18 feet.
4. One-way driveways shall have appropriate signage designating the driveway as a one-way connection. Fire apparatus lanes shall be so marked (parking prohibited).
5. The maximum allowable driveway grade is fifteen (15) percent, except that driveway grades exceeding fifteen (15) percent may be allowed, subject to review and approval by the Public Works Director and Fire Code Official, provided that the applicant has provided an engineered plan for the driveway. The plan shall be stamped by a registered geotechnical engineer or civil engineer, and approved by the Public Works Director.

- C. Driveway Apron Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 10-35(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than three (3) feet in width, with a cross slope not exceeding two (2) percent, and providing for landing areas and ramps at intersections. Driveways are subject to review by the Public Works Director.

Figure 10-35(2): Examples of Driveway Next to Sidewalks/Walkways

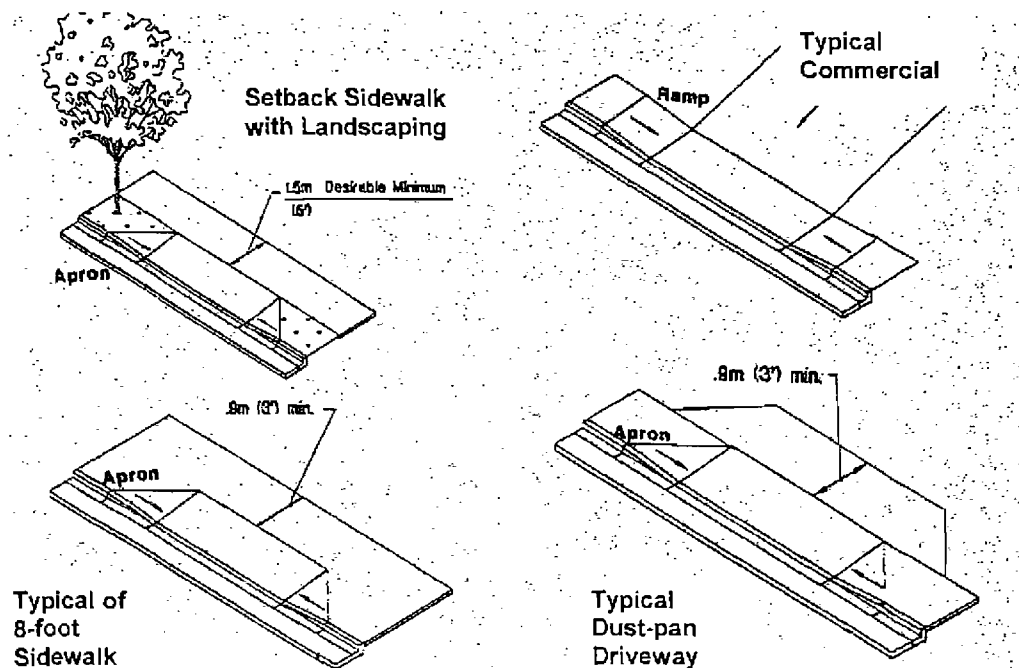
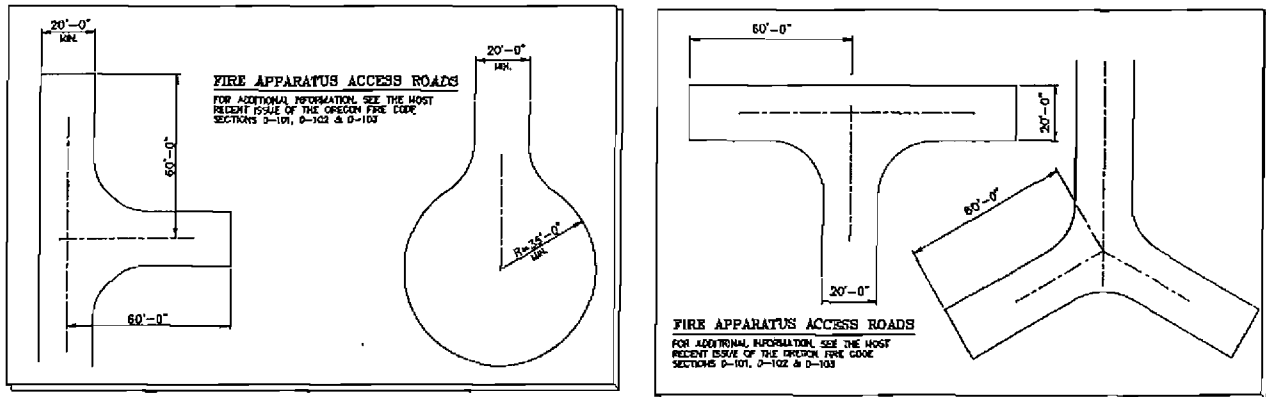


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- D. Fire access lanes with turnarounds shall be provided in conformance with the Fire code. Except as waived in writing by the Fire Code Official, a fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. The drive shall contain unobstructed aisle width of 20 feet and turn-around area for emergency vehicles. The fire lanes shall be marked as "No Stopping/No Parking." See figure 10-35(3) for examples of fire lane turn-rounds. For requirements related to cul-de-sacs or dead-end streets, refer to FCC 10-36.

Figure 10-35(3): Examples of Fire Lane Turn-Around



10-35-2-12: Vertical Clearances. Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

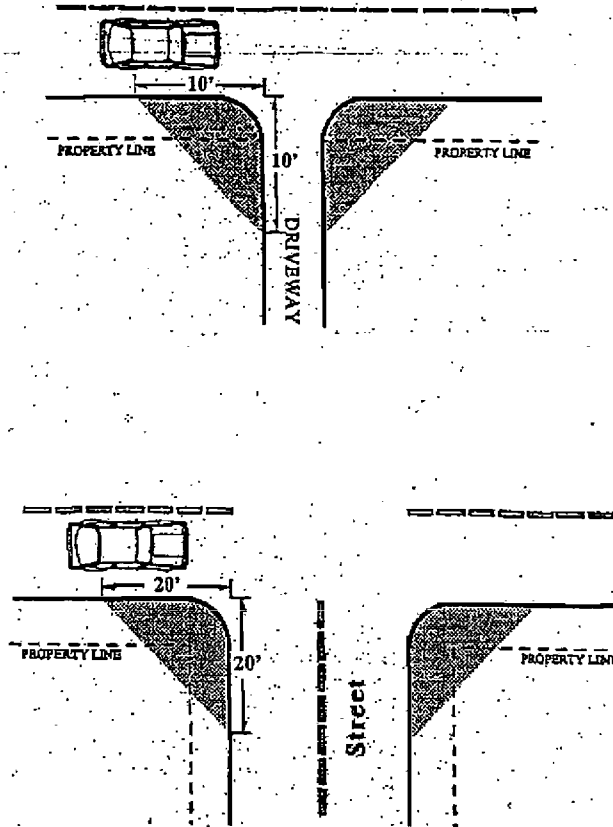
10-35-2-13: Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) shall block the area between two and one-half feet (2 ½') and eight (8) feet in height in "vision clearance areas" on streets, driveways, alleys, mid-block lanes, or multi-use paths where no traffic control stop sign or signal is provided, as shown in Figure 10-35(4). The following requirements shall apply in all zoning districts:

- A. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').
- B. At the intersection of an alley or driveway and a street, the minimum vision clearance shall be ten feet (10').
- C. At the intersection of internal driveways, the minimum vision clearance shall be ten feet (10').

The sides of the minimum vision clearance triangle are the curb line or, where no curb exists, the edge of pavement. Vision clearance requirements may be modified by the Public Works Director upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects. Refer to Section 10-1-4 of this Title for definition.

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Figure 10-35(4): Vision Clearance Areas
(solid lines indicate curbs or edge of pavement)



10-35-3: PEDESTRIAN ACCESS AND CIRCULATION: All new development shall be required to install sidewalks along the street frontage, unless the City has a planned street improvement, which would require a non-remonstrance agreement.

10-35-3-1: Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections A - C, below:

- A. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose in accordance with the provisions of Section 10-35-2, Vehicular Access and Circulation, and Section 10-36-2 Street Standards.
- B. Safe, Direct, and Convenient. Walkways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following criteria:
 1. Reasonably direct. A route that does not deviate unnecessarily from a

Exhibit C

straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

2. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 3. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 4. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which units do not have their own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
- C. Connections Within Development. Connections within developments shall be provided as required in subsections 1 - 3, below:
1. Walkways shall be unobstructed and connect all building entrances to one another to the extent practicable, as generally shown in Figure 10-35(5);
 2. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections; and
 3. For large parking areas with 80 or more parking spaces and depending on the layout of the parking lot, the City may require raised walkways a minimum of 5 feet wide to provide pedestrian safety.

Figure 10-35(5): Pedestrian Pathway System (Typical)

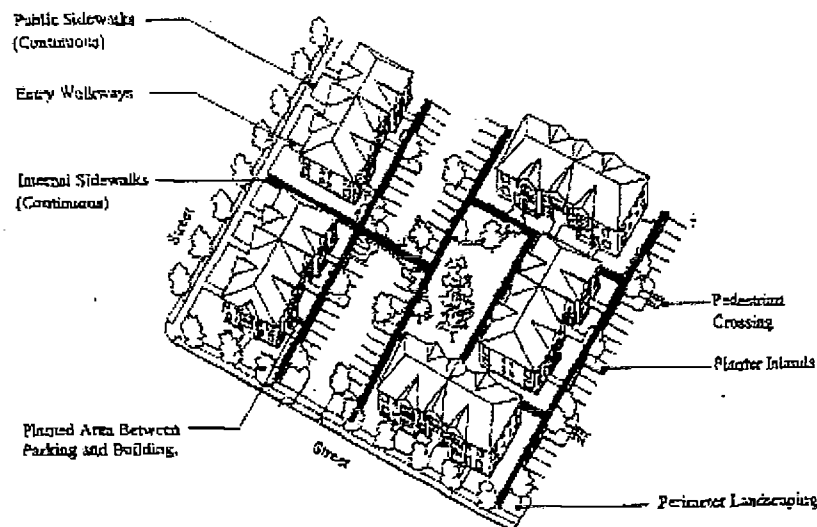


Exhibit C

10-35-3-2: Walkway and Multi-Use Path Design and Construction. Walkways and multi-use paths shall conform to all applicable standards in subsections A - D, as generally illustrated in Figure 10-35(6):

- A. Vehicle/Walkway Separation. Except for pedestrian crossings (subsection B), where a walkway abuts a driveway or street it shall be raised six (6) inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed to withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.
- B. Pedestrian Crossing. Where a walkway crosses a parking area, or driveway, it shall be clearly marked with contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area. Painted or thermo-plastic striping and similar types of non-permanent applications may be approved for crossings of not more than twenty-four (24) feet in length.
- C. Width and Surface. Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the Public Works Director, at least five (5) feet wide, without curb. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least ten (10) feet wide. (See also, Section 10-36-2)
- D. Accessible routes. Walkways and multi-use paths shall conform to applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

**Figure 10-35(6):
Pedestrian Walkway Detail (Typical)**

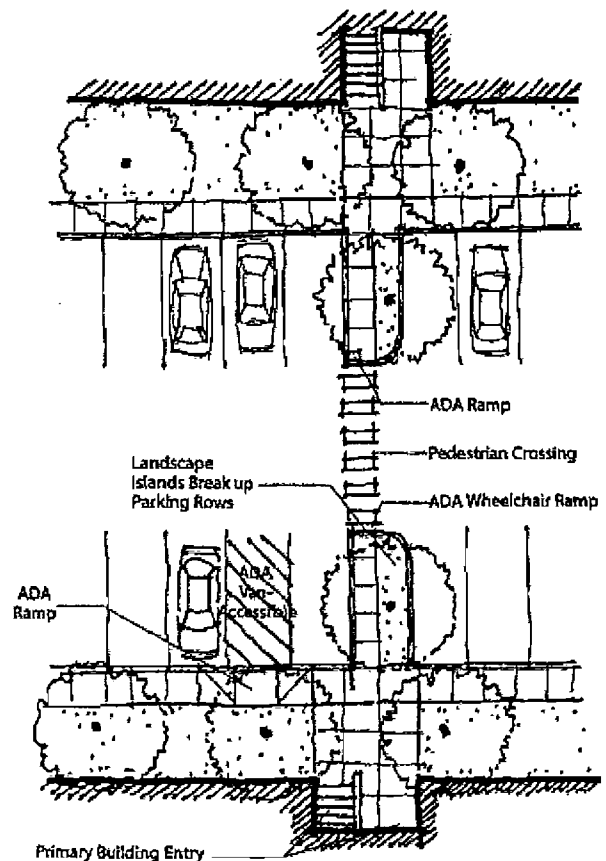


Exhibit D

TITLE 10 CHAPTER 36

PUBLIC FACILITIES

SECTION:

10-36-1:	Purpose and Applicability
10-36-2:	Street Standards
10-36-2-1:	Applicability
10-36-2-2:	Improvement Guarantee
10-36-2-3:	Creation of Rights-of-Way for Streets and Related Purposes
10-36-2-4:	Creation of Access Easements
10-36-2-5:	Minimum Rights-of-Way and Street Sections
10-36-2-6:	Cul-de-sacs
10-36-2-7:	Alleys, Public or Private
10-39-2-8:	Private Streets
10-36-2-9:	Street Location and Connectivity
10-36-2-10:	Block Length and Block Perimeter
10-36-2-11:	Traffic Controls
10-36-2-12:	Medians
10-36-2-13:	Street Alignment, Radii
10-36-2-14:	Intersection Angles
10-36-2-15:	Grades and Curves
10-36-2-16:	Sidewalks, Planter Strips, Bicycle Lanes
10-36-2-17:	Existing Rights-of-Way
10-36-2-18:	Curbs, Curb Cuts, Ramps, and Driveway Approaches
10-36-2-19:	Access Standards
10-36-2-20:	Street Names
10-36-2-21:	Survey Monuments
10-36-2-22:	Street Signs
10-36-2-23:	Mail Boxes
10-36-2-24:	Street Light Standards
10-36-3:	Sanitary Sewers, Water, Stormwater, and Fire Protection
10-36-4:	Erosion Control
10-36-5:	Utilities
10-36-6:	Easements
10-36-7:	Construction Plan Approval and Assurances
10-36-8:	Installation

10-36-1: PURPOSE AND APPLICABILITY

- A. **Purpose.** The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth and provide a range of transportation options, including options for driving, walking, transit and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

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- B. **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this Chapter and the standards of the applicable road authority for roads in other jurisdictions. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.
- C. **Engineering Design Criteria, Standard Specifications and Details.** The Standard Specifications for Public Works Construction, Oregon Chapter of the American Public Works Association (APWA), as may be amended by the City of Florence, are incorporated by reference. The design criteria, standard construction specifications and details maintained by the Public Works Director, or any other road authority with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into this Code by reference.
- D. **Adequate Public Facilities.** Adequate public facilities must be available for development. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code.
- E. **Conditions of Development Approval.** Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact. The applicant may be requested to provide evidence of impacts as part of the City's completeness review. Facilities shall be sized according to approved facility plans. When the improvements necessary for the provision of adequate facilities exceeds the roughly proportional impacts of the specific development proposal, the City may assist through system development charge credits, reimbursement districts, or other City participation consistent with the City's capital improvement and fiscal plans and policies.

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10-36-2: STREET STANDARDS

10-36-2-1: Development Standards. The following standards shall be met for all new uses and developments:

- A. All new lots created, consolidated, or modified through a land division, lot line adjustment, lot consolidation, or street vacation must have street frontage and approved access to a street.
- B. Streets within or abutting a development shall be improved in accordance with the Transportation System Plan (TSP), provisions of this Chapter and other applicable sections of this Code.
- C. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable road authority. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets.
- D. All new public streets and alleys shall be paved per the City of Florence Standards and Specifications document. Alleys may also be improved with porous concrete, porous asphalt, permeable pavers such as turf concrete, brick pavers or other materials approved by the City. The City does not maintain alleys.

10-36-2-2: Improvement Guarantee. The City may accept a future improvement guarantee (e.g., non-remonstrance agreement, which certifies that the owner and their successors will not object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

- A. A partial improvement does not create a potential safety hazard to motorists, bicyclists, or pedestrians.
- B. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, reduce street safety or capacity.
- C. The improvement would be in conflict with an adopted capital improvement plan.

10-36-2-3: Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a Public Right-of-Way by acceptance of a deed, where no plat will be recorded, and provided that the street is deemed in the public interest by the City Council for the purpose of implementing the Florence Transportation System Plan, and the deeded right-of-way conforms to this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public" as grantee.

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10-36-2-4: Creation of Access Easements. The City may approve or require an access easement when the easement is necessary to provide for access and circulation in conformance with Chapter 35, Access and Circulation. Access easements shall be created and maintained in accordance with the Oregon Fire Code and the City of Florence Standards and Specifications.

