

ORDINANCE NO. 962

**AN ORDINANCE AMENDING THE STAYTON DOWNTOWN
TRANSPORTATION AND REVITALIZATION PLAN AND STAYTON
MUNICIPAL CODE (SMC) TITLE 17, REGARDING THE PERMITTED USES
AND STANDARDS FOR DEVELOPMENT IN THE DOWNTOWN ZONES**

WHEREAS, Oregon Revised Statutes, Chapter 197 requires municipalities to adopt and implement a comprehensive land use planning program in accordance with statewide planning goals established by the Legislature and the Oregon Land Conservation and Development Commission;

WHEREAS, the City of Stayton has adopted a Downtown Transportation and Revitalization Plan as an area refinement plan to the Stayton Comprehensive Plan;

WHEREAS, the City of Stayton has adopted Title 17 of the Stayton Municipal Code as the Land Use and Development Code;

WHEREAS, the Downtown Commercial Mixed Use (DCMU) Zone was created by amendment of the Downtown Transportation and Revitalization Plan and that amendment failed to establish a minimum floor area ratio in the DCMU Zone;

WHEREAS, both the Downtown Transportation and Revitalization Plan and SMC Title 17, Chapter 16, Section 17.16.080.2.c establish a minimum floor area ratio of 0.35 in the Downtown Residential Mixed Use Zone which is not met by more than two-thirds of the existing developed parcels;

WHEREAS, both the Downtown Transportation and Revitalization Plan and SMC Title 17, Chapter 20, Section 17.20.220 establish standards for horizontally applied siding which is not reflective of the range of horizontally applied siding existing in the Downtown Zones;

WHEREAS, the introduction to Table 17.16.070.1 in the SMC could be interpreted as contradicting the provisions of SMC Title 17, Section 17.16.040.4 regarding the change of use of an existing building;

WHEREAS, most but not all professional, scientific and technical services industries are permitted in the Downtown Zones;

WHEREAS, fitness and recreation sports centers are not as likely to have similar impacts on surrounding properties as other performing arts, spectator sports and amusement and recreation facilities and need not be considered a conditional use;

WHEREAS, as mixed use zones it is appropriate to allow bed and breakfast uses in the DRMU and DCMU and Central Core Mixed Use zones without the need for conditional use approval;

WHEREAS, SMC Section 17.16.080.2.F.2) regarding the minimum height of buildings in the Downtown Zones does not reflect the provisions of the Downtown Transportation and Revitalization Plan; and

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Downtown Transportation and Revitalization Plan and SMC, including notice to the Department of Land Conservation and Development, and following a public hearing, has recommended that the Stayton City Council enact the proposed amendments.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Stayton Downtown Transportation and Revitalization Plan amended. The Stayton Downtown Transportation and Revitalization Plan is hereby amended as shown on Exhibit A attached hereto and incorporated herein

Section 2. SMC Title 17, Chapters 16 and 20 amended. Stayton Municipal Code, Title 17, Chapters 16 and 20 are hereby amended as shown on Exhibit B attached hereto and incorporated herein.

Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

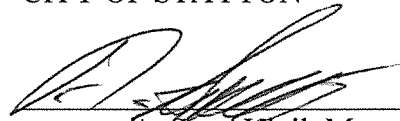
Section 4. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 2nd day of December, 2013.

CITY OF STAYTON

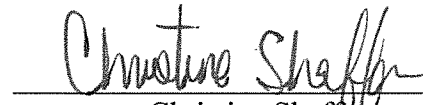
Signed: 12-2-, 2013

BY:


A. Scott Vigil, Mayor

Signed: 12/4, 2013

ATTEST:


Christine Shaffer,
Interim City Administrator

APPROVED AS TO FORM:

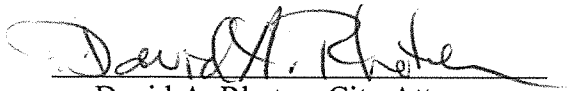

David A. Rhoten, City Attorney

EXHIBIT A

Amendments to the Downtown Transportation and Revitalization Plan

Additions are underlined; Deletions are ~~crossed-out~~.

Part 1. On **Page 39** of the Revised Downtown Transportation and Revitalization Plan amend **Table 2** as follows:

Table 2 Downtown District Development Standards

Standard:	CCMU	DRMU & DCMU
(A) Minimum Lot Size	None	None
(B) Minimum Floor Area Ratio (FAR)	.5 : 1 ⁶	<u>DCMU -- .35 : 1⁶</u> <u>DRMU -- .20 : 1⁶</u>
(C) Minimum Residential Density	12 units/ acre ¹	12 units/ acre ¹
(D) Maximum Residential Density	None	None
(E) Minimum Building Setbacks	0 feet front, side and rear for commercial; 5 feet front and 10 feet rear for single-family attached dwellings ²	0 feet front, side and rear for commercial; 5 feet front and 10 feet rear for single-family attached dwellings ²
(F) Maximum Building Setbacks	<u>Commercial</u> 10 feet front ³ ; None for side and rear. <u>Residential</u> 20 feet front ² ; None for side and rear	20 feet front ^{2,4} ; None for rear and side
(G) Minimum Building Height	2 stories or a minimum of 20 feet	2 stories or a minimum of 20 feet
(H) Maximum Building Height	4 stories, which in total is not to exceed 60 feet	4 stories, which in total is not to exceed 60 feet
(I) Ground Floor Window Standards Apply	Yes	Yes

