



**Planning Commission
Meeting of September 8, 2009**

Staff Report

**LWDUO & Standards Document
2009 Amendment 1, version a**

The following sections from the Land and Water Development and Use Ordinance (LWDUO) and the Standards Document are slated for modification in this first “clean-up” amendment of the respective documents. In some cases the modifications merely correct typographical errors or update references to other code sections or the Oregon Revised Statutes; but in most other cases the modifications are intended to clarify or more effectively implement County policies intended to facilitate land use and development consistent with the Clatsop County Comprehensive Plan and applicable provisions of the Oregon Revised Statutes and Oregon Administrative Rules.

Text proposed to be deleted is in ~~striketrough~~. Text proposed to be added is underlined. Each numbered section is followed by an italicized comment in *[brackets]* that briefly explains the necessity and/or the intent of the specific revision.

Text in **Bold** type reflects section and sub-section headings and numbers currently in the LWDUO. The regular-type outline numbers are provided for the sake of ordering the proposed amendment items and to facilitate discussion.

A. LWDUO

1) Section 1.030. Definitions.

a) LOT LINE, FRONT -- ~~Normally~~, The property line separating the lot from the street, as defined in Section 1.030, other than an alley, from which access is provided to the lot. For the purpose of establishing setback requirements, orientation of the dwelling unit ~~shall be~~ is independent of access to the parcel. In the case of a corner lot, the front lot line ~~shall be~~ is the property line with the narrow dimension adjacent to the street.

[This allows staff flexibility in determining how front yard setbacks are applied where a private road provides access. Note that LWDUO Section 1.030 defines “street” as “A public roadway which has been accepted by the Board that is created to provide ingress and/or egress to one (1)

or more lots, parcels, areas or tracts of land and includes the terms road, highways, lanes, avenue, or similar designation.”]

b) **PARKING SPACE** -- An enclosed or unenclosed surface area of not less than twenty (20) feet by eight (8) feet in size, or not less than eighteen (18) feet by seven (7) feet where compact spaces are authorized by this code, exclusive of maneuvering and access area, permanently reserved for the temporary storage of one automobile, and connected with a street or alley which affords ingress and egress for automobiles.

[The LWDUO does not contain any allowance for compact cars. Most jurisdictions allow 25-50% of required parking to be sized and designated as compact spaces. This modification reflects modern planning theory holding that too much space is allotted to automotive uses and that minimum parking requirements do not encourage alternative modes of transportation.]

c) **PROPERTY LINE ADJUSTMENT** -- ~~The relocation of a common property line between two abutting properties~~ The relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

[This modification is intended to achieve consistency with ORS 92.010(12) as amended in 2008 by HB 3629]

d) **VARIANCE** – A grant of relief to a person from the ~~requirements~~ quantifiable standards of this ordinance in a manner that would otherwise be prohibited by this ordinance. “Variance” does not include grants of relief from standards regulating uses, minimum lot size or density.

[The LWDUO does not distinguish between what are referred to in legal parlance as “use variances” and “area variances.” A “use variance” allows use of the land that is otherwise not permitted by the zoning ordinance. Because the zoning ordinance implements the land-use vision of the comprehensive plan, “use variances” are generally not allowed because of their potential to undermine the goals of the comprehensive plan. Moreover, minor adjustments to allowed uses are already addressed in LWDUO §5.060, “Development and Uses of the Same Type.” This amendment also slightly liberalizes the process outlined under LWDUO 5.060—see sections 5.b, 6.b, 7.b, etc. below.

An “area variance” allows a minor variation to a quantifiable standard, such as minimum lot size, setbacks, lot coverage, building height, etc. Because state law occupies the area of minimum parcel size in rural areas, the proposed modification to the definition of “variance” above specifically excludes minimum lot size. Although density (number of dwelling units per acre) is quantifiable, it is partly a function of minimum lot size regulations and partly a function of comprehensive plan goals; therefore modifications to density should be subject to a legislative process (zoning code or comprehensive plan amendment via Board of Commissioners) rather than a quasi-judicial process primarily subject to Planning Commission action.]

e) **VEHICLE** – Any device in, upon or by which any person or property is or may be transported or drawn and includes vehicles that are propelled or powered by any means.