10-36-2-5: Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be consistent with the Transportation System Plan and standards specified in Title 8 Chapter 2.

- A. Street width shall be based on the existing conditions along with the following factors:
1. Street classification in the Transportation System Plan
 2. Anticipated traffic generation
 3. On-street parking needs
 4. Pedestrian and bicycle requirements based on anticipated level of use
 5. Requirements for placement of utilities
 6. Street lighting
 7. Minimize drainage, slope, and sensitive lands impacts
 8. Street tree location, when provided
 9. Protection of significant vegetation, as provided for in Chapter 34
 10. Safety and comfort for motorists, bicyclists, and pedestrians
 11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided
 12. Access needs for emergency vehicles
 13. Transition between different street widths (i.e., existing streets and new streets).
 14. Driveway Off-sets
 15. Curve Radii
 16. Queuing Factors
- B. Partial street improvements may be accepted only in the case of a collector or arterial street and only when requiring a full-width street improvement can not be justified based on the proportionate impact of the development on the transportation system. Where a less than full street is allowed, the minimum total paved width shall provide for two travel lanes, and for bicycle lanes if warranted.

10-36-2-6: Cul-de-sacs. A cul-de-sac street shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

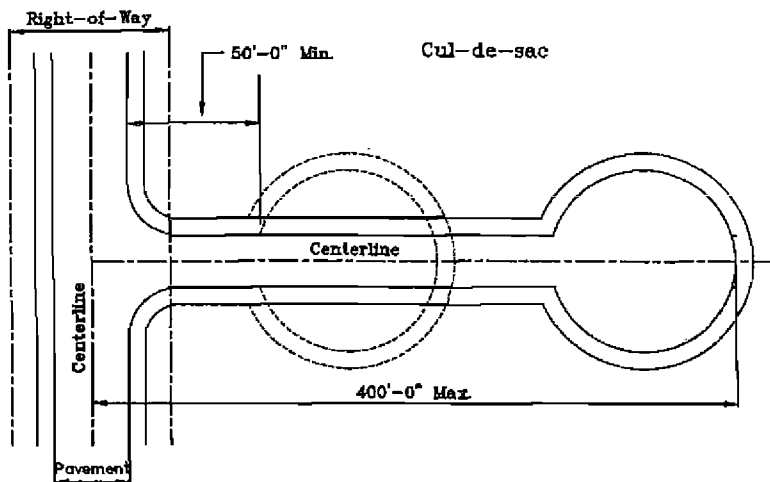
- A. The cul-de-sac shall not exceed a length of 400 feet and the minimum throat length shall be 50 feet; the length of the cul-de-sac shall be measured where the centerline of the roadway from the near side of the intersecting street to the
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farthest point of the cul-de-sac pavement. The minimum right-of-way for a cul-de-sac may be reduced to 50 feet if approved by the City.

- B. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Oregon Fire Code. Circular turnarounds shall have a radius of no less than 35 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement), subject to approval by the Public Works Director; except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane minimum of twenty (20) feet in width.

Figure 10-36(1): Cul-de-sac Design



10-36-2-7: Alleys, Public or Private. Alleys shall provide a 20-foot right-of-way and 16 feet of pavement. Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys. Alley intersections and sharp changes in alignment shall be avoided. The corners of necessary alley intersections shall have a radius of not less than twelve (12) feet or wider if required by the Fire District.

10-36-2-8: Private Streets. Private streets shall conform to City standards of construction and shall include sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter or the Transportation System Plan. Legal assurance for construction and maintenance shall be required of the developers and owners. Private streets shall connect with public streets to complete the City's transportation system grid where practical.

10-36-2-9: Street Location and Connectivity. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic and to facilitate emergency access and evacuation. Proposed streets or street extensions shall be located to provide access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.

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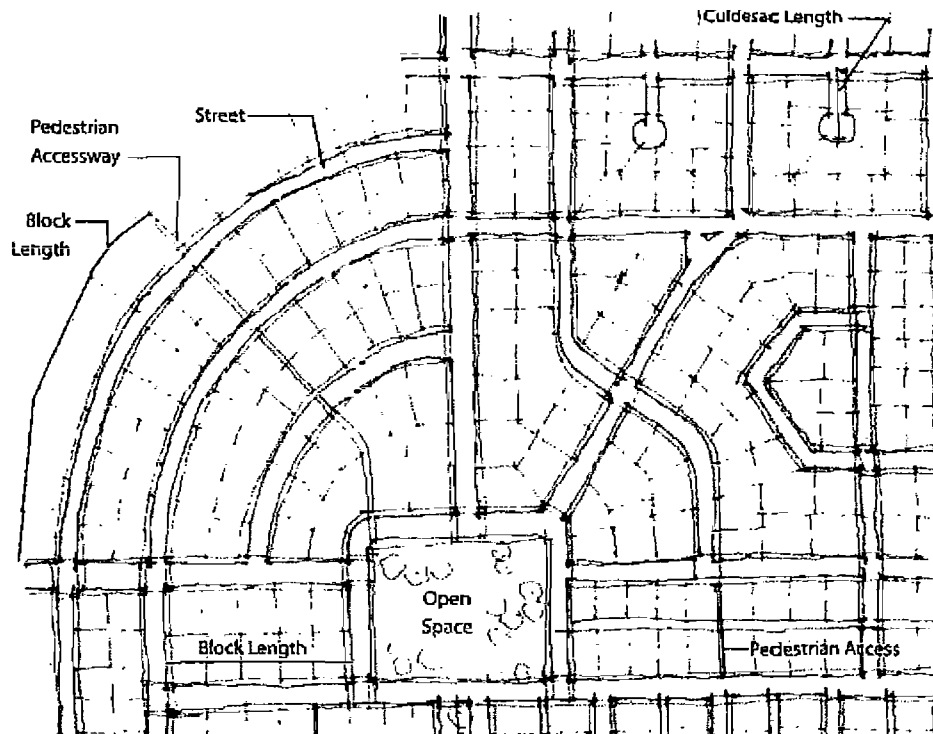
- A. Where the location of a street is not shown in an existing street plan, the location of streets in a development shall provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Section, or
- B. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to and to logically extend the street system into the surrounding area. All street stubs over 150 feet in length shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 2. Developer shall install a Type III barricade at the end of the street. The barricade shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street.
 3. Temporary street ends shall provide turnarounds (e.g., hammerhead or bulb-shaped configuration) constructed to Oregon Fire Code standards for streets over 150 feet in length.
- C. Mid-Block Connection/Multi-use Path Standards. Where a street connection in conformance with the maximum block length standards in Section 10-36-2-10 is impracticable, a multi-use path shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 10-36(2). The City may also require developers to provide a multi-use path off a cul-de-sac. Such pathways shall conform to all of the following standards:
1. Multi-use paths shall be no less than ten (10) feet wide and located within a twenty (20)-foot right-of-way or easement allowing public access and, as applicable, emergency vehicle access.
 2. If the streets within the subdivision or neighborhood are lighted, all pathways in the subdivision shall be lighted. Pathway illumination shall provide at least two (2)-foot candles.
 3. All pathways shall conform to applicable ADA requirements unless precluded by topographic conditions.
 4. The City may require landscaping, walls or terraces as part of the required pathway improvement to buffer pedestrians from adjacent vehicles, or to screen pathways from view of adjacent residences.

10-36-2-10: Block Length and Block Perimeter. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than two (2) acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

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- A. Residential Districts: Minimum of 100-foot block length and maximum 1,200-foot length; maximum 3,000-foot block perimeter
- B. Old Town and Main Street Districts: Block lengths shall be consistent with the existing town plat, as of June 2009.
- C. General Commercial, North Commercial and Highway Commercial Districts: Minimum of 100-foot block length and maximum 600-foot length; maximum 1,400-foot block perimeter
- D. Not applicable to the Industrial Districts

Figure 10-36(2): Street Connectivity and Formation of Blocks



10-36-2-11: Traffic Controls

- A. Traffic signals/roundabouts shall be required with development when traffic control warrants are met, in conformance with the Highway Capacity Manual and Manual of Uniform Traffic Control Devices. Traffic signal/roundabout design shall be approved by City Engineer. The developer's financial responsibility and the timing of improvements shall be included as part of the development approval.
- B. Traffic controls on roads under State jurisdiction shall be determined by the Oregon Department of Transportation. Traffic controls on roads under Lane County jurisdiction shall be determined by Lane County.
- C. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in

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neighborhoods or commercial areas with high pedestrian traffic.

- D. Where the City TSP identifies future traffic signals, additional right-of-way shall be provided at the intersection to accommodate the signal apparatus.

10-36-2-12: Medians. The use of landscaped medians improve community appearance, helps maintain system mobility and reduces the effects of wide street widths to all modes of travel. Medians will be landscaped with water efficient plant materials unless otherwise indicated below.

- A. At intersections where left turn pockets are constructed, the 16-foot wide median will transition to an 11-foot wide left turn lane with a five-foot pedestrian refuge median separating the left turn lane from oncoming traffic. Intersections and access must comply with Chapter 35, Access and Circulation.
- B. Medians on roads under State jurisdiction shall be determined by the Oregon Department of Transportation.

10-36-2-13: Street Alignment, Radii

- A. On Arterial and Collector Roadways, intersections shall be spaced at a minimum of 250 feet, as measured from the centerline of the street.
- B. On Local Streets, street centerlines at intersections may not be offset by more than two feet. Intersections shall be spaced at a minimum of 125 feet, as measured from the centerline of the street.
- C. Corner curb return radii shall be at least thirty-five (35) feet on Arterial Streets and at least twenty (20) feet on other streets, except where smaller radii are approved by the Public Works Director. Larger Radii may be required by the Director to accommodate emergency and freight vehicles.

10-36-2-14: Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle. In no case shall the centerline angle be less than 80°; elbow or knuckle corners are not allowed (see Figures 10-36(3) and (4) for illustrations). In addition, the following standards shall apply:

- A. Streets design shall provide a minimum of 50 feet of straight centerline tangent past the intersecting right-of-way unless a lesser distance is approved by the Public Works Director (see Figure 10-36(5) for illustration).
- B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle.

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Figure 10-36(3): Street Intersection Angle

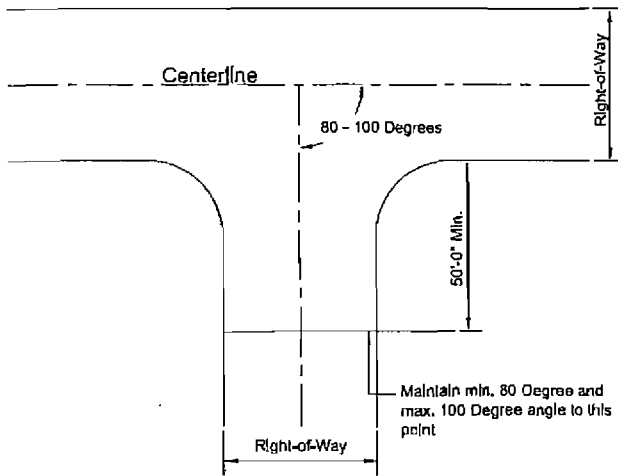


Figure 10-36(4): Elbow and Knuckle Corners are Prohibited

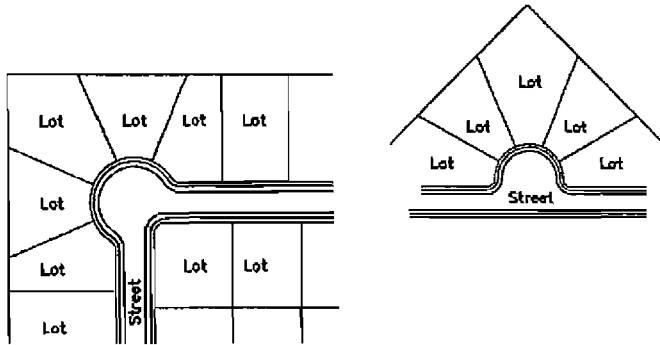


Figure 10-36(5): Street Intersection

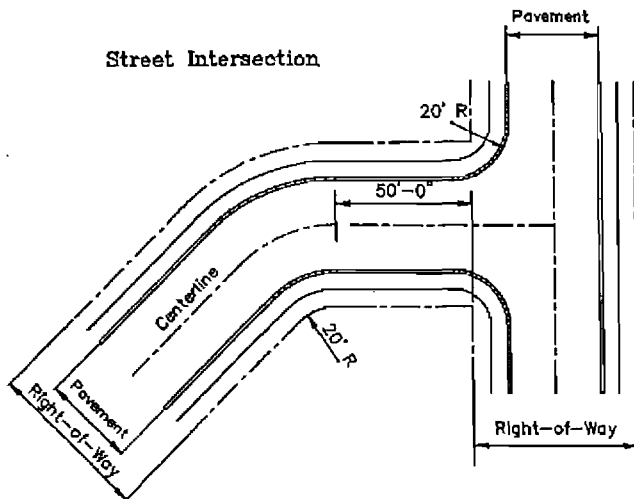
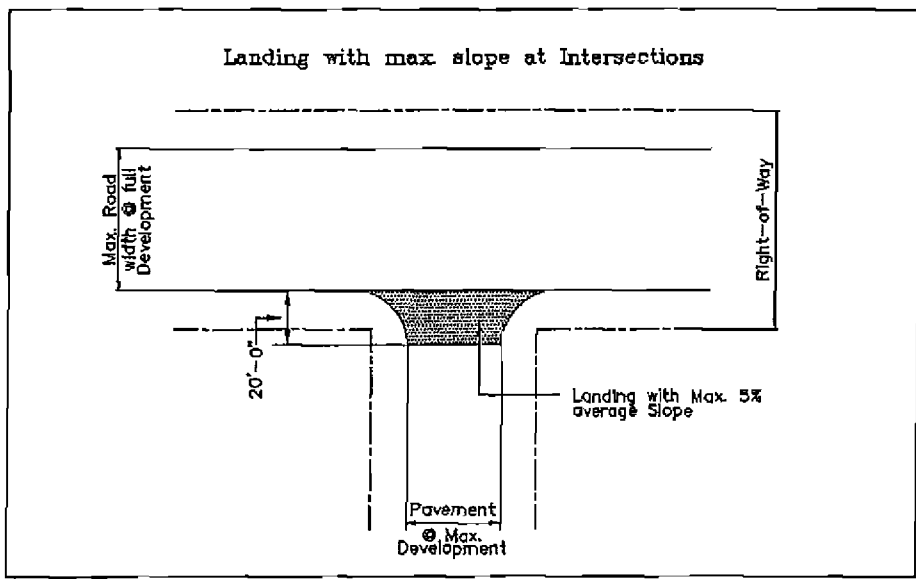


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10-36-2-15: Grades and Curves. Unless otherwise approved by the City due to topographical conditions, grades shall not exceed 6% on arterials, 10% on collector streets, or 12% on all other streets. Grades in excess of 10% require Fire Code Official approval.

- A. Centerline curve radii shall not be less than 700 feet on arterials, 350 feet on collectors, or 100 feet on other streets.
- B. Streets intersecting with a collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5% slope or less. Landings are that portion of the street within twenty (20) feet of the edge of the intersecting street at full improvement. See Figure 10-36(6) for example.
- C. Existing conditions may warrant additional design criteria. All streets and intersection designs shall be subject to the approval of the Public Works Director.

Figure 10-36(6): Street Intersection Landing



10-36-2-16: Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with applicable provisions of the Florence Transportation System Plan, Comprehensive Plan, adopted street plans, City of Florence Standards and Specifications and the following standards:

- A. Sidewalks may be placed adjacent to the street or at the property line with planter strips where practicable, or as otherwise directed by the Public Works Director.
- C. In areas with high pedestrian volumes, the City may approve a minimum 12-foot wide sidewalk area, curb tight, with street trees in tree wells and / or landscape planters.

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- D. Bicycle lanes shall be a minimum of 6 feet in width and be constructed on all arterial streets and all collectors as indicated in the TSP, unless otherwise designated.
- E. Sidewalks are not required on T-courts (hammer-head).
- F. In no instance shall a planter strip be wider than 7-feet at the intersection. This may require the sidewalk to taper from the property line alignment to within 7-feet of the curb.
- G. Where practical, sidewalks shall be allowed to meander around existing trees if in conformance with the requirements of the Americans with Disabilities Act.
- H. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

10-36-2-17: Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a proposed development are developed less than standard width, additional rights-of-way shall be provided at the time of subdivision or site development, in conformance with FCC 10-36-2-5.

10-36-2-18: Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, curb ramps, bicycle ramps and driveway approaches shall be constructed in accordance with Chapter 35, Access and Circulation, City of Florence Standards and Specifications and the following standards:

- A. Curb exposure shall be per City Standards and Specifications.
- B. There shall be no curbs on alleys unless otherwise approved by the Public Works Director.
- C. Curb extensions (bulb-outs) at local residential street intersections are optional. If provided, the minimum width between the curb extensions shall be 24-feet, unless otherwise approved by the Public Works Director. Curb extensions shall not be used on streets with bike lanes.

