

**CITY OF FLORENCE**  
**ORDINANCE NO. 4, SERIES 2014**

**LEGISLATIVE AMENDMENTS TO TITLE 10, CHAPTER 17 OF THE FLORENCE CITY CODE SELECTING AN AREA OF OLD TOWN IN WHICH TO AFFECT CHANGES TO PARKING REQUIREMENTS IN OLD TOWN AREA "A."**

**WHEREAS**, the Florence City Council has determined that a reduction of required parking was necessary for the economic health and growth of the Old Town District; and

**WHEREAS**, Florence City Code (FCC) Title 10, Chapter 3, Section 2-G provides that zoning code supersedes the general requirements of Title 10, Chapter 3; and

**WHEREAS**, the designation of parking codes as a requirement of Florence Zoning Regulations in Old Town Area "A" is consistent with the Comprehensive Plan; and

**WHEREAS**, the Florence City Council initiated the text amendment process on March 3, 2014; and

**WHEREAS**, property and business owners within Old Town Area "A," "B," and the 300 feet surrounding those zoning districts were duly noticed on April 21, 2014; and

**WHEREAS**, the Planning Commission held a duly-advertised public hearing on May 13, 2014 and June 10, 2014, in accordance with FCC 10-1-1-5 to consider the amendments; and

**WHEREAS**, the Planning Commission has recommended adoption of the proposed text amendments with the changes made as Resolution PC 14 05 TA 01 on July 22, 2014; and

**WHEREAS**, the Florence City Council met in a duly-advertised public hearing and deliberated to a decision on September 15, 2014 in accordance with FCC 10-1-1-5 on the proposed amendments; and

**WHEREAS**, the proposed code amendments and public hearing notification were posted to the City's website on May 1, 2014, and a notice was published in the Siuslaw News on April 30, 2014, May 7, 2014, September 3, 2014, and September 10, 2014, prior to conducting a Planning Commission public hearing on May 13, 2014 and a City Council public hearing on September 15, 2014; and

**WHEREAS**, the City Council finds that waiving increases of parking requirements between changes of use, requiring that the number of current parking spaces be retained for existing buildings, and reducing parking requirements for new structures and additions by up to 50% would be of benefit to Old Town Area "A;" and

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

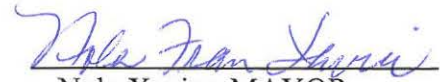
**NOW THEREFORE, THE CITY OF FLORENCE ORDAINS AS FOLLOWS:**

- Section 1. The Findings of Fact as shown in Exhibit A are hereby adopted;
- Section 2. FCC Title 10, Chapter 17 is hereby amended as shown in Exhibit B;
- Section 3. This Ordinance shall take effect 30 days after its adoption by the Council.

**APPROVED BY THE FLORNECE CITY COUNCIL** this 15<sup>th</sup> day of September, 2014.

AYES 4 – Councilors Jagoe, Greene, Henry and Mayor Xavier  
NAYS 0  
ABSTAIN 0  
ABSENT 1 – Councilor Roberts

**APPROVED BY THE MAYOR**, this 15th day of September, 2014.

  
Nola Xavier, MAYOR

ATTEST:

  
Kelli Weese, City Recorder

**FINDINGS OF FACT  
FLORENCE COMMUNITY DEVELOPMENT DEPARTMENT  
City Council  
Exhibit "A"**

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**Public Hearing Date:** September 15, 2014  
**Application:** CC 14 05 TA 01

**I. PROPOSAL DESCRIPTION**

**CODE AMENDMENT – FILE CC 14 06 TA 01:**

Application by the City of Florence, initiated by City Council, proposing code amendment to Title 10, Chapter 17, Section A-4 in order to waive parking requirements for all changes of use within Old Town Area "A" after the effective date after City Council adoption, requiring that parking be retained between changes of use, as well as granting reductions in parking requirements for all future uses and structures, including additions, with the exception of residential or lodging uses and structures, in Old Town Area "A" after the effective date.