[The LWDUO does not contain a definition of “vehicle” per se, only types of recreational vehicles; but “motor vehicles” are noted in certain sections of the county Code of Regulations. For code compliance cases it is essential to have definitions of certain terms. The definition above is derived from that contained in the State Vehicle Code--ORS 801.590 defines “Vehicle” as “... any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means. ‘Vehicle’ does not include a manufactured structure. [1983 c.338 §109; 2003 c.655 §94]]”]

2) Section 2.052 Exclusions from Development Permit Requirement.

(10) Structures (excluding mobile homes but including campers, trailers, motor homes, boats and other recreational vehicles) ~~placed in storage on property upon which the owner resides~~ may be temporarily occupied by the property owners or their family or guests ~~a visiting friend or relative~~ for not more than 30 days out of any 90 day period, ~~whether it be in storage by the property owner or brought to said property by the friend or relative.~~ No more than ~~one~~ three recreational vehicles may be used for temporary occupancy purposes on said property at any time, and shall be removed from the property at the end of each occupancy period.

[The current provision does not allow property owners or others to occupy RVs on property that has not been developed with a residence. This modification allows private, non-commercial recreational use of undeveloped land on a limited basis]

3) Section 2.075 Submission of Development Permit Application.

Application materials shall be submitted to the Director who shall have the date of submission indicated on each copy of the materials submitted. Within 30 days of receiving an application, the Director shall determine whether an application is complete, ~~as provided in ORS 215.428.~~ ~~With regards to applications for permits not subject to the provisions of ORS 215.428, the Director shall have 45 days from the date the application is submitted in which to determine if the application is complete and to~~ and provide information concerning the application to the applicant. The applicant then has 60 days to submit the requested supplemental information after which a new application may be required if received after this time.

[ORS 215.428 was repealed in 1999 and in lieu of its provisions ORS 215.427 was enacted. This is intended for consistency with ORS 215.427(2), which states, “(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information.”]

4) Section 2.230 Request for Review/Appeal.

(3) The affected party shall file an appeal with the Director within ~~ten~~ twelve (12) days of a final decision. ~~At the Community Development Director's discretion, and for good cause,~~ An additional five days after filing of an appeal may be granted to allow the appellant to submit additional justification for the appeal. The actual appeal, however, must be filed within the ~~ten~~ twelve-day limit.

[Intended for consistency with ORS 215.416(11)(C): “A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed.”]

5) Arch Cape Rural Community Residential Zone (AC-RCR)

Section 3.066. Conditional Development and Use.

(12) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-11 above, subject to the provisions of section 5.060.

[LWDUO Section 5.060 currently specifies the ability and procedure by which the Planning Commission can approve Development and Uses of the Same Type. This proposed modification emphasizes and facilitates the existing provision and process. These proposed modifications are also included under items 6, 7, 8, 9, 10, 11, 12, 13a-c, 14, 15, 16, 17, 18, and 19a&b.]

6) Miles Crossing, Jeffers Gardens and Westport Rural Community Residential Zone (RCR)

Section 3.078. Conditional Development and Use.

(12) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-11 above, subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

7) Knappa/Svensen Rural Community Residential Zone (KS-RCR)

Section 3.092 Conditional Development and Use. (13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of section 5.060.

8) Single Family Residential-1 Zone (SFR-1)

Section 3.164. Development and Use Permitted.

The following uses and their accessory uses are permitted under a Type I permit procedure subject to applicable development standards.

[typographical correction: “Type I” was inadvertently omitted from the original text.]

9) Residential-Agriculture-1 Zone (RA-1)

Section 3.190. Conditional Development and Use.

(15) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

10) Residential-Agriculture-2 Zone (RA-2)

Section 3.207. Conditional Development and Use.

(15) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-14 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

11) Residential-Agriculture-5 Zone (RA-5)

Section 3.227. Conditional Development and Use.

(16) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-15 above, subject to the provisions of section 5.060, provided no commercial use is allowed.

12) Rural Community Commercial Zone (RCC)

Section 3.258. Commercial Conditional Development and Use.

(18) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-17 above subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

13) Rural Community Commercial and Light Industrial Zone (RCC-LI)

a) Section 3.272. Commercial Uses Conditional Development and Use.

(17) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-16 above, subject to the provisions of section 5.060 provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

b) Section 3.273. Light Industrial Uses Conditional Development and Use.

(12) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-11 above, subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

c) Section 3.276. Conditional Development and Use.