10-36-2-19: Access Standards. New development shall gain access primarily from local streets. Access onto arterials and collectors shall be evaluated based on access options, street classifications and the effects of new access on the function, operation and safety of surrounding streets and intersections. Where such access to higher level street classification is necessary, shared driveways may be required in conformance with FCC 10-35. If vehicle access off a lower-level street is possible, then the City may prohibit access to the higher-level street.

10-36-2-20: Street Names. The developer shall submit proposed street names to the City of Florence Community Development Department for review and submittal to the Lane County Road Naming Committee for approval prior to recording final plat. No new street name shall be used that duplicates or could be confused with the name of an existing street in the County. Street names shall be in conformance with FCC 8-2-1-1.

10-36-2-21: Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered

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professional land surveyor to provide certification to the City that all boundary and interior monuments have been re-established.

10-36-2-22: Street Signs. The cost of signs required for new development, including stop signs and any other roadway signs, shall be the responsibility of the developer and shall be installed as part of the street system developed and approved through the land use process. Signs shall be installed by developers per City of Florence Standards and Specifications.

10-36-2-23: Mail Boxes. Plans for mail boxes shall be approved by the United States Postal Service.

10-36-2-24: Street Light Standards. Street lights shall be provided in all developments within the City and shall be provided in accordance with Resolution 16, Series 1999. The Planning Commission during site design review may add street lights at other locations and authorize specific exceptions to the above priorities when necessary in order to enhance the public safety and welfare; actual locations may be varied slightly depending on placement of Central Lincoln PUD poles. Streetlights shall be installed in accordance with City of Florence Standards and Specifications. Where a private street intersects a public street, a street light shall be installed.

10-36-3: SANITARY SEWERS, WATER, STORMWATER, AND FIRE PROTECTION

- A. **Sewers, Water, and Stormwater Mains Required.** Sanitary sewers, water mains, and stormwater drainage shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Wastewater Master Plan, Water System Master Plan, and Stormwater Master Plan, Florence Code Title 9 Chapters 2, 3 and 5, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision; stormwater, sewer and water system improvements shall also be stubbed to the edge of the subdivision for future development.
- B. **Sewer, Water, and Stormwater Plan Approval.** Development permits for stormwater drainage, sewer and water improvements shall not be issued until the Public Works Director or their designee has approved all stormwater, sanitary sewer and water plans in conformance with City standards, and Florence Code Title 9 Chapters 2, 3 and 5.
- C. **Existing Watercourse.** Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.
- D. **Over-Sizing.** The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, and Florence Code Title 9 Chapter 1. The developer may be entitled to credit or reimbursement for over-sizing City master planned improvements.

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- E. **Fire Protection.** All new development shall conform to the applicable provisions of the Oregon Fire Code. Developers shall provide verification of existing and proposed water service mains and hydrant flow supporting the development site. Fire flow analyses and plans for hydrants and water service mains shall be subject to review and approval by the Building Official or Fire Marshal.
- F. **Inadequate Facilities.** Development permits may be restricted by the City where a deficiency exists in the existing water, sewer or stormwater system that cannot be rectified by the development and that if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

10-36-4: EROSION CONTROL. In addition to standard City requirements for stormwater, erosion control and sand management, projects that disturb one (1) or more acres of land over a period of time, a National Pollution Discharge Elimination System (NPDES) Permit must be obtained from the Department of Environmental Quality prior to the issuance of a development permit or land use permit based on appropriate criteria.

10-36-5: UTILITIES

A. **Underground Utilities.**

1. **Generally.** All new utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above.
2. **Subdivisions.** In order to facilitate underground placement of utilities:
 - a. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic.
 - b. The City reserves the right to approve the location of all surface-mounted facilities.
 - c. All underground utilities, including water, sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets.
 - d. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

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- B. **Exception to Undergrounding Requirement.** An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands, or high water table or existing development conditions.

10-36-6: EASEMENTS

- A. **Provision.** Dedication of easements for storm water, sewers, water and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than fifteen feet (15') in width and the utility shall be located in the center of the easement. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require an additional five foot (5') easement for utility lines along street frontages when necessary.
- B. **Recordation.** As determined by the City all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat.

10-36-7: CONSTRUCTION PLAN APPROVAL AND ASSURANCES

- A. **Plan Approval and Permit.** No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City Public Works Director, permit fee paid, and permit issued.
- B. **Performance Guarantee.** The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements.

10-36-8: INSTALLATION

- A. **Conformance Required.** Improvements installed by the developer either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this Chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards.** The Standard Specifications for Public Works Construction, Oregon Chapter APWA, are hereby incorporated by reference; other standards may also be required upon recommendation of the Public Works Director.
- C. **Commencement.** Work shall not begin until the City has been notified in

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advance in writing.

- D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. **City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City Public Works Department. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications to the approved design requested by the developer may be subject to City review. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements; it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments have been reestablished and protected.
- F. **Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide two (2) sets of "as-built" plans along with an electronic copy, in conformance with the City Engineer's specifications, for permanent filing with the City.
- G. **Acceptance of Public Improvements.** Public improvements shall only be accepted by the City after the "as-built" plans and actual improvements are approved, and all easements are recorded. Upon acceptance of public improvements, the City will accept ownership and maintenance responsibility.
- H. **Warranty of Public Facilities.** All public improvements shall be warranted against defects in materials and workmanship for a period of one year following acceptance of the improvements by the City. Once accepted, a minimum one (1) year warranty agreement on materials and workmanship shall be initiated between the City of Florence and the developer. A warranty bond or other financial security acceptable to the City in the amount of 12 percent of the original public improvement construction cost shall be maintained throughout the warranty period.

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TITLE 8 CHAPTER 2 STREETS AND SIDEWALKS

8-2-3: SIDEWALK CONSTRUCTION:

8-2-3-3: MINIMUM STANDARDS: All materials and workmanship for sidewalks and curbs that may hereafter be constructed within the City limits shall conform to the following minimum standards:

- A. **Concrete Materials:** Concrete mix for sidewalks and curbs shall consist of Portland cement, clean sand, clean concrete gravel and water in sufficient quantities to achieve a twenty eight (28) compressive strength of at least two thousand five hundred (2,500) pounds per square inch when tested in accordance with applicable standards of the American Society for Testing Materials.
- B. **Pre-Molded Expansion Filler Material:** Shall be one-half inch (1/2") thick and shall be placed along walks, curbs and driveways at points not greater than thirty five feet (35'). All bituminous expansion fillers shall be cut to the exact cross-section of the walk or driveway and shall be flush with all surfaces.
- C. **Curing Materials:** During the forty eight (48) hour period following the placing of concrete, it shall be protected by methods approved by the Public Works Superintendent from the detrimental action of the elements. If a plastic film or waterproofed paper is used for curing, concrete shall be wetted once before film is placed; then left on for at least forty eight (48) hours.
- D. **Forms, Materials:** All sidewalks, curbs and driveways shall be built within forms which shall have sufficient strength, weight and support to retain their position until the concrete has set. Forms shall conform to the shape, line, grade and dimensions called for in the project plans or as approved by the Public Works Superintendent.

All forms shall be inspected by the Public Works Superintendent prior to placement of any concrete. Irregularities or errors in grade and alignment shall be corrected to the satisfaction of the Public Works Superintendent prior to the placement of concrete. Extruding machines will be allowed when approved by the Public Works Superintendent.

- E. **Workmanship:** All sidewalks shall be three and five-eighths inches (3 5/8") minimum thickness and five and five-eighths inches (5 5/8") minimum across driveways. Sidewalks shall have a fall of twenty-five thousandths inch per foot (.025" - 1') from the property line toward the curb unless otherwise directed by the Engineer. Driveways shall slope uniformly from the property line to a point one inch (1") above the gutter grade.

Sidewalks shall be divided into square blocks of no greater dimensions than seven feet (7'), by joints running across the walk at right angles to their length. Each joint shall be plainly marked with a deep cutter two inches (2") in width. The edges of all blocks shall be smoothly rounded with a three-inch (3") edger and be free from broom marks. All walks and drives shall receive a broom finish.

Driveways shall have sidewalks marked through their length and shall be poured independent of walks and curbs and be separated by a cold joint or one-half inch (1/2") expansion joint and variations in grade profile should not deviate more than one-fourth inch (1/4") when measured with a ten foot (10') long straight edge.

All sidewalks constructed or relayed within the corporate limits of the City shall be a minimum of five feet (5') in width, excluding curb width and have wheel chair ramps at intersections.

Curbs and gutters shall be set so that their top and the alignment and distance from the established street grades and centers are as prescribed in the approved project plans or

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as approved by the Public Works Superintendent. Curbs and gutters shall be constructed in accordance with standard curb and gutter specifications on file in the City Hall.

8-2-3-4: GRADES, LOCATIONS AND INSPECTIONS:

- A. Grades: All sidewalks and curbs that may be hereafter constructed as provided for in this Section, shall be placed upon the street grade as the same is now established or that may from time to time be established, and shall conform strictly to the official street grades.
- B. Location: All new sidewalks shall be installed according to a plan approved by the City. When repairing existing sidewalks, the section repaired or added should conform in location with the original sidewalk, unless, in the opinion of the Public Works Director, relocation is required.
- C. Final Inspection: Upon completion of work, a final inspection is required. The Public Works Director, or his representative, shall inspect and approve or reject the project. If rejected, a reasonable time limit shall be set and repairs shall be done to his or her satisfaction.
- D. Driveway Locations:
 - 1. Except as provided in subparagraph 2 of this paragraph new and relocated driveways shall be allowed no closer than twenty-five feet (25') to any street intersection. Existing non-conforming driveways may remain in their present location if, in the opinion of the Chief of Police, the location is not hazardous.
 - 2. A new or relocated driveway may be located nearer than twenty-five feet (25') to an intersection under any one of the following circumstances:
 - a. The building lot is too narrow to accommodate the correct location.
 - b. An existing building prohibits locating a driveway at the correct distance.
 - c. Planned improvements or traffic circulation patterns show a different location to be efficient and safe.

Exhibit F

TITLE 9 CHAPTER 5 STORMWATER MANAGEMENT UTILITY, USER FEE SYSTEM AND STORMWATER MANAGEMENT REQUIREMENTS

9-5-2-2: PRELIMINARY DEVELOPMENT PLAN

- A. A Preliminary Development Plan is required for all projects not specifically identified as being exempt or subject to the modified requirements. The plan shall include as a minimum the following:
1. A general description of the proposed improvements.
 2. A general description of the topography, soil, storm water drainage and management system (include how surface runoff or flow enters and leaves the project site), and natural resource conditions of the site. If the area is subject to flooding from a high groundwater table, show how this water is managed to prevent flooding of existing or proposed structures.
 3. A general description of the proposed project property and a description of existing structures, buildings, and other fixed improvements located on the property and surrounding properties.
 4. A Site Plan that identifies the following features:
 - a. The site location of the proposed project, indicating the location of the proposed project in relation to roadways, jurisdictional boundaries, streams, wetlands, and rivers.
 - b. The boundary lines of the project site.
 - c. All areas of the site that will be disturbed by construction activities and the total disturbed area calculated.
 - d. The total quantity of impervious surface added by the project.
 - e. The existing and proposed topography of the project site.
 - f. The general location and identification of natural vegetation.
 - g. The location and identification of the existing and proposed storm water drainage system, including natural and man-made features.
 - h. The location of buffers and regulatory setbacks from streams and wetlands.
 - i. The required easements for all public facilities.
 - j. A description and plan of erosion prevention and sediment control practices to be implemented during construction and prior to landscaping becoming established.
- B. A registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal the Preliminary Development Plan as required by City and state law. Furthermore, prior to land disturbing activity, the developer for the land disturbing activity shall certify that the proposed activities will be accomplished pursuant to the approved plan. ~~The Preliminary Development Plan shall contain certification by the person(s) responsible for the land disturbing activity that the proposed activities will be accomplished pursuant to the plan. In addition to this certification, a registered Professional Engineer licensed by the State of Oregon shall prepare, certify, and seal documents as required by City and state law.~~
- C. The Preliminary Development Plan shall be submitted and approved as part of the land use approval process ~~prior to the submittal of the construction plans for the project.~~ The Storm Water Management Plan, where required, shall be submitted along with the construction drawings.

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- D. If the City approves the Preliminary Development Plan, no further submittal, review and approval of the storm water system shall be required unless changes are made to the design, a Storm Water Management Plan as described in 9-5-2-3-A is required, or the project presents a unique threat to the public health, safety, and general welfare as determined by the City.

9-5-2-3: STORM WATER MANAGEMENT PLANS

- A. Storm Water Management Plans are required for larger development projects: major partitions, subdivisions, land disturbing activities affecting over one (1) acre, projects involving the construction or extension of the public storm water system, or where the project is deemed by the City to present a special risk to the public health, safety, and general welfare.
- B. The plan shall include as a minimum the following:
1. A vicinity map indicating a north arrow, scale, boundary lines of the site, and other information necessary to locate the project site.
 2. The existing and proposed topography of the development site except for individual lot grading associated with the construction of each single family residence, unless the single family residence construction is a part of the overall development of the subdivision.
 3. Physical improvements on the site, including existing and proposed development.
 4. Location, dimensions, elevations, and characteristics of existing and proposed storm water drainage and management facilities.
 5. All areas within the site that will be included in the land disturbing activities shall be identified and the total disturbed area calculated.
 6. The total quantity of impervious surface added by the project.
 7. The location and dimensions of stream and wetlands buffers and regulatory setbacks shall be shown.
 8. A determination that no occupied first floor elevation of any structure is below the 100-year plus one foot flood elevation. The 100-year flood elevation to be used in this determination is as established by the Federal Emergency Management Agency (FEMA).
 9. The required easements shall be shown for all public facilities along with all dedicated tracts of land for storm water management facilities.
 10. A landscaping plan shall be provided in accordance with Title 10 Chapter 34, Landscaping, the current City of Florence Site Design Policies and Standards (Originally adopted 4-24-90 and amended 1992).
 11. The Storm Water Management Plan shall include all engineering calculations needed to design the drainage system and associated structures including the pre-and post-development flow rates and velocities, peak rates of discharge at all existing and proposed points of discharge from the site, and the up gradient and down gradient analysis as required by Section 9-5-3-2-H Storage volumes and infiltration rates shall be shown for the applicable facilities.
 12. Description or site conditions at the existing and proposed discharge points from the development site.
 13. Construction and design details for all storm water drainage and management facilities.
 14. A description and plan of erosion prevention and sediment control practices to be implemented during construction and prior to landscaping becoming established.
 15. A schedule showing the construction timing of the major components of the storm water system.
 16. The site Storm Water Management Plan or Drainage Plan shall contain certification by the persons responsible for the land disturbing activity that the proposed activities will be accomplished pursuant to the plan. The certification

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- shall include an assurance that impacts to wetlands, streams, or their buffers will be mitigated in accordance with the requirements of all the applicable regulatory agencies.
17. An Operations and Maintenance Plan shall be submitted for all storm water quantity control and treatment facilities.
- C. Storm Water Management Plans shall be prepared, certified, and stamped/sealed by a qualified registered Professional Engineer licensed by the State of Oregon. The engineer must follow the standards of practice for the engineering community and verify that the plans have been designed in accordance with this Code, along with all standards and criteria stated or referred to in this Code.

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TITLE 10 CHAPTER 1

ZONING ADMINISTRATION

SECTION:

10-1-1:	Administrative Regulations
10-1-1-1:	Short Title
10-1-1-2:	Scope
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10-1-1-4:	Application
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10-1-1-6:	Administrative Review
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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
10-1-4:	Definitions

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: 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:

- A. To fulfill the goals of Florence's Comprehensive Plan.
- B. To advance the position of Florence as a regional center of commerce, industry, recreation and culture.
- C. 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.
- D. 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.

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- E. To insure preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
- F. 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.
- G. To achieve excellence and originality of design in future developments and to preserve the natural beauty of Florence's setting.
- H. To stabilize expectations regarding future development of Florence, thereby providing a basis for wise decisions with respect to such development.

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.
- B. 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, statements and fees paid. When an application or petition is incomplete, the Director shall mail written notice to the applicant and disclose exactly what information, forms or fees are lacking. The application shall be deemed complete by the Director upon receipt of all of the missing information, forms and fees, or upon receipt of a written notice from the applicant that no other information will be provided. The Director shall mail written notice to the applicant when the application is accepted. Completeness review and final action on an application shall be in accordance with ORS 227.178.
 - 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 600 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.
- C. Evidence Submittal: Except when this Code expressly provides different time limitations, all documents and evidence relied upon by the applicant shall be submitted thirty (30) days prior to the hearing as provided in Subsection 10-1-1-5. (Amd. by Ord. No. 30 Series 1990)
- D. Traffic Impact Studies: The City or other road authority with jurisdiction may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities and to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule. All traffic impact studies shall be prepared by a professional engineer in accordance with the requirements of the road authority. A TIS shall be required when a land use application involves one or more of the following actions:
 - 1. A change in zoning or a plan amendment designation where there is an increase in traffic or a change in peak-hour traffic impact.