**II. NARRATIVE:**

**Background**

Parking in Old Town has been a concern of citizens and business owners since at least the mid-1990s. In 1998, the City obtained a Transportation Growth Management (TGM) grant in order to hire consultants to work with the community in preparing a plan for Florence's downtown areas. The consultants worked closely with the community and the plan was adopted on September 20, 1999, entitled "Florence Downtown Implementation Plan."

This present Council action represents the City seeking to review parking standards as recommended by the 1999 plan:

- Locate, acquire, and build new parking lots as funds become available;
- Adopt revised parking ratio standards to ensure a sufficient, but not excessive supply of parking for customers and employees;
- Explore the creation of an urban renewal district as a means to finance public improvements, including those related to parking;
- Complete a pilot "parking courtyard" in Old Town; and
- Identify and obtain key lots in Old Town for parking and to preserve views.

Many of the plan's recommendations have not been implemented due primarily to lack of funds and property owner dissent since the completion of the study.

City Council adopted revising Old Town parking requirements as a Council goal for 2013 and 2014. The City Council met to discuss the topic on July 1, 2013, October 7, 2013, and on March 3, 2014.

At the March 3, 2014 meeting, Staff presented various options for implementation of the proposed parking requirements based on feedback received from the City Council at the previous two meetings. The City Council initiated amendments at that meeting.

The Planning Commission then held public hearings on May 13, 2014 and June 10, 2014 to address the effects of proposed code. Changes were made to the proposed following feedback from Planning Commission, and the Planning Commission recommended approval of the amendments on July 22, 2014.

### **Summary of Proposed Changes**

The Planning Commission recommends that the proposal should include all of Old Town Area "A", should waive all parking requirements for changes of use within that area, should require that the number of parking spaces between changes of use be retained, should reduce parking requirements by 50% for all future buildings and additions to existing structures and should not allow reductions in parking requirements for residential or lodging uses in Old Town Area "A".

Neither change in parking requirements will eliminate or waive parking requirements related to ADA Accessible parking, which is required by federal law and Florence City Code 10-3-5. All structures and uses required to provide this parking will still be required to provide this parking although they may be exempt from providing any other parking spaces per this parking regulation change. In addition, the 50% parking reduction for new construction will not eliminate the minimum of two parking spaces (including ADA Accessible parking) required of all non-residential development.

### **III. NOTICES & REFERRALS:**

#### **Notice:**

Property owner noticing took place on April 22, 2014 via direct mailings in accordance with FCC 10-1-1-5. Media notice was published on April 30, 2014 and May 5, 2014 prior to the Planning Commission public hearing on May 13, 2014. Media notice was again completed on July 19, 2014. Noticing for the City Council meeting was published on September 3, 2014 and September 10, 2014.

#### **Referrals:**

On April 22, 2014 referrals were sent to the Florence Building Department; Florence Police Department; Florence Public Works; Lane County Land Management; Oregon Department of Transportation; and Siuslaw Valley Fire and Rescue. Referrals were sent again on September 4, 2014.

### **IV. APPLICABLE REVIEW CRITERIA**

**Florence City Code, Title 10:**

Chapter 1: Zoning Administration, Section 1-3-C: Legislative Changes  
Chapter 3: Off-Street Parking and Loading, Section 10-3-2: General Provisions  
Chapter 17: Old Town District, Sections 10-17-1, 10-17A-1

**Realization 2020 Florence Comprehensive Plan:**

Chapter 1: Citizen Involvement, Policies 4, 5, and 6  
Chapter 2: Land Use, Policy 3  
Chapter 9: Economic Development, Policy 1  
Chapter 12: Transportation, Policy 26

**V. FINDINGS**

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**FLORENCE CITY CODE**

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**FCC TITLE 10 CHAPTER 1: ZONING ADMINISTRATION**

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

**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.**

The proposed parking regulations were initiated by motion at the March 3, 2014 City Council meeting. The City Council requested that the proposed regulations be considered by the Planning Commission and a 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. (Amd. by Ord. 30, Series 1990).**

Property owners and the public were made aware of the proposed amendments and public hearing in accordance with state laws. Notice of hearing was prepared and sent to all affected owners of property on April 22, 2014.