(5) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-4 above, subject to the provisions of section 5.060 provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

14) Neighborhood Commercial Zone (NC)

Section 3.306. Conditional Development and Use.

(6) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-5 above subject to the provisions of section 5.060.

15) Tourist Commercial Zone (TC)

Section 3.328. Conditional Development and Use.

(20) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-19 above, subject to the provisions of section 5.060, provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

16) General Commercial Zone (GC)

Section 3.348. Conditional Development and Use.

(30) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-29 above subject to the provisions of section 5.060 provided building or buildings for each commercial use does not exceed 4,000 square feet of floor area.

17) Heavy Industrial Zone (HI)

Section 3.405. Conditional Development and Use.

(10) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-9 above, subject to the provisions of section 5.060 provided building or buildings for each commercial use does not exceed 3,000 square feet of floor area and building or buildings for each industrial use does not exceed 30,000 square feet of floor area.

18) Light Industrial Zone (LI)

Section 3.446. Conditional Development and Use.

(17) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-16 above, subject to the provisions of section 5.060, provided building or buildings for each industrial use does not exceed 30,000 square feet of floor area.

19) Rural Community Light Industrial Zone (RCI)

a) Section 3.456. Development and Use Permitted.

(13) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-12 above, subject to the provisions of section 5.060, provided building or buildings for each industrial use does not exceed 40,000 square feet of floor area

b) Section 3.458. Conditional Development and Use.

(5) By a Type III procedure, any uses determined by the Planning Commission to be similar in use and compatibility to those uses described under sections 1-4 above, subject to the provisions of section 5.060 provided building or buildings for each commercial industrial use does not exceed 40,000 square feet of floor area.

20) Section 5.132. Variance Procedure.

(1) A variance may be appropriate where: by reason of exceptional configuration, or by reason of other extraordinary and exceptional situations or conditions existing on a piece of property, the strict application of any regulations enacted under this Ordinance would result in ~~peculiar, exceptional and undue hardship upon the owner of such property for which a variance is requested.~~ practical difficulty to development and prevent the owner from using the property as intended by the Zoning Ordinance. ~~Undue hardship upon adjacent property owners may also be considered.~~ The Hearings Officer may vary or adopt the strict application of any of the requirements of this Ordinance.

(3) Standards for a Variance. The requirements for a Variance are listed below. ~~It is the intent of this Ordinance that a variance only be granted to overcome some exceptional physical condition related to a parcel of land posing practical difficulty to development and preventing the owner from using the property as intended by the Zoning Ordinance. Any variance granted shall be the minimum adjustment necessary for the reasonable use of the land.~~

(A) There must be proof of exceptional and extraordinary circumstances which apply to the property and which do not apply to other properties in the same zone or vicinity, and result from lot size or shape legally existing in accordance with land use laws prior to September 30, 1980, topography, geology, or other circumstances over which the applicant has no control. These circumstances or conditions must be such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of the land and/or structure.

(B) The granting of a variance shall neither be injurious to the neighborhood or community nor otherwise detrimental to the public welfare or to public safety.

(C) The granting of the variance will not permit the establishment of any development or use which is not permitted by the Ordinance, nor confer upon the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the area.

(D) The granting of the variance shall be consistent with the Purpose and Intent of the zoning district containing the subject property. ~~There must be proof of significant hardship if the variance is not granted. It is not sufficient proof of hardship to show that a greater profit would result if a variance were granted. Nor shall loss of value be a valid reason to grant a variance. Furthermore, the hardship cannot be self created or self imposed, nor can it be created by one who purchases property with or without the knowledge of restrictions present. The hardship must result from the strict application of this Ordinance, and be suffered directly by the property in question. Evidence of a variance granted under similar circumstances shall not be considered as a solely sufficient cause to grant hardship relief.~~

(E) The granting of a variance is necessary for the reasonable use of land or building, and the variance granted by the hearing body is the minimum variance that will accomplish this purpose.

(F) The ~~hardship~~ need for the variance does not arise from a violation of the provisions of this Ordinance.

(G) The development will occur on a parcel of land that in conjunction with adjacent land in the same ownership is not otherwise reasonably capable of development and use under the provisions of this Ordinance.

[State law does not require ‘hardship’ criteria, but where local jurisdictions have adopted such criteria, the courts have interpreted them as stringent and exacting; i.e., local governments have been prevented from interpreting these criteria liberally. If a local government writes criteria to be more liberal, “LUBA will accept the local government’s more liberal interpretation” (OR State Bar, LAND USE 2000 SUPPLEMENT, p. 11-16).