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2. Any proposed development or land use action that may have operational or safety concerns along its facility(s).
3. 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.
4. 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 vehicles trips or more per day.
5. 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.
6. A change in internal traffic patterns that may cause safety problems, such as backed up onto a street or greater potential for traffic accidents.

10-1-1-5: LAND USE HEARINGS:

- A. Hearings are required for quasi-judicial land use matters requiring Planning Commission review.
- B. Notification of Hearing:
 1. At least twenty (20) days prior to a 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.
 - 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).
 2. Prior to a quasi-judicial hearing, notice shall be published one (1) time in a newspaper of general circulation.
- 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;

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- 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 quasi-judicial hearings shall conform to the procedures of Florence City Code Title 2 Chapter 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, Design Review or Sign Review Board approvals be consolidated to provide faster service to the applicant. (ORS 227.175(2)), (Amd. by Ord. No. 30, Series 1990)

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10-1-1-6: ADMINISTRATIVE REVIEW

- A. The Planning Director, or designated planning staff may make administrative decisions. The administrative procedure is used when there are clear and objective approval criteria and applying City standards require no use of discretion.
- B. 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 to an approved Design Review of less than 1,500 square feet or less than 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. A change in the type and/or location of access-ways, drives or parking areas not affecting off-site traffic.
 7. Modification to an approved landscaping plan. Administrative review is required for all modifications to an approved landscaping plan except city staff may approve the following changes without going through the administrative review process, provided the proposed landscaping plan is consistent with the intent and character of the original approval:
 - a. plant or tree substitutions (e.g. shrub for shrub, tree for tree).
 - b. ground cover substitutions.
 - c. trading plant locations if planting beds remain the same, or
 - d. change in the location of planting beds (site plan) up to a maximum of 10% of the landscaping area.
- C. The Director may refer a request for administrative review to the Planning Commission/Design Review Board 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. Administrative Decisions: The City will post a notice on the subject property and provide Notice of Application to owners of property within 100 feet of the entire contiguous site for which the application is made. The list of property owners will be compiled from the most recent property tax assessment roll.
 - a. Notice shall also be provided to the airport as required by ORS 227.175 and FCC 10-21-2-4.
 2. Property Owner Notice shall:

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

10-1-1-7: APPEALS: Under this Title, any quasi-judicial decision of the Planning Commission or Design Review Board may be appealed to the City Council in accordance with the following procedure:

- A. A notice of intent to appeal must be filed by an affected party, which includes persons mailed notice of the hearing and 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 12th 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.

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3. The specific errors, if any, made in the decision of the initial action and the grounds therefore.
 4. The action requested of the 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. Unless otherwise provided by the City Council, the review of the initial action shall be confined to 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 by the Planning Commission or Design Review Board as evidence.
 2. All materials submitted by the City staff with respect to the application.
 3. The minutes of the hearing.
 4. The Findings and action of the Planning Commission or Design Review Board
 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 before the Council.
- F. The City Council may affirm, reverse or amend the decision of the Planning Commission or Design Review Board 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 Council 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 or Design Review Board decision, the Council shall review the decision of the Planning Commission or Design Review Board. 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 or Design Review Board decision, and where appropriate, whether the decision of the Commission or Board 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 or Design Review Board, 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 or Design Review Board. 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:

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- 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. **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 10-1-1-5.

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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. 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).

10-1-4: 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. 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 usable ingress and egress to a property, use or parking space.

ACCESS EASEMENT An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access cross property under separate ownership from the parcel being provided access. Cross access is a service drive providing vehicular access between two or more separate sites, so that the driver need not enter the public street system between sites.

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).

ACCESSORY BUILDING Any detached subordinate building the use of which is incidental, appropriate and subordinate to that of the main building.

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

ALLEY A public way not over thirty feet (30') wide providing a secondary means of access to private property. A narrow passage through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

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ALTER	Any change, addition or modification of construction or occupancy of a building or structure.
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"
<u>ARTERIAL STREET</u>	<u>The highest order classification of streets; includes highways and other major streets with limited or no direct access from adjoining properties.</u>
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.
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).
<u>BICYCLE FACILITY</u>	<u>There are different types of bicycle facilities: In general, a bicycle facility is a public or private way designed for and dedicated to bicycle use. It may consist of a road, a lane within or on the shoulder of a road, a path, multi-use path, or other way that is specifically designated for bicycle travel or shared bicycle/pedestrian travel.</u>
BOARD	The "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.
BUILDABLE AREA	That 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 to the average height of the highest gable of a pitch or hip roof.
<u>BURN TO LEARN</u>	<u>A training burn exercise that allows firefighters to practice tactics and strategies under controlled conditions.</u>
<u>CALIPER</u>	<u>Diameter of the trunk of a tree measured 6 inches above the ground (up to and including 4 inch caliper size).</u>

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<u>CARPORT</u>	<u>A stationary structure consisting of a roof, its supports, not more than one wall, or storage cabinets substituting for a wall, used to shelter motor vehicles, recreation vehicles or boats.</u>
CEMETERY	Land used 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 only 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.
<u>COLLECTOR</u>	<u>A type of street that serves traffic within commercial, industrial, and residential neighborhood areas, connecting local neighborhood or district streets to the arterial network and is part of the street grid system.</u>
COMMISSION	The Florence Planning Commission
<u>COMPREHENSIVE PLAN</u>	<u>The current adopted Comprehensive Plan for the City of Florence.</u>
CORNER LOT	See "Lot Types"
<u>COURT OR COURTYARD</u>	An open unoccupied space, other than a yard, on the same lot with a building.
<u>CROSSWALK</u>	<u>A path marked off on a street to indicate where pedestrians should cross.</u>
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.
<u>DIAMETER</u> <u>BREAST HEIGHT (DBH)</u>	<u>Diameter of the trunk of a tree measured at 4.5 feet above the ground.</u>

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<u>DRIVEWAY</u>	<u>Unless otherwise specified in this Title, driveway means the area the provides vehicular access to a site from a street or that provides vehicular circulation between two or more noncontiguous parking areas.</u>
DWELLING	A building or portion thereof which is occupied in whole or in part as a residence or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.
DWELLING, DUPLEX	A building designated or used exclusively for the occupancy of two (2) families living independently of each other and having separate housekeeping facilities for each family.
DWELLING, MULTIPLE	A building designed and used for occupancy by three (3) or more families, all living independently of each other and having separate housekeeping facilities for each family.
DWELLING, SINGLE FAMILY	A. A building constructed on-site and designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family; or B. A manufactured home designed and used exclusively for the occupancy of one family which is located and maintained in compliance with Section 10-11-7 of this Title. 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, manufactured home, is not considered a single family dwelling. (Ord No. 7, Series 1994 6-7-94)
<u>EASEMENT</u>	<u>A grant of the right to use a strip of land for specific purposes.</u>
<u>FAMILY</u>	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, 1- 24-84)
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).
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.

Exhibit G

GARAGE, REPAIR	A building used for the storage, parking, care and repair of motor vehicles, or where such vehicles are kept for remuneration, hire or sale, provided the selling of motor fuel and oil for motor vehicles, shall not be conducted.
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 aboveground level shall be measured at the elevation of the sidewalk, alley or public way.
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.
HOME FOR 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 or more, or persons of less than sixty five (65) years who, by reasons of infirmity, require domiciliary care.
HOME OCCUPATION	<p>Any use customarily conducted entirely within a dwelling or accessory building and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof or does not adversely affect the uses permitted in the district of which it is a part. Home occupations are permitted by this Title, provided they conform with the following criteria:</p> <ul style="list-style-type: none">A. No employment of help other than the members of the resident family.B. No use of material or mechanical equipment that is inconsistent with the residential character of the neighborhood.C. No sales of products or services not produced on the premises.D. The use shall not generate pedestrian or vehicular traffic beyond that normal to the district in which it is located.E. It shall not involve the use of commercial vehicles for delivery of materials to or from the premises.F. No storage of materials/supplies outdoors.G. It shall not involve the use of signs and/or structures other than those permitted in the district of which it is a part.H. In no way shall the appearance of the structure be so altered or the conduct of the occupation within the structure be such that the structure may be reasonably recognized as serving a nonresidential use (either by Home Occupations color, materials, construction, lighting, signs, sounds, noises or vibrations).I. There shall be no use of utilities or community facilities beyond that normal to residential purposes.

Exhibit G

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.
<u>LEVEL OF SERVICE ("LOS")</u>	<u>A quantitative standard for transportation facilities describing operational conditions. Level of Service may be described for intersections (signalized or unsignalized) or street segments (between signalized intersections).</u>
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.
<u>LOCAL STREET</u>	<u>A street primarily for access of abutting properties.</u>
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	<p>A. Front: The private property line contiguous with the public street line or place. For corner lots the front lot line shall be the narrowest street frontage or as shown on the official plat of the property. <u>The lot or parcel line abutting a street. For corner lots or parcels the lot or parcel front line is that with the narrowest street frontage. For double frontage lots or parcels the lot or parcel front line is that having frontage on a street which is so designated by the land divider and approved as part of a subdivision or partition as provided for in this Code.</u></p> <p>B. Rear: The property line which is opposite and most distant from the front lot line. In the case of a 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.</p> <p>C. Side: Any property line which is not a front or rear lot line.</p>
LOT MEASUREMENTS	<p>A. Depth: The horizontal distance between the front and rear lot lines measured in the mean direction of the side lot lines.</p> <p>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.</p>

Exhibit G

LOT TYPES

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

B. Double Frontage or Through: A lot development site other than a corner lot with frontage on more than one street.

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

MAIN BUILDING

A building within which is conducted the principal use permitted on the lot, as provided by this Title.

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.

~~A. Except as authorized in B of this definition, a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction; or~~

~~B. For purposes of implementing any contract pertaining to manufactured homes between the State Building Codes Agency and the Federal Government, "manufactured home" has the meaning given the term in the contract. (Ord. No. 7, Series 1994-6-7-94)~~

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.

MOTEL

See "Hotel".

Exhibit G

<u>MULTI-USE PATHWAY</u>	<u>A transportation facility serving pedestrians, bicycles and, where allowed, equestrian usage.</u>
NEIGHBORHOOD COMMERCIAL	The following uses are defined as neighborhood commercial: grocery stores or markets, banks, drugstores, restaurants (except drive-ins or walk-ups), variety stores, small specialty stores such as florist or bicycle shops, barber and beauty shops, laundromats, and day nurseries. In general, neighborhood commercial is intended to be a small scale, neighborhood shopping center with more than one business, although a single multi-purpose convenience store would also qualify. Neighborhood commercial is not intended to be combined with a residence or to be located in a converted residence or garage. A minimum lot size of twelve thousand (12,000) square feet is required.
NONCONFORMING USE	A building, structure or land use which lawfully existed at the time this Title became effective, but does not conform to the use regulations, setbacks, maximum lot coverage, or other provisions herein established for the district or zone in which it is located.
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).
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).
<u>PUBLIC ACCESS EASEMENT</u>	<u>A public access easement is an easement granted to the public for all the purposes for which a public sidewalk may be used, including but not limited to, pedestrian and bicycle travel.</u>
<u>RIGHT OF WAY</u>	<u>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.</u>
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 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.
ROOMING HOUSE	See "Boarding House".
<u>ROOT GUARDS</u>	<u>Tree root barriers commonly used in street tree applications to prevent mature tree roots from damaging surrounding walkways, streets and landscapes.</u>

Exhibit G

SERVICE STATION	A place or station selling petroleum products, motor fuel and oil for motor vehicles; servicing batteries; furnishing emergency or minor repairs and service, excluding painting, body work, steam cleaning, tire recapping and mechanical car washing; and at which accessory sales or incidental services are conducted.
SIGN	Any fabricated emblem or display including its structure, consisting of any letter(s), character, design, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, article, machine or merchandise display. The term "sign" shall not include any display of official court or public notices, nor shall it include the flag, emblem or insignia of a nation, government unit, school or religious group; except such emblems shall conform to the illumination standards set forth in Chapter 4 of Title 4 of this Code.
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	<u>A public thoroughfare, avenue, road, highway, boulevard, parkway, way, drive, lane, court or private easement, providing the primary roadway for ingress and egress from the property abutting thereon. A public or private way, other than an alley, that is created to provide ingress or egress for vehicular traffic to one or more lots, parcels, areas or tracts of land; excluding a private way that is created to provide ingress or egress to such land in conjunction with the use of such land for forestry, mining or agricultural purposes. A "road" or "street" includes the land between right-of-way lines, whether improved or unimproved.</u>
STRUCTURE	See "Building".
TOURIST COURT	See "Hotel".
<u>TYPE III BARRICADE</u>	<u>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).</u>
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').
<u>WALKWAYS</u>	<u>A sidewalk or pathway, including accessways, providing a pedestrian connection that is improved to City standards, or to other roadway authority standards, as applicable.</u>

Exhibit G

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.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

FCC 10-2: GENERAL ZONING PROVISIONS

FCC 10-2-14 replaced with FCC 10-34-5:

~~10-2-14: FENCES:~~

- ~~1. In residential zones, fences, walls, hedges and landscaping shall be permitted as set forth below:
 - ~~a. For corner lots, not greater than three feet (3') in height in the front yard or the area of the side yard forward of a line immediately parallel to the front corner of the structure and extending to the side lot line. Fences extending from a line parallel to the front corner of the structure to the rear lot line may be up to 6' in height.~~
 - ~~b. Not greater than six feet (6') in height in rear yards or side yards.~~
 - ~~c. On corner lots, solid fences shall not be greater than two and one half feet (2½') in height above street grade in the vision clearance area.~~
 - ~~d. Specifically for RV parking, one solid fence gate not greater than eight feet (8') in height above grade at the gate location, nor greater than twelve feet (12') in width. Subject to the approval of the Community Development Director, a wider gate may be allowed if the applicant can prove that the geometrics of the lot make it necessary. (Ord. No. 2, Series 2000)~~~~
- ~~2. Fence materials and type of construction shall be approved by the Building Official prior to the issuance of a building permit.~~
- ~~3. Fence materials may include, but are not limited to, the following:
 - ~~a. Wood pickets with minimum 4x4 posts and 2x4 stringers.~~
 - ~~b. Woven or basket weave wood with minimum 4x4 posts.~~
 - ~~c. Solid wood with minimum 4x4 posts and 2x4 stringers.~~
 - ~~d. Steel post and top rail or bar with woven wire screening.~~
 - ~~e. Masonry fencing meeting UBC requirements.~~
 - ~~f. Other similar materials.~~
 - ~~g. Barbed wire fencing may be permitted only on commercial, industrial or public property at the discretion of the Planning Commission/Design Review Board subject to the criteria in FCC 6-1-6-14.~~
 - ~~h. Electric or razor wire fences are not permitted on any property within city boundaries.~~~~

Exhibit H
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FCC 10-2-15 replaced with FCC 10-35-2-13:

~~10-2-15: VISION CLEARANCE: Refer to Section 10-1-4 of this Title for definition. The following requirements shall apply in all zoning districts:~~

- ~~1. At the intersection of two (2) streets, minimum vision clearance shall be twenty feet (20').~~
- ~~2. At the intersection of an alley and a street, the minimum vision clearance shall be ten feet (10').~~

FCC 10-3: OFF-STREET PARKING AND LOADING

10-3-8: PARKING AREA IMPROVEMENT STANDARDS:

- 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 C2 of this subsection.
 2. Except for places of ingress and egress, a ~~threefive~~ threefive foot (~~35'~~ 35') 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 ~~threefive~~ threefive foot (~~35'~~ 35') landscaped area. See also FCC 10-34-3-6 and -7 for parking lot landscaping standards.