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**FCC TITLE 10 CHAPTER 3: OFF-STREET PARKING AND LOADING**

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

**C. If parking space has been provided in connection with an existing use or is added to an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this Chapter.**

The proposed Code amendment would modify the amount of parking required based on the "Minimum Standards By Use" in Code Section 10-3-3. Previously existing uses and structures would not be required to provide any of the parking outlined in this section, however new developments, uses, structures, and additions would still be required to provide at least 50% of the listed parking requirement.

**G. Parking and Loading standards that are listed under specific zoning districts supersede the general requirements of this chapter.**

The proposed Code amendments would modify the text of Title 10, Chapter 17 to reduce the required parking of the Old Town Area "A" district. The parking requirements listed in this zoning district would supersede the general requirements of the Parking Code and would be zone-specific. Any further modifications to the zoning code could be contained within a specific zoning district or throughout multiple without affecting overall parking requirements.

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**FCC TITLE 10 CHAPTER 17: OLD TOWN DISTRICT**

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**10-17-1: GENERAL PURPOSE FOR OLD TOWN:** The Old Town District is intended to provide an area for pedestrian oriented, mixed land uses. Areas A and B are located near or along the waterfront and comprise the historic old town with generally smaller scale structures than Area C. The Old Town District is also intended to encourage restoration, revitalization and preservation of the District.

The Old Town District includes areas which vary in character and development potential. Therefore, the permitted uses and development regulations have been separately defined for three sub-areas (Areas A, B, and C) making up the overall Old Town District in accordance with Figure 17.1. The purpose of these sub-areas is described in each subsection.

**10-17A-1: PURPOSE FOR AREA A:** Old Town Area A is intended as the primary tourist destination, which provides for shopping, entertainment and water-related activities for visitors and residents of Florence.

The proposed Code amendments would allow businesses and property owners to provide less parking than would be required for uses in other, less dense, zoning districts which would be able to provide more parking. In so doing, the proposed Code amendments would preserve the pedestrian-oriented nature of Old Town Area "A" by encouraging restoration, revitalization, and preservation of the District.

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**FLORENCE REALIZATION 2020: COMPREHENSIVE PLAN**

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**CHAPTER 1: CITIZEN INVOLVEMENT**

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

The meeting regarding this zoning issue was published in the Siuslaw News on April 30, 2014, May 7, 2014, and July 19, 2014. Prior to the City Council meeting, notice was published in the Siuslaw News on September 3, 2014 and September 10, 2014. This meets the requirements set by both City Code and Oregon Statute. The information was also posted to the City website and a meeting agenda posted in City Hall. The City provided property notice to property owners within the Old Town Area "A" zoning district in order to inform them about possible changes in regulations regarding their properties on April 22, 2014. Notice was also provided to those testifying at the May 13, 2014 meeting.

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

Once the Planning Commission and City Council approve the minutes for their respective meetings, the minutes are added to that meeting's calendar event on the City's website. The public may also request a copy of the approved minutes at City Hall. Minutes from the Planning Commission will be forwarded to the City Council.

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

Planning documents and background data are available to interested citizens. Each Planning Commission meeting packet is available for the public at the Planning Department Customer Service Desk to inspect free of charge at least one week prior to each hearing. The documents are also uploaded to the City website prior to meetings. Information from previous meetings is available at any time by request.

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**CHAPTER 2: LAND USE**

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

The proposed Code amendments modify the applicable parking ordinances for the Old Town Area "A" zoning district. The proposed parking regulations modify the requirements for the densest area of Old Town Florence in order to lessen the parking restrictions experienced by businesses wishing to relocate to or expand in the Old Town zoning district. The proposed zoning amendments will allow businesses to fully utilize on-street parking and existing private parking to the fullest extent possible while fostering a walkable Old Town District with limited available space for additional parking lots.

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**CHAPTER 9: ECONOMIC DEVELOPMENT**

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

At the time many Old Town buildings were constructed, there were no vehicle parking needs or regulations. This has created, similarly to the experiences of many other cities, a walkable, attractive, commercial district, but has left little available space for parking. The proposed reduction of parking requirements will allow new businesses to locate in the Old Town district and businesses to expand to meet their needs and help ensure a reduction in vacant buildings.