Moreover, the last line of subsection 1 above, allowing the Hearings Officer the ability to “vary or adopt the strict application...” has been in the LWDUO since at least 1980. This phrase has the effect of expressing the county’s intent to be able to interpret the quantifiable zoning standards as necessary and appropriate. Incorporating the more stringent standards such as ‘hardship’ are inconsistent with this intent and with state case law.]

21) Subdivisions, Partitions and Property Line Adjustments

a) Section 5.202. Applicability.

Property Line Adjustment – ~~is the relocation of a common property line between two abutting properties~~ is the relocation or elimination of all or a portion of the common property line between abutting properties that does not create an additional lot or parcel.

[This modification is intended to achieve consistency with ORS 92.010(12) as amended in 2008 by HB 3629]

22) Non-conforming Uses and Structures

a) Section 5.604. Definitions.

LEGAL NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, but which legally existed at the time the applicable section(s) of the zoning district took effect.

LEGAL NON-CONFORMING USE. A use which does not conform to the use regulations of the zoning district in which it is located, but which lawfully occupied a building or land at the time the applicable use regulation took effect.

NON-CONFORMING STRUCTURE. A building or structure that does not conform to one or more standards of the zoning district in which it is located, ~~but~~ and which did not legally existed at the time the applicable section(s) of the zoning district took effect.

NON-CONFORMING USE. A use which does not conform to the use regulations of the zoning district in which it is located, ~~but~~ and which did not lawfully occupy a building or land at the time the applicable use regulation ~~became effective~~ took effect.

[The Definitions currently do not distinguish between lawfully-created and unlawfully-created nonconforming uses and structures. Lawfully-created (“legal nonconforming...”) uses and structures have been made nonconforming only by zoning code changes, not due to any action by property owners or their agents, and should receive more flexible considerations. Unlawfully-created (“nonconforming...”) uses and structures have never complied with zoning and development standards and should not receive the same flexible considerations as their legal nonconforming counterparts. The underlying planning theory holds that non-conforming uses and structures should gradually disappear or be made to conform to current zoning regulations.]

b) Section 5.614 Replacement and Damage.

(1) Legal Non-conforming structures and uses.

(a) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his authorized agent, it may be reconstructed in conformance with the dimensional standards of the building prior to its destruction. A building permit for its reconstruction shall be obtained within one year of the date of the damage. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

(b) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to seventy-five percent (75%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a report provided by a licensed real estate appraiser.

(c) If a legal non-conforming structure or a structure occupied by a legal non-conforming use is damaged by an action of the property owner or his authorized agent, to an extent amounting to less than seventy-five percent (75%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a report provided by a licensed real estate appraiser. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

(d) Notwithstanding the provisions of sections (1)(a)(b) & (c) above, the repair, replacement or reconstruction of buildings in FEMA Special Flood Hazard Areas shall comply with FEMA floodplain development standards.

(2) Non-conforming structures and uses.

(a) If a non-conforming structure or a structure occupied by a nonconforming use is replaced, the new structure shall conform to the current requirements of this Ordinance.

(b) If a Non-conforming structure or a structure ~~devoted to~~ occupied by a Non-conforming use is damaged or destroyed by any cause other than an action of the property owner or his agent, to

an extent amounting to ~~eighty~~ eighty five percent (~~80~~85%) or more of its fair market value as indicated by the records of the County Assessor, it shall be reconstructed in conformance with the current requirements of this Ordinance. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a report provided by a licensed real estate appraiser.

~~(3)~~ (b) If a ~~N~~non-conforming structure or a structure ~~devoted to~~ occupied by a ~~N~~non-conforming use is damaged by any cause other than an action of the property owner or his agent, to an extent amounting to less than ~~eighty~~ eighty five percent (~~80~~85%) of its fair market value as indicated by the records of the County Assessor, a building permit for its reconstruction shall be obtained within one year of the date of the damage. The determination of the percentage of fair market value loss shall be based on either square footage of all floor areas or on a report provided by a licensed real estate appraiser. If a building permit is not obtained within one year, the reconstruction shall be in conformance with the current requirements of this Ordinance. However, ~~upon request,~~ by a Type IIa procedure, the planning commission may grant an extension of the one-year period.