FCC 10-4: CONDITIONAL USES

10-4-11: 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:

- F. Bed and Breakfast Facility:
10. The City, ~~upon receipt of a citizen complaint at the end of each calendar year,~~ will review a conditional use permit approved for a bed and breakfast facility, ~~and the permit renewed for an additional year if permit conditions have been met.~~ 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.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
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FCC 10-6: DESIGN REVIEW

10-6-5: GENERAL CRITERIA: The Planning Commission or Design Review Board may require any of the following conditions it deems necessary to secure the purpose and intent of this Chapter. The Board shall, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this Section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval if the costs of such conditions shall not unduly increase the cost of housing. The Board shall have no authority to affect dwelling unit densities. The Board shall consider the following criteria reviewing applications and may set conditions or standards which regulate and limit the following:

- A. ~~Visual buffers, setbacks, yards, coverage, height, density and similar design features according to the underlying zoning district.~~
- B. Lot area, dimensions and percentage of coverage according to the underlying zoning district.
- C. Installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, and any requirements of the underlying zoning district.
- D. The location and design of access and egress points for vehicles and pedestrians, including access points along State highways according to standards set forth in FCC 10-35 Access and Circulation, and any requirements of the underlying zoning district.
- E. Noise, vibration, smoke, dust, odor, light intensity and electrical interference's.
- F. Parking and outside display areas, dimensions, surfacing and on-site traffic circulation according to standards set forth in FCC 10-3 Parking and Loading.
- G. Signs according to standards set forth in FCC 10-26 Sign Regulations and Matrix.
- H. Architectural quality and aesthetic appearance, including compatibility with adjacent buildings.
- I. Color, building materials and exterior appearance in accordance with the policies established by the City in the Downtown Implementation Plan, and in applicable zoning districts.
- J. Exterior lighting and security.
- K. Public health, safety and general welfare.
- L. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.
- ML. Requiring a time period within which the proposed use or portions thereof shall be developed.
- NM. Requiring bonds to insure performance of special conditions.
- ON. Such other conditions as are necessary to implement policies contained in the Florence Comprehensive Plan.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

10-6-6: DRAWING SUBMITTAL: The owner or authorized agent shall submit the following drawings to the City for review:

- A. A site plan, drawn to scale, showing the proposed layout of structures and other improvements including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, locations of entrances and exists, the direction of traffic flow into and out of off-street parking space and loading berth, and areas for turning and maneuvering vehicles. The site plan shall indicate how utility services and drainage are to be provided.
- B. A landscape plan, drawn to scale, in conformance with FCC 10-34-3-2, showing the location of existing trees with trunks six inches (6") or more in diameter (this measurement to be at 2 feet above ground level), and major shrubbery such as "was" myrtle and rhododendrons (any shrubs 3 feet in height or more) proposed to be removed and to be retained on the site; the location and design of landscaped areas, the varieties and size of trees and plant materials to be planted on the site; other pertinent landscape features; and irrigation systems required to maintain trees and plant materials.
- C. Architectural drawings or sketches, drawn to scale, including floor plans in sufficient detail to permit computation of yard requirements and showing all elevations of the proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified.
- D. Scale drawings of all signs that are subject to design review showing size, location, materials, colors and illumination, if any.
- E. Additional information may be required by the City if necessary to determine whether the purposes of this Chapter are being carried out or may authorize omission of any or all the drawings required by this Chapter if they are not necessary. The City shall specify the number of copies of each drawing to be submitted.
- F. It is expressly understood that single-family residential homeowners are exempted from the above plans, scale drawings and architectural drawings enumerated above except as required for the issuance of a building permit or under State law. (Ord. 625, 6-30-80)

FCC 10-10: RESTRICTED RESIDENTIAL

10-10-5: Site Development Provisions:

- B. Fences: See Code Section ~~40-2-44~~ 10-34-5 of this Title
- C. Vision Clearance: Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definition, and requirements.
- F. Landscaping: Except for single-family and duplex dwellings, refer to Section 10-34 of this Title for requirements.

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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.

FCC 10-11: SINGLE FAMILY RESIDENTIAL

10-11-5: Site Development Provisions:

B. Fences: See Code Section ~~40-2-44~~ 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definition, and requirements.

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.

FCC 10-12: MOBILE HOME / MANUFACTURED HOME REGULATIONS

10-12-1-5: Site Development Provisions:

B. Fences: See Code Section ~~40-2-45~~ 10-34-5 of this Title.

C. Vision Clearance: Refer to Section 10-1-4 and ~~10-35-2-136~~ of this Title for definition, and requirements.

E. Signs: Signs shall be in accordance with Title 104, Chapter 264 of this Code.

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

J. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

10-12-2-2: DEFINITIONS: For the purpose of this Section, certain words and terms are defined below. Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered a standard reference, as follows:

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

AWNING Any stationary structure, permanent or demountable, used in conjunction with a mobile home/manufactured home, or trailer,

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other than window awning, for the purpose of providing shelter from the sun and rain, and having a roof with supports and not more than one wall or storage cabinet substituting for a wall.

~~ARTERIAL STREET~~ — ~~A street used primarily for through traffic and identified in the Comprehensive Plan.~~

BUILDING LINE A line on a plat indicating the limit beyond which buildings or structures may not be erected.

CABANA A stationary, lightweight structure which may be prefabricated, or demountable, with two (2) or more walls, used adjacent to and in conjunction with a trailer to provide additional living space meant to be moved with the trailer.

~~CARPORT~~ — ~~A stationary structure consisting of a roof with its supports and not more than one wall, or storage cabinet substituting for a wall, and used for sheltering a motor vehicle.~~

~~COLLECTOR~~ — ~~A street supplementary to the arterial street system and means of intercommunication between this system and smaller areas, used to some extent for through traffic and to some extent for access to abutting properties.~~

COMMON AREA Any area or space designed for joint use of tenants occupying mobile home developments. Not to include off-street parking areas.

~~COMPREHENSIVE PLAN~~ — ~~A plan adopted by the Planning Commission and the City Council as a guide to the growth and improvement of the City, including modifications or refinements which may be made from time to time.~~

CORNER LOT A lot at least two (2) adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed one hundred thirty five degrees (135).

~~CUL-DE-SAC/DEAD~~ — ~~A minor street with only one outlet.~~
~~END STREET~~

~~CURB LINE~~ — ~~The line dividing the roadway from the planting strip or footway.~~

DENSITY The number of mobile homes/manufactured homes or mobile home/manufactured home stands per gross acre.

DRIVEWAY A minor private way used by vehicles and pedestrians on a mobile home lot or for common access to a small group of lots or common facilities.

~~EASEMENT~~ — ~~A grant of the right to use a strip of land for specific purposes.~~

EXPANDO An expando is defined as a room or rooms that folds, collapses or telescopes into a mobile home during transport and which can be expanded at the site to provide additional living space.

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LICENSE	A certificate for operation issued by the City pursuant to this Section.
LOCAL STREET	A street primarily for access of abutting properties.
LOT AREA	The total area reserved for exclusive use of the occupants of a mobile home/manufactured home.
LOT LINE	A line bounding the lot as shown on the accepted plot plan.
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.
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, and was built prior to June 15, 1976 under the State Mobile Home Code in effect at time of construction.
MOBILE HOME/ MANUFACTURED HOME COMMUNITY	A mobile home development and related utilities and facilities, including the mobile homes/manufactured homes and all of the people living within the development.
MOBILE HOME/ MANUFACTURED HOME LOT	A parcel of land for the placement of a mobile home/manufactured home and the and the exclusive use of its occupants.
MOBILE HOME/ MANUFACTURED HOME PARKS	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/ MANUFACTURED HOME RESIDENTIAL DISTRICT (MHR)	A zone, the boundaries of which shall be defined and approved by the Planning Commission and the City Council, which allows for the placement of mobile homes/manufactured homes for residential uses.
MOBILE HOME/ MANUFACTURED HOME STAND	That part of an individual lot or parcel reserved for the placement of a mobile home/manufactured home.
MOBILE HOME/ MANUFACTURED HOME SUBDIVISION	Not less than five (5) acres of contiguous land, unless otherwise determined by the Planning Commission, which allows for the placement of mobile homes/manufactured homes for residential uses.

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OCCUPIED AREA	That area of an individual mobile home/manufactured home lot which has been covered by a mobile home/manufactured home and its accessory structures.
OFFICIAL MAP	The map or maps upon which the zone locations in the City are indicated in detail and with exactness, so as to furnish the basis for property acquisition or building restrictions.
OPEN SPACE	See Common Area
OWNER	The person having sufficient proprietary interest in the land sought to be developed to commence and maintain proceedings to develop the same under these regulations.
PAD	A minimum foundation treatment for a permanent mobile home/manufactured home installation, the construction of which is in compliance with City policy. Commonly but not necessarily constructed of concrete two feet wide by six inches thick (2' x 6") and extending the length of the mobile home/manufactured home unit or units.
PEDESTRIAN WAY	A right of way for pedestrian traffic.
PERSON	Any individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.
RAMADA	A stationary structure having a roof extending over a mobile home/manufactured home or trailer, which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain.
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 and has a floor space of less than 220 square feet, excluding built-in equipment, such as wardrobes, closets, cabinets, kitchen units or fixtures and bath or toilet room.
RIGHT OF WAY	The area between boundary lines of a street or other easement.
TIE DOWN	Any device designed to anchor a mobile home/manufactured home securely to the ground.
UNIT	Relocatable family housing. (See Mobile Home/Manufactured Home definition)

FCC 10-13: MULTI-FAMILY RESIDENTIAL DISTRICT

10-13-2: Permitted Buildings and Uses:

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

Planned unit developments (Chapter ~~232~~ of this Title).

10-13-4: Lot and Yard Provisions:

C. Lot Coverage:

1. For single-family and duplex dwellings, 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 area shall not exceed seventy five percent (75%) of the lot area. ~~At least ten percent (10%) of the total lot area shall consist of live plant material.~~
2. For multiple-family dwellings and other uses, the maximum coverage by all enclosed buildings shall not exceed fifty percent (50%) of the lot area. The maximum coverage by all storage structures, driveways, parking spaces and surfaced area shall not exceed seventy five percent (75%) of the lot area. ~~At least ten percent (10%) of the total lot area shall consist of live plant material.~~

10-13-5: Site Development Provisions:

- C. Fences: See Chapter ~~40-2-14-10-34-5~~ of this Title.
- D. Vision Clearance: Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definition, and requirements.
- F. ~~Vehicle Access and Circulation:~~ Refer to Section 10-35 of this Title for requirements. ~~Additionally, vehicle ingress or egress to a multiple-family dwelling shall not be allowed from less than a fifty foot (50') right of way and thirty two foot (32') paved street. Multiple-family dwellings shall not have vehicle access to and from a cul-de-sac.~~
- G. ~~Utilities~~Public Facilities: Refer to Section 10-36 of this Title for requirements. The developer of a multiple-family dwelling shall have full financial responsibility for the utilities needed on the building site. The developer shall also have partial or full financial responsibility, as determined by the City, for extra capacity utilities required to serve the building site. ~~Extra capacity utilities include water lines in excess of six inches (6"), sanitary sewer lines in excess of eight inches (8") and storm sewer lines in excess of twelve inches (12").~~
- I. Open Space: Each multiple-family development shall provide and maintain at least one common open space for the use of all occupants. The open space shall have the following characteristics:
1. Not less than ~~twenty ten~~ feet (10') in width or depth at any point.
 2. Located on land with less than a five percent (5%) slope.

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3. Cleared sufficiently of trees, brush and obstructions so that recreational use is possible.
4. Not used for temporary or regular parking of automobiles or other vehicles.
5. Includes at least one hundred (100) square feet of area for each dwelling unit. (Ord. 625, 6-30-80)

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

FCC 10-15: COMMERCIAL DISTRICT

10-15-4: Lot and Yard Requirements:

C. Lot Coverage: One hundred Eighty-five percent (10085%) lot coverage, unless a preservation credit is achieved in accordance with FCC 10-34-2-4, may be permitted by the Design Review Board.

D. Yard Regulations:

1. Front yards are not required except where setbacks have been established for road widening or other purposes.
2. Side and rear yards are not required except:
 - a. Where setbacks have been established for road widening or other purposes.
 - b. Where the commercial use abuts a residential use, see FCC 10-34-3-7-D; ~~in such instances a fifteen foot (15') buffer may be required.~~

~~3. Rear yards are not required except:~~

~~a. Where setbacks have been established for road widening or other purposes.~~

~~b. Where the commercial use abuts a residential use; in such instances a fifteen foot (15') buffer may be required.~~

10-15-5: Site and Development Provisions:

B. Fences, Hedges, Walls and Landscaping: Refer to 10-34 of this Title for requirements. ~~Where a commercial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The buffer shall not be less than five feet (5') nor more than eight feet (8') in height, except where~~

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

~~vision clearance would be interrupted. The Design Review Board shall consider aesthetic and maintenance factors. (Ord. 625, 6-30-80)~~

- D. Vision Clearance: Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definitions, and requirements.
- F. Access and Circulation: Refer to Section 10-35 of this Title for requirements.
- G. Public Facilities: Refer to Section 10-36 of this Title for requirements.

FCC 10-16: HIGHWAY DISTRICT

10-16-5: DEVELOPMENT STANDARDS: The City may require any conditions it deems necessary to secure the purpose and intent of this Chapter. Such conditions may regulate and limit the following:

- A. ~~Visual buffers, s~~Setbacks, yards, ~~coverage,~~ height, density and similar design features.
- B. The installation and maintenance of fences, walls, hedges, screens and landscaping according to standards set forth in FCC 10-34 Landscaping, except as modified by specific standards of this zoning district.
- C. The location and design of access points for vehicles and pedestrians according to standards set forth in FCC 10-35 Access and Circulation, except as modified by specific standards of this zoning district.
- D. Noise, vibration, smoke, dust, odor, light intensity and electrical interference.
- E. Parking areas and on site traffic circulation according to standards set forth in FCC 10-3 On-site Parking and Loading.
- F. Signs according to FCC 10-26.
- G. Architectural quality and aesthetic appearance.
- H. Public health and safety.
- I. Security.
- J. Lot area, dimensions and percent of coverage.
- K. Provision of public facilities and infrastructure according to standards set forth in FCC 10-36 Public Facilities.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

10-16-7: Design Specifications

C. **Visual Barrier:** A fence, wall, hedge, natural vegetation or landscape planting may be required by the City. Such a barrier must include a vision clearance area for driveways to promote vehicle safety. Guidelines (not intended to limit optional solutions) for such a visual barrier are listed below:

1. **Commercial:** At least thirty inches (30") high along entire highway frontage except at points of ingress and egress.
2. **Multiple Residential:** At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen on the highway side. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

3. **Light Industrial:** At least twenty feet (20') deep and six feet (6') tall along entire highway frontage. All vehicles and at least two-thirds (2/3) of the buildings should be obscured from highway view.

In the absence of native vegetation on the site, a solid fence should be installed along with the planting of a vegetative screen. Such a fence should obstruct the view of all vehicles and buildings up to a height of six feet (6') above grade.

D. **Highway Access:** For reasons of safety and to reduce congestion, vehicle access to and from the highway shall be limited to street intersections only. Curb cuts shall be authorized on side streets only, unless:

1. The property does not abut a side street or the property has at least two hundred feet (200') of highway frontage; or
2. The City specifically authorizes the highway curb cuts.

L. **Vision Clearance:** Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definitions, and requirements.

M. ~~Maximum lot coverage shall be 85%, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.~~

FCC 10-17: OLD TOWN DISTRICT

10-17A-2, 10-17B-2 and 10-17C-2:

A. **Permitted Uses:** ~~Bed and breakfast inns~~

B. **Conditional Uses:** Bed and breakfast inns

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

10-17A-4: Site and Development Provisions for Area A

F. Vision Clearance: ~~All Development shall comply with~~ Refer to Sections 10-1-4 and 10-35-2-134 of this Title for definition and requirements.

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

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the ten percent (10%) calculation must be installed and maintained by the applicant or his/her successors.
2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area A.

10-17B-4: Site and Development Provisions for Area B

F. Vision Clearance: ~~All Development shall comply with~~ Refer to Sections 10-1-4 and 10-35-2-134 of this Title for definition and requirements.

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

1. **Landscaping:** A minimum of ten percent (10%) landscaping is required. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the ten percent (10%) calculation must be installed and maintained by the applicant or his/her successors.
2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area B.

Exhibit H
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10-17C-4: Site and Development Provisions for Area C

- F. **Vision Clearance:** ~~All Development shall comply with~~ Refer to Sections 10-1-4 and 10-35-2-134 of this Title for definition and requirements.
- H. **Fences, Hedges, Walls and Landscaping:** Landscaping shall be in accordance with FCC 10-34, except as modified by the following specific standards:
1. **Landscaping:** A minimum of fifteen percent (15%) landscaping is required, unless a preservation credit is achieved in accordance with 10-34-2-4. The calculation of the required minimum may include street trees installed and maintained by an applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All required landscaping included within the fifteen percent (15%) calculation must be installed and maintained by the applicant or his/her successors.
 2. **Walls, Fences and Hedges:** Interior parking lots may be separated from rear courtyards by walls, fences and/or hedges four feet (4') in height or less. Eating establishments may separate outdoor eating areas from parking areas and adjacent buildings or structures by a fence, wall or hedge not to exceed six feet (6') in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas. Chain link fences are prohibited in Area C.

FCC 10-18: MARINE DISTRICT

10-18-5: Property Development Standards

- C. **Lot Coverage:** ~~One hundred Eighty-five percent (10085%) lot coverage, unless a preservation credit is achieved accordance with FCC 10-34-2-4, may be permitted, exclusive of setback requirements.~~
- F. **Fences, Hedges, Walls and Landscaping:** The City may require that a fence, hedge, wall or landscaping be maintained within the Marine District or with abutting districts. Refer to Section 10-34 of this Title for requirements.
- G. **Parking and Loading Space:** Refer to Chapter 3 of this Title for specific parking requirements.
- H. **Visual Clearance:** Refer to Section 10-1-4 and 10-35-2-135 of this Title for definition and requirements.
- I. **Signs:** Signs shall be in accordance with Title 10, Chapter 26 of this Code, and amendments thereto.
- J. **Vegetative Strip:** A vegetative strip adjacent to the estuary shall be maintained, insofar as possible, consistent with permitted uses.