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## **CHAPTER 12: TRANSPORTATION**

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**Policy 26. On-site parking for motor vehicles and bicycles is required except in Downtown Districts where some motor vehicle parking can be provided on the street.**

The Florence Realization 2020 Comprehensive Plan has outlined that parking in some areas of the Comprehensive Plan Map Downtown District should be provided through on-street parking as well as off-street. Reduced parking requirements in Old Town Area "A" will utilize this policy in order to create economic growth opportunities for the Downtown area of Florence.

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## **VII. CONCLUSIONS**

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

1. Approval for shall be shown on:

"A" Findings of Fact

"B" Amendments to Florence City Code Title 10, Chapter 17

Findings of Fact attached as Exhibit "A" are incorporated by reference and adopted in support of this decision.

## **VIII. EXHIBITS**

"A"	Findings of Fact
"B"	Proposed Amendments
"C"	Planning Commission Resolution PC 14 05 TA 01
"D"	July 15, 2014 – Memo to Planning Commission
"E"	Planning Commission Minutes from 5.13.14, 6.10.14 and 7.22.14
"F"	Council Minutes from 3.3.14



# Exhibit B

## Proposed Old Town Code Changes – September 15, 2014

### TITLE 10 CHAPTER 17

#### OLD TOWN DISTRICT

#### SECTION

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

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

##### E. Parking and Loading Spaces:

1. Non-residential parking spaces may be located on-street in front of the lot, and/or may be located in an interior parking lot within the block or in an off-site lot. Individual parking areas or lots will not be approved unless no other alternative exists. Parking may not be located between the building and the street.

2. Residential parking spaces may be specifically designated within any on-site parking area. Individual parking areas or lots located off-site will not be approved unless no other alternative exists; such off-site parking assigned to specific residential buildings in Area A shall be located on the same block or not more than 300 feet from the residential building entrance.

3. Bike racks shall be located either in the interior parking lot or by an entrance. Bike racks may not be located in the required eight feet (8') minimum pedestrian walkway.

4. Parking requirements listed in Table 10-3-1 of Section 10-3-4 of this Code are waived for all changes of use in any structures in Old Town Area A which existed prior to (Effective Date).

a. No increase in provided parking spaces shall be required for any change of use in Old Town Area A.

b. All current structures and uses shall maintain the number of parking spaces provided for those uses as of (Effective Date).

c. The number of parking spaces provided by a business or residence shall be retained for all subsequent businesses or residences housed within that space, regardless of the intensity of use.

d. Changes of use in buildings which have not had a previous Planning Commission/Design Review Board or staff approval or an amount of required parking set shall have proposed parking reviewed at the time of building permit submittal.

e. Required parking may be provided off-site, pursuant to Section 10-3-7 of this Code.

5. All new construction (structures and additions built after (Effective Date)), not including residential, lodging, motel, hotel, or inn uses, are allowed a waiver of up to 50% of parking required by Section 10-3-4 of this Code, to be determined with Planning Commission/Design Review Board or Administrative Review approval. The waiver of required parking is not to exceed the minimum number of two (2) parking spaces required by Section 10-3-4.

Established by Ord. No 1, Series 2008 – effective Feb. 4, 2008

Sections 10-17A-2, 10-17B-2, 10-17C-2,10-17A-4, 10-17B-4 and 10-17C-4 Amended by Ord. No. 9, Series 2009

Sections 10-17B-3-E and 10-17C-3-E, Amended by Ord. No. 2, Series 2011 – effective March 11, 2011

Sections 10-17-A-4-G, 10-17-B-4-G, and 10-17-C-4-G amended by Ord. No. 4, Series 2011 – effective April 22, 2011

Sections 10-17A-2, 10-17A-4, 10-17B2, 10-17B-4, 10-17C-2, and 10-17C-4 amended by Ord. No. 3, Series 2013, see Exhibit B (effective 7-31-13)

Section 10-17A-4-E amended by Ord. No. , Series – effective