(c) Notwithstanding the provisions of sections (2)(a) & (b) above, the repair, replacement or reconstruction of buildings in FEMA Special Flood Hazard Areas shall comply with FEMA floodplain development standards.

[These modifications are intended to reflect the proposed distinctions between “legal non-conforming” and “non-conforming” and to make county provisions conform closer to those of ORS sections 215.130(5) & (6), which state:

“(5) The lawful use of any building, structure or land at the time of the enactment or amendment of any zoning ordinance or regulation may be continued. Alteration of any such use may be permitted subject to subsection (9) of this section. Alteration of any such use shall be permitted when necessary to comply with any lawful requirement for alteration in the use. Except as provided in ORS 215.215, a county shall not place conditions upon the continuation or alteration of a use described under this subsection when necessary to comply with state or local health or safety requirements, or to maintain in good repair the existing structures associated with the use. A change of ownership or occupancy shall be permitted.

(6) Restoration or replacement of any use described in subsection (5) of this section may be permitted when the restoration is made necessary by fire, other casualty or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. If restoration or replacement is necessary under this subsection, restoration or replacement shall be done in compliance with ORS 195.260 (1)(c).”

Moreover, the LWDUO does not specify how the percentages of FMV are to be determined. Planning departments typically determine the percentage of FMV destroyed based on reconstruction costs, which is not consistent with the intent of the legislation in that reconstruction costs usually far exceed the Assessor’s appraisal, which in Clatsop County is referred to as the RMV.]

B. Standards Document

1) Site Orientation

Section S1.030. General Exception to Lot Size Standards.

~~If, at the time of adoption of the zone for the subject property, a lot has an area or dimension which does not meet the lot size requirements of the zone, and the lot was not in the same ownership as any contiguous lot or lots which do not meet the minimum lot area requirements, the lot may be developed as allowed by the zone and applicable development requirements. If, at the time of adoption of the zone for the subject property, contiguous lots or parcels which individually do not have an area that meets the minimum lot area requirement of the zone, are held in the same ownership, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable development requirements.~~

(A) Within Unincorporated Rural Communities, all residentially-zoned areas and Urban Growth Boundary areas or situations subject to county jurisdiction:

If a lot or parcel, legally created through county partitioning requirements, has an area or dimension which does not meet the requirements of the zone, it may still be developed as allowed by the zone subject to all other applicable county development standards and requirements.

(B) All other areas, including residentially-zoned lots created prior to September 30, 1980:

(i) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a lot or parcel, legally created through county partitioning requirements, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel WAS NOT in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the lot may be developed as allowed by the zone and applicable county development requirements.

(ii) If, at the time of adoption of the zone or of amendment of its lot size or dimension standards, a lot or parcel, legally created through county partitioning requirements, has an area or dimension which does not meet the requirements of the zone, and the lot or parcel WAS in the same ownership as any contiguous lots or parcels which do not meet the minimum area or dimension requirements, the aggregate holdings constitute one land use parcel and that parcel may be developed as allowed by the zone and applicable county development standards and requirements.

[Current code language (see strikethrough text) does not allow primary development on lawfully created non-conforming residential parcels if the parcels were contiguous to other substandard parcels under the same ownership at the time that current and more restrictive zoning was adopted. The intent of this modification is twofold. Under subsection (A) above, the intent is to allow primary and accessory uses of residentially-zoned (non-resource) parcels that were lawfully created prior to the adoption of more restrictive minimum lot size zoning standards, regardless of ownership of contiguous lots as embodied in the current code. Under subsection (B), the intent is to continue to apply the safeguards of current code language to non-residential lands.]

2) Off-Street Parking Restrictions

Section S2.202. Minimum Off-Street Parking Space Requirements.

(6) Any uses described herein may provide up to 30% of the required number of parking spaces, except ADA-required spaces, as compact spaces, measuring no less than seven feet wide by eighteen feet long. Compact spaces shall be clearly marked accordingly.

[The Standards do not include criteria for compact parking spaces—see note following LWDUO section 1.b on page 2.]

3) S4.504. Development Standards.

(1) All ~~structures~~ development, as defined by LWDUO section 1.030, shall be located outside of the zone of riparian vegetation areas defined in S4.500 above, unless direct water access is required in conjunction with a water dependent or water-related use or as otherwise provided by this Ordinance.