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- K. Utility Systems and Public Facilities: The necessary utility systems and public facilities must be available with sufficient capacity to serve the proposed use. Refer to Section 10-36 of this Title for requirements.
- L. Access and Circulation: Refer to Section 10-34 of this Title for requirements.
- ML. Design Review: All uses shall be subject to the design review provisions of Chapter 6 of this Title.

FCC 10-20: LIMITED INDUSTRIAL DISTRICT

10-20-4: Lot and Yard Provisions

- C. Lot Coverage: One hundredEighty-five percent (10085%), unless preservation credit is achieved accordance with FCC 10-34-2-4, lot coverage may be permitted.
- D. Yard Regulations:
1. Front yards are not required except where setbacks have been established for road widening or other purposes.
 2. Side and rear yards are not required except:
 - a. Where setbacks have been established for road widening or other purposes.
 - b. Where the commercial or industrial use abuts a residential district, see FCC 10-34-3-7-D; in such instances a fifteen foot (15') buffer may be required.
 - ~~3. Rear yards are not required except:
 - a. Where setbacks have been established for road widening or other purposes.
 - b. Where the commercial or industrial use abuts a residential district; in such instances a fifteen foot (15') buffer may be required.~~

10-20-5: Site and Development Provisions

- A. Building and Structural Height Limitations:
1. The maximum building height shall be thirty eight feet (38') and shall be in compliance with the Airport Obstruction Overlay District (Section 10-21-4 of this Title).

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Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aeri-als and similar structures and mechanical appurtenances shall not exceed sixty feet (60') in height and shall not be used for any commercial, residential or advertising purpose.
 3. All buildings and structures taller than thirty five feet (35') shall be set back at least one hundred fifty feet (150') from any property line that abuts a residential district.
- B. Fences, Hedges, Walls or Landscaping: Refer to 10-34 of this Title for requirements. ~~The City may require that a fence, hedge, wall or landscaping be maintained within the Limited Industrial District or with abutting districts. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The buffer shall not be less than five feet (5') nor more than eight feet (8') in height, except where vision clearance would be interrupted. The Design Review Board shall consider aesthetic and maintained factors. (Ord. 625, 6-30-80)~~
- C. Parking and Loading Space: Refer to Chapter 3 of this Title for specific parking requirements.
- D. Vision Clearance: Refer to Section 10-1-4 and 10-35-2-135 of this TitleChapter for definition and requirements.
- E. Signs: Signs shall be in accordance with Title 10, Chapter 26 of this Code, and amendments thereto.
- F. Access and Circulation: Refer to Section 10-35 of this Title for requirements.
- G. Public Facilities: Refer to Section 10-36 of this Title for requirements.

FCC 10-25: PROFESSIONAL OFFICE / INSTITUTIONAL ZONING DISTRICT

10-25-4 Development Standards

- F. Landscaping and Visual Buffers: Refer to 10-34 of this Title for requirements.
1. Except where the entire area between a street and a building is landscaped, a minimum of three (3') feet high landscaped berm, hedge, natural vegetation or dense landscaped planting shall be provided along the street frontage.
 2. A minimum of fifteen (150%) percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
- J. Access and Circulation: Refer to Section 10-35 of this Title for Requirements.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
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K. Public Facilities: Refer to Section 10-36 of this Title for Requirements.

10-25-5 Design Criteria:

D. ~~Flat roofs shall be prohibited on one-story buildings but are allowed on buildings of two stories or more, provided that all visibly exposed walls have an articulated cornice that projects horizontally from the vertical building wall plane. Mansard roofs are prohibited.~~ Architectural embellishments that serve a function and add visual interest to roofs, such as dormers, masonry or wood chimneys, cupolas, towers and other similar elements are encouraged.

FCC 10-26: SIGN REGULATIONS

10-26-6: RIGHT OF WAY SIGN PERMISSION: Except as specifically provided in this Chapter, all signs in or over public right-of-way shall require a City permit in addition to any required permits from the road authority. The city may automatically remove any signs within the right-of-way that are not approved.

FCC 10-27: MAINSTREET DISTRICT

10-27-4 Lot and Yard Dimensions

C. Lot coverage: The Design Review Board may allow up to a maximum of 90% lot coverage by buildings and other impervious surfaces.

D. Yard Regulations:

Area "A" as shown on the following page:

1. Front yards: Front yards may vary from 0' to 10' from back of property line. Ten percent of the frontage, or a minimum of 6', may be utilized for pedestrian walkways connecting to interior parking lots. Upper story windows, balconies, benches and tables and awnings may encroach into the sidewalk area as long as a minimum 8' wide pedestrian way is maintained within the sidewalk area.
2. Side and rear yards: Buildings may be zero lot line, provided that all UBC Building Code requirements are met. In each block, there will be at least one opening for public access to interior parking lots. Where a commercial use abuts a residential district, a fifteen foot (15') buffer may be required.
3. ~~Rear yards: Rear yards may vary from 1' to 10', depending on site specific conditions such as surrounding uses, rear yards on surrounding lots, rear yards amenities proposed, connections to interior parking lots and landscaping requirements. Where a commercial uses abuts a residential district, a fifteen foot (15') buffer may be required.~~

10-27-5 Site and Development Provisions

A. Building or Structural Height Limitations

Area "A" as shown on the following page:

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Related to Development Standards

Buildings shall be a minimum of ~~208'~~ in height. This measurement may include a building façade as opposed to a total building height of ~~208'~~. If a façade is used, it must be designed so that it is not readily apparent that it is only a façade. The maximum height shall be 38' for a building or structure without an approved fire extinguishing system unless otherwise approved by the Planning Commission/Design Review Board. The Planning Commission/Design Review Board may allow heights up to 50 feet/four stories provided that:

1. The building or structure has an approved fire extinguishing system.
2. The building or structure is in scale with and/or complements surrounding structures.
3. The building façade and roof line are designed to provide architectural interest and avoid a façade which proposes large expanses of straight planes with little or no architectural relief or inclusion of architectural features which are not in character with Old Town.
4. The building will contain mixed uses with retail at the street level.
5. The site has physical constraints/opportunities which are best addressed by a taller building.
6. Additional setbacks or stepbacks may be required to reduce the impacts of the greater heights.

Area "B":

Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards, ~~except that the 28' height requirement does not apply.~~

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

Area "A" as shown on the following page:

A minimum of 10% landscaping is required. The calculation of the required minimum may include street trees installed and maintained by the applicant, planters and window boxes which are the property of the applicant/owner, as well as plantings within courtyard areas. All landscaping included within the 10% calculation must be installed and maintained by the applicant or his/her successors.

Interior parking lots may be separated from rear courtyards by walls, fences or hedges 4' in height or less. Eating establishments may separate outdoor eating areas from parking lots and adjacent buildings or structures by a fence, wall or hedge not to exceed 6' in height. Pedestrian walkways may be separated from abutting uses by plantings or fences which allow visual surveillance of the walkway and surrounding areas.

~~Where a commercial use abuts a residential district, see FCC 10-34-3-7-D, the City may require that a fence, evergreen hedge, wall or landscaping be maintained immediately adjacent to the abutting residential property. Such a buffer shall serve to screen at least 70% of the view between districts. The buffer shall not be less than 15' in height, except where vision clearance would be affected. The Design Review Board shall consider aesthetic and maintenance factors.~~

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Area "B":

Single family residential uses shall meet the standards of the Single Family Residential District. Multi-family units shall meet the standards of the Multi-family district. Conversion to mixed use or commercial use shall conform to Mainstreet District standards, ~~except that the 28' height requirement does not apply.~~

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

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

2. Sidewalks abutting buildings on Highway 101, Highway 126, and local streets within the Mainstreet District shall be at least 8' in width, except collector streets within the Mainstreet District without on-street parking as described below. Sidewalk area beyond the standard 6' sidewalk width may be surfaced with pavers, brick or other similar materials. Maintenance and repair of pavers, brick, etc. are the responsibility of the business/property owner.

a. Sidewalks on collector streets within the Mainstreet District may be reduced to 6' in width with 6' of clear walkway if there is no on-street parking on that side of the street.

3. Access to all floors of all commercial buildings and structures shall meet ADA requirements.

E. Vision Clearance. Refer to Section 10-1-4 and ~~10-35-2-135~~ of this Title for definitions and requirements.

K. Public Facilities: Refer to Section 10-36 of this Title for requirements.

FCC 10-28: PACIFIC VIEW BUSINESS PARK

10-28-4: Lot and Yard Provisions

A. Minimum Lot Area: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.

B. Minimum Lot Dimensions: As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.

C. Maximum Lot Coverage: Up to eighty percent (80%) coverage by buildings and impervious surface is permitted.

D. Minimum Setbacks: Front yards shall be a minimum of twenty feet (20'). Side and rear yards shall be a minimum of fifteen feet (15').

Exhibit H
Amendments to Title 10 Chapter 2 to 32
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10-28-5 Site and Development Provisions

- A. Type of Structure: Buildings and structures may not be metal clad. Wood siding, brick, textured block, concrete and concrete aggregate, and other similar building exteriors are preferred.
- B. Location of Business Activities: All manufacturing, processing, storage, assembly and other business activity shall be located entirely within the building or buildings on a site.
- C. Building and Structural Height Limitations
1. Maximum Height: Buildings and structures may not exceed 38' in height. Building and equipment heights must also comply with any applicable Airport Districts.
 2. All buildings and structures taller than 28' shall be setback at least 40' in addition to the required setback in this District from any property line that abuts a residential district.
- D. ~~Public Facilities Fire Protection~~
Public facilities and infrastructure shall be in accordance with Section 10-36 of this Title. All structures must meet the requirements of Chapter 9 of the 1997 Uniform Building Code Fire Protection Systems.
- E. Fences, Hedges, Walls or Buffers
~~The City may require that a fence, hedge, wall or landscaping be installed and maintained in the Pacific View Business Park District. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be installed and maintained adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The Design Review Board shall consider aesthetic and maintenance factors. All screening and buffers shall be in accordance with Section 10-34 of this Title. Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.~~
- F. Landscaping shall be in accordance with Section 10-34 of this Title. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.
- ~~1. All open areas not covered by structures or parking shall be landscaped.~~
 - ~~2. All setback areas must be landscaped or left in native vegetation.~~
 - ~~3. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.~~
 - ~~4. An irrigation system is required for all non-native landscaped areas, and may be required for areas of native vegetation if necessary to maintain healthy plant growth.~~
 - ~~5. Plants must be sized at installation to meet the requirements of the City's Site Design Policies and Standards.~~
 - ~~6. Landscaping must be maintained in a healthy and weed-free condition.~~

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- G. **Parking and Loading**
Buildings and uses must comply with the requirements of Chapter 3 of this Title. No on-street parking or loading is permitted. Curb cuts are limited to 15' for one-way, and 25' for two-way, with a maximum total cut of 40'. Curb cuts should be no closer than 100' from an intersection.
- H. **Vision clearance**
The requirements of Sections 10-1-4 and ~~10-35-2-136~~ of this Title must be met by all uses and development.
- I. **Lighting**
Lighting shall be provided as necessary to provide for safety and security of the site. However, such lighting shall not negatively impact adjacent lots, particularly adjacent residential uses. Lighting shall be down-shielded and confined to site boundaries unless otherwise required by another agency such as the Federal Aeronautics Administration.
- J. **All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.**
- K. **Signs**
All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to monument signs only.
- L. **Noise, Odors, Vibration**
Any noise, odors or vibrations shall be contained totally within the site upon which a business or use is located.
- M. **Access and Circulation: Refer to Section 10-35 of this Title for requirements.**

FCC 10-30: NORTH COMMERCIAL DISTRICT

10-30-5 Development Standards

- A. **Building Setback from Highway and Other Arterials (measured from right-of-way line):**
Minimum of 25', the front 15' of which shall be landscaped
- B. **Setback from Side Streets:** Minimum of 15', the front 10' of which shall be landscaped.
- C. **Setback from Abutting Property:** No setback is required except where property abuts a residential district, in which case, the following setback provisions shall apply:

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

1. When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/Manufactured Home, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation may be located within the 35' setback.
 2. When the abutting district is zoned Multiple Family Residential, a 35' building setback shall be provided. Non-vertical elements such as parking or circulation facilities may be located within the 35' setback.
- D. Landscaping and Visual Buffers shall comply with Section 10-34 of this Title.
1. Except where the entire area between a street and building is landscaped, a minimum 3' high landscaped berm, hedge, natural vegetation, or heavy landscape planting shall be provided along the street frontage.
 2. A minimum of 15 percent of the developed site shall be landscaped, unless a preservation credit is achieved in accordance with FCC 10-34-2-4.
 - ~~3. Parking lots shall have at least one tree for every six parking spaces. Trees shall be located within landscaped beds or planters distributed evenly throughout the interior of the parking area. Trees may be located individually in small beds or clustered in larger planting areas.~~
 - ~~4. Trees shall be planted along street frontages at a minimum ratio of one tree for every 25' of street frontage. Trees may be evenly spaced or clustered in groups along the street frontage.~~
 3. 5.—When the abutting district is zoned Restricted Residential, Single Family Residential or Mobile/Manufactured Home, an 8' solid fence shall be constructed for the entire length of the abutting residential district, excepting that Department of State Lands Removal/Fill permit conditions will be honored in location of fence or wall within or abutting a delineated wetland.
- E. Parking: Shall be in accordance with Chapter 3 of this Title.
- F. Signs: Shall be in accordance with Chapter 26 of this Title.
- G. Lot dimensions: Minimum lot width shall be 100 feet for new subdivisions. Minimum lot depth shall be 100 feet for new subdivisions.
- H. Lot Area: Minimum lot size shall be 20,000 square feet for new subdivisions.
- I. Height Limitations: The maximum building or structural height shall be 38', except that the maximum height for structures immediately abutting any Restricted Residential District, Single Family District or Mobile/Manufactured Home District shall be 28'.
- J. Vision Clearance: The requirements of ~~Section 10-4-4 and 10-35-2-136~~ of this Title must be met.
- K. Screening:
1. Areas approved for outdoor storage shall be screened by a combination of landscaping and a solid fence or wall a minimum of 6' in height. Chain link with slats is not acceptable.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

2. Any trash or waste receptacle stored outside of an enclosed building shall be located within a trash enclosure constructed of a minimum 5' high solid wood fence or block wall with a solid wood or metal gate. Chain link with slats is not acceptable.
- L. Access: shall comply with Section 10-35 of this Title, except as modified by the following specific standard:
1. Driveway access from Highway 101 shall be limited to street intersections only, unless the property does not abut a side street or the property has at least 500 feet of highway frontage. In any case, shared driveway access between adjacent lots shall be required whenever practicable.
 - ~~2. Minimum driveway width at street entrances shall be 25' for two-way driveways and 15' for one-way driveways.~~
- M. Public Facilities: Refer to Section 10-36 of this Title for requirements.

FCC 10-31: SERVICE INDUSTRIAL DISTRICT

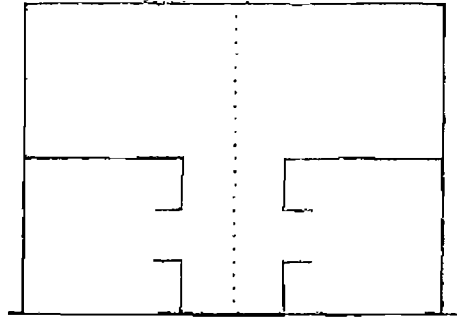
10-31-4 Lot and Yard Provisions

- A. Minimum lot frontage: 200 feet
- B. Lot coverage: Maximum of 85%, buildings and impervious surfaces
- C. Setback/yards regulations:
- Front: On Highway 101 – 25' minimum
On Oak, Spruce or other abutting streets - 20'
 - Side: Internal side yards - 15'
Side yards abutting other districts - 20'
 - Rear: Internal rear yards - 15'
Rear yards abutting other districts - 20'
- Where an industrial use abuts a residential use, additional screening may be required, as determined by the Planning Commission/Design Review Board.
- D. Height: Not to exceed 38', except as provided by FCC 10-2-4.

10-31-5 Site Design Criteria

1. Access: Access and circulation shall be in accordance with FCC 10-35, except as modified by the following specific standard: Access to Highway 101 shall be via combined driveways as shown on the diagram below:

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards



HIGHWAY 101

Access and circulation shall be designed to allow future access by trucks/heavy equipment from Oak Street or Spruce Street via traffic signals at Munsel Lake Road and Heceta Beach Road and Highway 101, when those signals are installed. Businesses who will access via these signals shall contribute proportionately to the costs of the signals.

2. Landscaping and Screening

~~a. Lots fronting on Highway 101 or abutting a residential zoning district shall have a minimum of 15% landscaping, including landscaping of at least 15' of front yards.~~

~~b. Any interior lot will have a minimum of 10% landscaping. An interior lot is any lot not abutting Highway 101, Oak or Spruce Streets.~~

~~b. All initial plantings shall meet the standards of the City's Site Design Policies and Standards.~~

a. Landscaping and screening shall meet the requirements of Section 10-34 of this Title.

b. Businesses which include outdoor storage of business vehicles, product or raw materials shall screen those storage and or production areas from Highway 101 by providing a visual screen consisting of a berm planted with evergreen shrubs/trees which maintain a permanent year-round vegetative screen at least 15' above the top of the berm at maturity. The Planning Commission/Design Review Board may require a taller berm or other plantings if necessary to fully screen outdoor storage, machinery and/or operational activities from Highway 101. Fences may not be substituted for berms.

e.c. Where an industrial use abuts a residential use, see FCC 10-34-3-7-D additional screening may be required by the Planning Commission/Design Review Board.

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

3. Building Design:
 - a. Consistent with the purpose of this district to maintain a visually pleasing entrance to Florence, the main office/administrative building on a parcel should be designed to be attractive, and should be placed on the Highway 101 side of the vegetated berm. Wood or good quality vinyl siding, patterned block or other similar materials are preferred. Metal-clad office/administrative buildings are discouraged.
 - b. Colors and design shall be consistent with general community practice. The Planning Commission/Design Review Board may disapprove buildings inconsistent with general community practice, including colors and design features which incorporate company logos or other like identification.
4. Lighting.
 - a. Lighting shall be carefully designed to be down shielded and to contain glare within lot lines. Lighting shall not impact safe traffic movement on Highway 101, Oak or Spruce Streets.
 - b. Lighting on the Highway 101, Oak or Spruce frontage shall be carefully integrated into the overall site design.
 - c. Parking lots shall be adequately lighted for safety.
 - d. Security lighting is allowed as long as the criteria in a and b above are met.
5. Public Facilities: Refer to Section 10-36 of this Title for requirements.

FCC 10-32: INDUSTRIAL PARK DISTRICT

10-32-4: Lot and Yard Provisions

- A. **Minimum Lot Area:** As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.
- B. **Minimum Lot Dimensions:** As platted. Any proposed division of existing lots must be approved in concept by the City Council prior to action by the Planning Commission.
- C. **Maximum Lot Coverage:** Up to eighty-five percent (85%) coverage by buildings and impervious surface is permitted.
- D. **Minimum Setbacks:** Front, side and rear yards shall be a minimum of 5'; except that yards abutting residential uses/districts shall be a minimum of 15'.

10-32-5 Site and Development Provisions

- A. **Building and Structural Height Limitations**
 1. **Maximum Height:** Buildings and structures may not exceed 38' in height. Building and equipment heights must also comply with any applicable Airport Districts.

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Amendments to Title 10 Chapter 2 to 32
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2. Towers, spires, chimneys, machinery penthouses, water tanks, radio aerials, and similar structures and mechanical appurtenances shall not exceed 60' in height, and shall not be used for any commercial, residential or advertising purpose. Such devices must comply with the Airport Obstruction Overlay District.

B. ~~Public Facilities~~Fire Protection

Public Facilities and Infrastructure shall be in accordance with Section 10-36 of this Title. All structures must meet the requirements of Chapter 9 of the 1997 Uniform Building Code—Fire Protection Systems.

C. Fences, Hedges, Walls or Buffers

~~The City may require that a fence, hedge, wall or landscaping be installed and maintained in the Industrial Park District. Where a commercial or industrial use abuts a residential district, the City may require that a fence, evergreen hedge, wall or landscaping be installed and maintained adjacent to the abutting property line. Such a buffer shall screen at least seventy percent (70%) of the view between the districts. The Design Review Board shall consider aesthetic and maintenance factors. All screening and buffers shall be in accordance with Section 10-34 of this Title.~~ Dangerous or hazardous materials and equipment shall be enclosed within a secure fenced area.

D. Landscaping shall be in accordance with Section 10-34 of this Title. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.

- ~~1. All open areas not covered by structures or parking shall be landscaped.~~
- ~~2. All setback areas must be landscaped or left in native vegetation.~~
- ~~3. The area between the property line and the curb/sidewalk must be landscaped and maintained by the abutting property owner.~~
- ~~4. An irrigation system is required for all non-native landscaped areas, and may be required for areas of native vegetation if necessary to maintain healthy plant growth.~~
- ~~3. Plants must be sized at installation to meet the requirements of the City's Site Design Policies and Standards.~~
- ~~6. Landscaping must be maintained in a healthy and weed-free condition.~~

E. Parking and Loading

Buildings and uses must comply with the requirements of Chapter 3 of this Title. No on-street parking or loading is permitted. Curb cuts are limited to 15' for one-way, and 25' for two way, with a maximum total cut of 40'. Curb cuts should be no closer than 100' from an intersection.

F. Vision clearance

The requirements of Sections 10-1-4 and 10-~~35-2-136~~ of this Title must be met by all uses and development.

G. Lighting

Lighting shall be provided as necessary to provide for safety and security of the site. However, such lighting shall not negatively impact adjacent lots, particularly adjacent residential uses. Lighting shall be down-shielded and confined to site boundaries

Exhibit H
Amendments to Title 10 Chapter 2 to 32
Related to Development Standards

unless otherwise required by another agency such as the Federal Aeronautics Administration.

- H. All trash receptacles shall be located inside structures or in a trash enclosure that is fully screened by a solid fence or wall not less than 5' in height. Trash receptacle areas shall be kept clean. Trash shall not be allowed to blow about the site nor onto neighboring sites, nor shall any trash be stored in a manner to attract rodents.
- I. **Signs**
All signs must comply with Chapter 26 of this Title, except that free-standing signs are restricted to monument signs only.
- J. Access and Circulation: Refer to Section 10-35 of this Title for requirements.

Exhibit I

TITLE 11 CHAPTER 1

SUBDIVISION ADMINISTRATION, GENERAL PROVISIONS

SECTION:

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

11-1-1: **PURPOSE:** The purpose of this Title is:

- A. To provide rules, regulations and standards to govern the approval of subdivisions and partitions of land and to carry out the development pattern and plan of the City.
- B. To promote the public health, safety and general welfare; lessen congestion in the streets; secure safety from fire, flood, pollution and other dangers; provide adequate light and air; prevent overcrowding of land and facilitate adequate provision for transportation, water supply, sewerage, drainage, education, recreation and other needs of the people of the City; to prescribe procedures to be followed in submitting plans and plats of subdivisions for approval.

11-1-2: **APPROVAL OF LAND DIVISIONS:**

- A. No person shall dispose of, transfer or sell any lot or parcel of land in a minor partition with respect to which approval is required by this Title until such approval is obtained.
- B. No person shall create a street or way for the purpose of partitioning a parcel of land without the approval of the body authorized to give approval of plats for major subdivisions or major partitions under the provisions of this Title until such approval is obtained.
- C. No persons shall dispose of, transfer, sell or advertise, agree or negotiate to sell any lot or parcel of land in any major subdivision or major partition with respect to which approval is required by this Title until such approval is obtained, and the plat thereof has been acknowledged and recorded with the County recording officer.

11-1-3: **DEFINITIONS:** For the purpose of this Title, certain words, terms and phrases are defined as follows:

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

Exhibit J

TITLE 11 CHAPTER 2

MINOR PARTITIONING PROCEDURE

SECTION:

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

11-2-1: APPLICATION: An application shall be made by the person proposing the minor partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and five (5) copies of a tentative plan. (Amd Ord 30, Series 1990).

11-2-2: TENTATIVE PLAN REQUIREMENTS:

A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.

B. Drafting: The tentative plan shall be drawn with pencil or India ink on substantial tracing paper and show all pertinent information to scale. The scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch; and shall be so selected as to fit the finished drawing to a sheet size of eight and one-half inches by eleven inches (8 1/2" x 11").

CB. Information Required: The application or the tentative plan must contain the following information with respect to the subject area:

1. The proposed name of the minor partition. This name must not duplicate or resemble the name of another partition in the County and shall be approved by the Planning Commission.
2. The date, north point and scale of drawing, and a sufficient description to define the location and boundary of the tentative plan area.
3. An accurate map describing the boundaries of all contiguous land in the same ownership as the area encompassed in the application.
4. The names and addresses of the owner, partitioner and engineer or surveyor.
5. The location, name and present width of all streets and alleys.
6. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
7. The width and location of all easements for drainage and public utilities.
8. The dimensions, parcel lines and area of all parcels.

Exhibit J

9. The existing use or uses of the property, including the location of all existing structures to remain on the property.
10. In addition, when all or a portion of the area encompassed in a minor partition application of lots averaging a maximum of one-half (1/2) acres each has not been previously included in a recorded plat (subdivision), the following information is also required:
 - a. The affidavit of a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor, and who prepared the tentative plan for the area encompassed in the proposed partition.
 - b. The names of all recorded subdivisions contiguous to the subject area.
 - c. The elevations of all points used to determine contours; said points given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%
 - d. The approximate width and location of all proposed public utility easements.
 - e. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
 - f. All proposals for sewage disposal, flood control and easements or deeds for drainage land, including profiles of proposed drainage ways.
 - g. All public areas proposed to be dedicated by the partitioner and the proposed uses thereof. In this connection, the application is subject to the requirements pertaining to reserve strips as stipulated in Chapter 5 of this Title. Said reserve strips shall be clearly indicated on the proposed partition.
 - h. All public improvements proposed to be made or installed, and the time within which such improvements are envisioned to be completed.
 - i. A legal description of the boundaries of the entire area owned by the partitioner of which the proposed partition is a part; provided, that where the proposed partition comprises all of such area, an affidavit of such fact shall accompany the application.

11-2-3: REVIEW OF PROPOSAL BY OTHER AGENCIES AND DEPARTMENTS: Within five (5) working days after the application is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the minor partition proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted, unless an extension is requested. (Amd. Ord 30, Series 1990).

Exhibit K

TITLE 11 CHAPTER 3

MAJOR PARTITION, TENTATIVE PLAN PROCEDURE

SECTION:

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

11-3-1: APPLICATION: An application for tentative plan approval shall be made by the person proposing the subdivision or major partition, or his authorized agent or representative, on a form prescribed by the City and submitted to the Planning Director, together with a tracing and ten (10) copies of a subdivision tentative plan or five (5) copies for a major partition tentative plan, as the case may be. (Amd. Ord 30, Series 1990).

11-3-2: TENTATIVE PLAN REQUIREMENTS:

- A. Application for tentative plan approval shall comply with application requirements of FCC 10-1-1-4.
- B. Drafting: The tentative plan shall show all pertinent information to scale. The drawing shall be on standard size sheets eighteen inches by twenty four inches (18" x 24"), and at scale of one inch equal to one hundred feet (1" = 100'). The scale may be increased or decreased if necessary, but in all cases the scale shall be standard, being 10, 20, 30, 40, 50 or 60 feet to the inch or multiples of ten (10) of any one of these scales.

Tentative plans for major partitions and subdivisions shall be proposed by a surveyor who is an Oregon registered engineer or Oregon licensed land surveyor. An affidavit of the services of said engineer or land surveyor shall be furnished as part of the tentative plan submitted.

- C. Information Required: The application itself or the tentative plan must contain the following information with respect to the subject area:
 1. Name and block numbering of proposed subdivision. Except for the words, "tow", "city", "plat", "court", "addition" or similar words, the name shall be clearly pronounced different than, the name of any other subdivision in the County unless the subject subdivision is contiguous to and platted by the same party that platted the preceding subdivision bearing that name. All subdivisions must continue the block numbers of the subdivision of the same name last filed.
 2. The date, north point and scale of the drawing; a sufficient description to define the location and boundaries of the proposed subdivision or major partition area; and the names of all recorded subdivisions contiguous to such area.
 3. The names and addresses of the owner and engineer or surveyor.
 4. The location of existing and proposed right-of-way lines for existing or projected streets as shown on the Master Road Plan.
 5. The locations, names and widths of all existing and proposed streets and roads. Said roads and streets shall be laid out so as to conform to subdivisions and major partitions previously approved for adjoining property as to width, general direction and in other respects unless it is found in the public interest to modify the street or road pattern.

Exhibit K

6. Locations and widths of streets and roads held for private use, and all reservations or restrictions relating to such private roads and streets.
7. The elevations of all points used to determine contours shall be indicated on the tentative plan and said points shall be given to true elevation above mean sea level as determined by the City. The base data used shall be clearly indicated and shall be compatible to City datum, if bench marks are not adjacent. The following intervals are required:

Contour Intervals	Ground Slope
1'	0% to 5%
2'	5% to 10%
5'	Over 10%

8. The approximate grades and radii of curves of proposed streets.
9. The approximate width and location of all reserve strips and all existing and proposed easements for public utilities.
10. The approximate radii of all curves
11. The general design of the proposed subdivision or major partition including the approximate dimensions of all proposed lots and parcels.
12. The approximate location of areas subject to inundation or storm water overflow, all areas covered by water, and the location, width and direction of flow of all watercourses.
13. The existing and proposed uses of the property including the location of all existing structures that the applicant intends will remain in the subject area.
14. The domestic water system proposed to be installed including the source, quality and quantity of water if from other than a public water supply.
15. All proposals for sewage disposal, flood control and easements or deeds for drainage land including profiles of proposed drainage ways.
16. All public areas proposed to be dedicated by the applicant and the proposed uses thereof.
17. All public improvements proposed to be made or installed and the time within which such improvements are envisioned to be completed.
18. If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil.
19. A legal description and drawing of the boundaries of the entire area owned by the applicant of which the proposed subdivision or major partition is a part, provided that where the proposal comprises all of such area, an affidavit of such fact shall accompany the tentative plan.

11-3-3: REVIEW OF TENTATIVE MAJOR PARTITION OR SUBDIVISION: Within five (5) working days after the major partition or subdivision tentative plan is duly submitted, the Planning Director shall distribute copies thereof to the City Manager, to each public utility, the County Health Department, and to each government subdivision that may be affected by the major partition or subdivision proposal for review, comments and recommendations. If no written response is received by the Planning Director within thirty (30) days, it shall be assumed that the agency(s) approves of the proposal as submitted unless an extension is requested. (Amd. Ord 30, Series 1990).

Exhibit K

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

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

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

11-3-6: TENTATIVE PLAN, EFFECTIVE DATE: Unless appealed, the Planning Commission decisions under this chapter shall become effective on the thirty first day after rendered. The applicant may then proceed with final surveying and preparation for final approval consideration of the major partition map or subdivision plat, as the case may be. Tentative plan approval shall be effective for two years within which time the application and major partition map or application and subdivision plat must be submitted as required by this Title. An applicant may apply to the Planning Commission for two (24) extension of twelve (12) months each, due to extenuating circumstances which prevent application for final partition map or subdivision plan within the required one year period. A decision to extend the approval shall be based on compliance with the following criteria:

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

Otherwise the entire procedure must be repeated for reconsideration in light of changed conditions that may exist. (Amd. Ord 30, Series 1990). (Amd. Ord. 12, Series 1999).

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

Exhibit L

TITLE 11 CHAPTER 5

PLATTING AND MAPPING STANDARDS

SECTION:

- 11-5-1: Streets
- 11-5-2: Lots and Parcels
- 11-5-3: Public Facilities Drainage
- 11-5-4: Partial Development
- 11-5-5: Unsuitable Areas
- 11-5-6: Mobile Homes

11-5-1: STREETS:

A. All streets shall comply with applicable development standards of Title 10 Chapter 36 Street Standards. Dedication:

- ~~1. Generally: The Planning Commission may require adequate and proper streets including arterials, collector streets, local streets, and other streets, to be dedicated to the public by the applicant, of such design and in such location as are necessary to facilitate provision for the transportation and access needs of the community and the subject area in accordance with the purpose of this Title.~~
- ~~2. Special Safety Requirements: Where necessary to insure safety, reduce traffic hazards and promote the welfare of the general public and residents of the subject area, the Planning Commission may require that local streets be so designed as to discourage their use by nonlocal traffic.~~
- ~~3. Master Road Plan:
 - ~~a. Submitting Plan: The Planning Commission shall prepare and submit to the City Council a Master Road Plan or Plans and amendments thereto, for the City or such portions thereof as necessary, indicating streets and street systems needed to provide for the transportation needs of the community.~~
 - ~~b. Adoption of Plan: Upon adoption and approval by the City Council of any such Plan or amendments thereto, as from time to time may be submitted by the Planning Commission, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the Planning Commission office for the use and information of the general public.~~
 - ~~c. Effect of Adoption: Any such Plan or Plans and amendments thereto adopted by the City Council shall be considered by the Planning Commission to be a correct designation of the transportation, access and safety needs of the area or areas included with respect to the streets designated thereon, for the purpose of determining design and location of streets to be required under subsections A2 and A3 above, unless convincing evidence to the contrary is presented to the Planning Commission.~~~~

B. Width:

Exhibit L

1. Generally: Width of street right of way and paving design for streets shall be not less than those set forth in the table below, except that for a street abutting land not in the subdivision and partition area a lesser width may be allowed at the discretion of the Planning Commission whereby the applicant presents a satisfactory plan whereby such street will be expanded to the width otherwise required.

Existing Adjacent Street: The widths of street right of way provided in the table below shall be the minimum widths of rights of way for streets existing along and adjacent to any boundary of the subdivision or partition, and the applicant shall dedicate additional right of way, as determined by the Planning Commission in accordance with such table, for any such adjacent street where the existing width of right of way for such street is less than the minimum in such table.

Type of Street	Minimum Right of Way Width	Minimum Paving Width
Arterials	60 feet	42 feet
Collector Streets	60 feet	36 feet
Feeders (Continuous Minor St)	50 or 60 feet	34 feet
Local Streets (Minor Streets less than 400 feet in length which cannot be extended or intersected)	50 feet	28 feet
Cul-de-sac bulb radius	50 feet	40 feet
Alley (Ord 1, Series 1992)	20 feet	20 feet

3. B. Slope Easements: Slope easements shall be dedicated in accordance with specifications adopted by the City Council under Section 11-6-1 of this Title.

CC. Reserve Strips: The Planning Commission may require the applicant to create a reserve strip controlling the access to a street, said strip to be placed under the jurisdiction of the City Council and the Planning Commission, when the Planning Commission determines that a strip is necessary:

1. To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street; or
2. To prevent access to the side of a street on the side where additional width is required to meet the right of way standards provided in the table under subsection B2 above; or
3. To prevent access to land abutting a street of the partition or subdivision, but not within the partition or subdivision itself; or
4. To prevent access to land unsuitable for building development.

D. Intersections of Streets:

1. Angles: Streets shall intersect one another at an angle as near to a right angle as is practicable considering topography of the area and previous adjacent layout; where not so

Exhibit L

~~practicable the right of way and street paving within the acute angle shall have a minimum of thirty feet (30') center line radius where such angle is not less than sixty degrees (60°). In the case of streets intersecting at an angle of less than sixty degrees (60°), then of such minimum as the Planning Commission may determine in accordance with the purpose of this Title.~~

- ~~2. Offsets: Intersections shall be so designed that no offset dangers to the traveling public are created as a result of staggering intersections, and in no case shall there be an offset of less than one hundred feet (100').~~
- ~~3. Topography: The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this Title.~~
- ~~4. Future Extension of Streets: Where the subdivision or partition is adjacent to land likely to be divided in the future, streets shall continue through to the boundary lines of the area under the same ownership of which the subdivision or partition is a part where the Planning Commission determines that such continuation is necessary to provide for the orderly division of such adjacent land, or the transportation and access needs of the community.~~
- ~~5. Cul-De-Sacs: Cul-de-sacs shall be as short as possible and shall have maximum lengths of four hundred feet (400') and serve no more than eighteen (18) single-family dwellings. All cul-de-sacs shall terminate with a circular turnaround.~~
- ~~6. Street Names: No street names shall be used which will duplicate or be confused with the names of existing streets except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Planning Commission.~~
- ~~7. Grades and Curves: Unless otherwise approved by the Planning Commission because topographical conditions will not reasonably permit, grades shall not exceed six percent (6%) on arterials, ten percent (10%) on collector streets or twelve percent (12%) on all other streets. Center line radii on curves shall not be less than three hundred feet (300') on arterials, two hundred feet (200') on collector streets, or one hundred feet (100') on all other streets. In flat areas, allowance shall be made for finished street grades having a minimum slope of at least five tenths percent (0.5%).~~

~~E. Alleys:~~

- ~~1. Dedication: The Planning Commission may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of this Title.~~
- ~~2. Width: Width of right of way and paving design for alleys shall be not less than twenty feet (20'), except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed in the discretion of the City where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the Council under this Section.~~
- ~~3. Corner Cutoffs: Where two (2) alleys intersect, ten foot (10') corner cutoffs shall be provided.~~

Exhibit L

- ~~4. Grades and Curves: Unless otherwise approved by the Planning Commission, where topographical conditions will not reasonably permit, grades shall not exceed twelve percent (12%) on alleys, and center line radii on curves shall not be less than one hundred feet (100').~~
- ~~5. Other Requirements: All provisions and requirements with respect to streets in this Title shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.~~

~~F. Blocks:~~

- ~~1. Block Length: Block length shall not exceed one thousand two hundred feet (1,200').~~
- ~~2. Public Access Ways: When necessary for public convenience and safety, the Planning Commission may require the land divider to dedicate to the public access ways to connect to cul-de-sacs; to pass through oddly shaped or unusually long blocks; to provide for networks of public paths according to adopted plans; or to provide access to schools, parks or other public areas of such design, width and location as reasonably required to facilitate public use. Where possible, said dedications may also be employed to accommodate uses as included in subsection C of this Section.~~
- ~~3. Easements for Utilities: Dedication of easements for storm water, sewers and for access thereto for maintenance, in order to safeguard the public against flood damage and the accumulation of surface water; dedication of easements for sanitary sewers, and for access thereto for maintenance; and dedication of easements for other public utilities may be required of the land divider by the Planning Commission along lot rear lines, lot side lines or elsewhere as necessary to provide needed facilities for present or future development of the area in accordance with the purpose of this Title. Easements for utility lines shall be not less than twelve feet (12') in width, except that for an easement abutting land not in the subdivision area a lesser width may be allowed at the discretion of the Planning Commission where the subdivider presents a satisfactory plan whereby such easement will be expanded to the width otherwise required. Before a partition or subdivision can be approved, there shall appear thereon a restriction, providing that no building, structure, tree, shrubbery or other obstruction shall be placed or located on or in a public utility easement. The City may require a five foot (5') easement for utility lines on lots fronting a fifty foot (50') street right of way.~~

11-5-2: LOTS AND PARCELS:

A. Size and Frontage:

1. General Requirements: Each lot shall have a minimum width and depth consistent with the lot width and depth standards for the appropriate zoning district.
2. Area: Minimum lot size shall be in conformance with the provisions of the Florence Zoning Ordinance. Where either a community water supply or sewer system are not presently provided, the lot area shall be sufficient to meet State and County health standards and the lot area shall be at least twice the number of square feet normally required in the zoning district where the lot is located. Where an oversize lot as described above is required due to lack of services, the Planning Commission may require the developer to submit a plan

Exhibit L

for later division of said lot(s) into standard six thousand five hundred (6,500) or nine thousand (9,000) square foot lots.

3. **Frontage:** Each lot shall have frontage of not less than fifty feet (50') upon a street, except that a lot on the outer radius of a curved street or facing the circular end of a cul-de-sac shall have frontage of not less than thirty five feet (35') upon a street, measured on the arc. Where either a public water supply or public sewers are not presently provided, the lot frontage shall be sufficient to insure an adequate sized lot to meet State and County requirements

B. Exceptions:

1. **Subdivisions and Partitions Developed as a Unit:** The Planning Commission may in its discretion authorize the relaxation of the lot size and frontage requirements specified herein where the applicant presents a plan satisfactory to the Planning Commission whereby the entire subdivision or partition will be designed and developed with provision for proper maintenance of recreation and park area which will be commonly available for recreation and park purposes to the residents of the subdivision or partition, and which the Planning Commission determines will be of such benefit to said residents as is equal to that which would be derived from observance of the lot size and frontage requirements otherwise specified, and will be in accordance with the purpose of this Title.
2. **Land Zoned for Commercial Use:** The Planning Commission may in its discretion authorize relaxation of the lot size and frontage requirements specified herein in the case of land zoned for commercial use, where such relaxation is necessary in consideration of the suitability of the land for such use, and in accordance with the purpose of this Title.
3. **Lot or Parcel Retained for Future Subdivision or Partition:** The Planning Commission may in its discretion waive lot frontage requirements where in its judgment a lot or parcel should and will be retained by the applicant, and future subdivision or partition of such lot will be best protected by the creation of a reserve strip separating such lot from any street.
4. **Key and Butt Lots and Parcels:** There shall be no key or butt lots or parcels except where authorized by the Planning Commission where such lots or parcels are necessitated by unusual topographic conditions or previous adjacent layout.
5. **Lot and Parcel Side Lines:** As far as is practicable, lot and parcel side lines shall run at right angles to the street upon which the lot or parcel faces; except those on curved streets, they shall be radial to the curve.
6. **Suitability for Intended Use:** All lots and parcels shall be suitable for the purpose for which they are intended to be used. No lot or parcel shall be of such size or design as to be detrimental to the health, safety or sanitary needs of the residents of the subdivision or partition or of such lot or parcel as determined by the Planning Commission in accordance with the purpose of this Title.
7. **Future Subdivision or Partition of Lots or Parcels:** Where the subdivision or partition will result in a lot or parcel one-half (1/2) acre or larger in size which, in the judgment of the Planning Commission, is likely to be further divided in the future, the Planning Commission may require that the location of lot and parcel lines and other details of layout be such that future division may readily be made without violating the requirements of this Title and without interfering with orderly extension of adjacent streets. Any restriction of buildings

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within future street locations shall be made a matter of record if the Planning Commission deems it necessary for the purpose of future land division.

11-5-3: PUBLIC FACILITIES DRAINAGE: ~~All utilities shall comply with applicable development standards of Title 10 Chapter 36 and Title 9. Where land in the subdivision or partition is or will be periodically subject to accumulations of surface water or is traversed by any watercourse, channel, stream or creek, the Planning Commission may require the applicant to provide for adequate unrestricted drainage over drainage land by dedicating to the public easements therefor approved by the Planning Commission as adequate for the drainage needs of the area; or, where necessary in the judgment of the Planning Commission for protection of such needs, by conveying ownership of such drainage land for drainage purposes to the City.~~

11-5-4: PARTIAL DEVELOPMENT: Where the subdivision or partition includes only part of the tract owned by the applicant, the Planning Commission may require a sketch of a tentative layout of streets in the remainder of said ownership.

11-5-5: UNSUITABLE AREAS: Areas identified in the Florence Comprehensive Plan as having designated or protected natural areas or potential hazards due to erosion, landslides, stream flooding, ocean flooding or other natural hazards shall not be divided in a manner that would be dangerous to the health and safety of those who would live in said areas, the general public, or natural values which have been protected.

- A. All major partition and subdivision applications shall be reviewed by the City, using the Phase I checklist contained in Site Investigation Reports by Wilbur E. TERNYK, published by OCZMA.
- B. Where problem areas are identified in the Phase I checklist, a full-scale Phase II site investigation will be required covering only those problem areas identified in the Phase I checklist. This site investigation must be prepared and paid for by the applicant. Before approval would be granted the site investigation would have to prove either:
 - 1. That upon specific examination of the site, the condition which was identified in the Comprehensive Plan Inventory did not exist on the subject property; or
 - 2. That harmful effects could be mitigated or eliminated through, for example, foundation or structure engineering, setbacks or dedication of protected natural areas.
- C. Specifically, areas shown on the Hazards Map and the Soils Map of the Comprehensive Plan will require a Phase II site investigation report. Studies which have been adopted or included in the Comprehensive Plan by reference or studies done subsequent to the adoption of the Plan may be used to determine when a site investigation report is needed.

11-5-6: MOBILE HOMES: Applicable portions of the City Mobile Home Ordinance No. 614 may be applied as development standards for mobile home subdivisions.

Exhibit M

[Title 11 Chapter 6 is deleted.]

TITLE 11 CHAPTER 6

REQUIRED IMPROVEMENTS

SECTION:

- ~~11-6-1: Specifications~~
- ~~11-6-2: Water Supply~~
- ~~11-6-3: Sewage~~
- ~~11-6-4: Land Surface Drainage~~
- ~~11-6-5: Streets and Alleys~~
- ~~11-6-6: Pedestrian Ways~~
- ~~11-6-7: Street Lights~~
- ~~11-6-8: Performance Agreement~~

~~11-6-1: SPECIFICATIONS:~~

- ~~A. Submitting Specifications: The applicant's engineer shall prepare and submit to the City specifications, and amendments thereto, for construction of streets and alleys, construction of curbs, gutters and sidewalks, dedication of slope easements for streets and alleys, construction of drainage facilities and construction of pedestrian ways in subdivisions and/or partitions. Such specifications shall conform to proper engineering standards relevant thereto, and be so devised as to facilitate provision for the health, safety and welfare needs of the City and area affected in accordance with the purpose of this Title.~~
- ~~B. Procedure: The procedure for preparing, submitting and adopting all such specifications and amendments thereto, including notice and hearing, shall conform to that required by law for the enactment of ordinances.~~
- ~~C. Adoption of Specifications: Upon adoption by the City Council of any such specifications and amendments thereto, as from time to time may be submitted by the City officials, a copy thereof shall be filed with the City Recorder and a copy shall be kept in the office of the City Manager and in the office of the Planning Commission for the use and information of the general public.~~

~~11-6-2: WATER SUPPLY: All lots and parcels within subdivisions and partitions shall be served by the water supply system of the City. Water supplies shall be installed according to City specifications including provisions for added fire protection.~~

~~11-6-3: SEWAGE: All lots and parcels within subdivisions and partitions shall, where practicable, as determined by the Planning Commission in accordance with the purpose of this Title, be served by the sewage system of the City.~~

~~11-6-4: LAND SURFACE DRAINAGE: Such grading shall be done and such drainage facilities shall be constructed by the land divider as are adequate for the purpose of proper drainage of the subdivision or partition; of areas affected thereby; for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision or partition; and the benefit of the general public, in accordance with specifications adopted by the City Council under Chapter 5 of this Title.~~

~~11-6-5: STREETS AND ALLEYS: The subdivider shall grade and pave all streets and alleys in the subdivision or partition to the width specified in Chapter 5 of this Title and provide for drainage of all such streets and alleys; and construct curbs, gutters and sidewalks within the subdivision or partition in accordance with specifications adopted by the City Council under Section 11-5-1 of this Title. Such improvements shall be constructed to specifications of the City.~~

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~~11-6-6: PEDESTRIAN WAYS: A walk strip not less than five feet (5') in width shall be paved in the center of all dedicated pedestrian ways. Such paving shall conform to specifications adopted by the City Council under this Chapter.~~

~~11-6-7: PERFORMANCE AGREEMENT: If all improvements required by the Planning Commission and this Title are not completed according to specifications as required herein prior to the time the final or finished map or plat is duly submitted for consideration and approval, the Planning Commission may accept in lieu of said completion of improvements a performance agreement executed by the land divider and his surety company with the Common Council conditioned on faithful performance and completion of all such improvements within a period of time stated in such performance agreement and approved by the Planning Commission. (Ord. 626, 6-30-80)~~

Exhibit N

TITLE 11 CHAPTER 7

MODIFICATIONS, SUBDIVISION REGULATIONS

SECTION:

11-7-1: Application for Modification

11-7-1: APPLICATION FOR MODIFICATION:

- A. Time for Submitting Application: Concurrently with submitting a tentative plan to the Planning Director for Planning Commission consideration and approval, an applicant may submit to the secretary of the Planning Commission an application for a modification of any provision of Chapters 2 through 6 of this Title and Chapter 36 of Title 10. (Amd. Ord 30, Series 1990).
- B. Contents of Application: An application for a modification shall be a verified petition stating the provision sought to be modified and stating facts showing that:
1. Such provision, if strictly applied, would cause unique and unnecessary hardship to the applicant in subdividing or partitioning the subject area; and that
 2. Modifications of such provision(s) would not be contrary to the purpose of this Title for the reason that:
 - a. Where the application is for a modification of any provision of Chapters 5 or 6 of this Title, unusual topographic conditions or previous layout of the partition or subdivision area or neighboring area reasonably require such modification and such modification will not be substantially injurious to the public interest and the best use and value of property in the neighboring area; or
 - b. Where the application is for a modification of any provision of Chapters 2 through 4 of this Title, the purpose of such provision has been fulfilled without a strict application thereof, and the interest of the public in efficient transaction of public business will best be served by such modification.
- C. Concurrent with its consideration of the application for tentative plan approval and subject to the same procedures and effective dates, the Planning Commission or its designee shall consider the application for modification. Approval of the application for modification shall be granted provided affirmative findings can be made for the criteria in paragraph B of this section and provided the tentative plans are also approved.

Amended by Ord 30, Series 1990

City of Florence
250 Hwy 101
Florence OR 97439

Attention: Plan Amendment Specialist
Department of Land Conservation &
Development
635 Capitol Street NE, Suite 150
Salem, OR 97301-2540