Standard:	CCMU	DRMU & DCMU
(J) Minimum Off-Street Parking Required	None required for commercial uses; 1 space/ unit for residential	None required for commercial; 1 space/ unit for residential
(K) Maximum Off-Street Parking Permitted	Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential. ⁵	Up to 125% of Code requirement for commercial; 1.5 spaces/ unit for attached residential ⁵
(L) Screening & Buffering Required	No	No

Table 2 Notes

- 1 Minimum residential density applies to residential projects only. There is no minimum density for residential uses in a mixed-use development.
- 2 For single-family attached dwellings with direct auto access from the street, the garage entrance must be less than 5 feet from the street property line, or more than 18 feet from the street property line. There is no maximum setback for attached dwellings on a single lot which are located behind commercial buildings.
- 3 A maximum front setback of up to 20 feet may be permitted when enhanced pedestrian spaces and amenities are provided.
- 4 The maximum front setback may be exceeded when enhanced pedestrian spaces and amenities are provided.
- 5 For commercial uses, when included in a mixed-use development, the maximum amount of off-street parking permitted is 125% of the parking required in Section 17.20.060. When not included in a mixed-use development, the maximum amount of off-street parking permitted is 50% of parking required in Section 17.20.060.
- 6 These are minimum floor area ratios, expressed as the ratio of floor area to site area. There is no maximum permitted floor area ratio.

Part 2. On **Page 47** of the Revised Downtown Transportation and Revitalization Plan amend the **exterior finish materials requirements for non-residential and mixed use buildings** as follows:

- I. **Exterior finish materials.** The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.
 1. Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. ~~Composite boards manufactured from wood or other products, such as hardboard or hardplank, may be used when the visible portion of the board product is less than 6 inches wide.~~

2. Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes.
3. Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards composite boards manufactured from wood or other products, such as hardboard or hardiplank ~~with an exposure of 3 to 6 inches~~, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where the boards in the pattern are 6-10 inches or less in width.

Part 3. On **Page 51** of the Revised Downtown Transportation and Revitalization Plan amend the **exterior finish materials requirements for non-residential and mixed use buildings** as follows:

G. Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.

1. Along 3rd Avenue, commercial and mixed use buildings shall be constructed of materials complementary to existing materials including textured pre-cast concrete block, clay (terra cotta) tile, brick, stucco and wood frame.
2. Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the board product is less than 6-10 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend for more than 3 feet above the finished grade level adjacent to the foundation wall.
3. Where there is an exterior alteration to an existing building, the exterior finish materials on the portion of the building being altered or added must visually match the appearance of those on the existing building. However, if the exterior finishes and materials on the existing building do not meet the standards of Paragraph HG.1, above, any material that meets the standards of Paragraph HG.1 may be used.

EXHIBIT B

Amendments to the Stayton Municipal Code Title 17, Chapters 16 and 20

Additions are underlined; Deletions are ~~crossed-out~~.

Part 1. Amend Stayton Municipal Code, Title 17, Chapter 16, **Section 17.16.070.1** to change the description of the meanings of the symbols in the table, as follows.

1. **PERMITTED AND CONDITIONAL USES.** The land uses permitted in each district are shown in Table 17.16.070.1. When a property is in an overlay zone, the stricter regulations of the two zones shall apply.

- P = Permitted Use
- C = Conditional Use
- S = Permitted Use after Site Plan Review for new construction or expansion of an existing structure. See Section 17.16.040.4 for existing structures.
- C/S = Conditional Use after Site Plan Review
- = Prohibited Use

Part 2. Amend Stayton Municipal Code, Title 17, Chapter 16, **Table 17.16.070.1 Permitted Land Use** to allow several uses in the Downtown Zones that are currently not permitted, to add a new use to the table, and to change how Bed and Breakfast establishments are permitted. (Note that columns in the table that are not proposed to be changed are not shown below.)

		CR	CG	CCMU	DCMU	DRMU
Professional, Scientific and Technical Services						
27	Medical & Diagnostic Laboratories		S	<u>S</u>	<u>S</u>	<u>S</u>
28	Home Health Care Services		S	<u>S</u>	<u>S</u>	<u>S</u>
29	Architectural, Engineering, & Related Services	S	S	<u>S</u>	<u>S</u>	<u>S</u>
32	Scientific Research & Development Services	C/S	S	<u>S</u>	<u>S</u>	<u>S</u>
Arts, Entertainment and Recreation						
<u>46a</u>	<u>Fitness and Recreation Sports Centers</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
52	Bed & Breakfast	S	S	S	S	S

Part 3. Amend **Section 17.16.080.2.c.3)** to specify the minimum floor area ratio in the DCMU zone and reduce the minimum floor area ratio in the DRMU zone.

- 3) The minimum floor area ratio for the construction of a new building in the CCMU Zone shall be 0.5:1; ~~and in the DRMU-DCMU Zone shall be 0.35:1~~ and in the DRMU Zone shall be 0.20:1. There is no maximum floor area ratio in these zones.

Part 4. Amend **Section 17.16.080.2.F.2)** to clarify the minimum height requirement and better reflect the policy of the Downtown Transportation and Revitalization Plan.

- 2) Minimum. In the CCMU, DCMU, or DRMU zones the minimum building height shall be 2 stories or 20 feet. The minimum building height standard applies to new commercial, residential, and mixed-use buildings. It does not apply to community service buildings, accessory structures, one-time additions or expansions of non-conforming buildings of no more than 25% and less than 1,000 square feet, or to buildings with less than 1,000 square feet of floor area.

Part 5. Amend **Section 17.20.030.3** to clarify that the provisions of that section only apply to reduce the setback requirements of Chapter 17.16.

2. SETBACKS. The setback provision cited below modify the building setbacks ~~cited in zoning districts~~ for Residential Zones cited in Chapter 17.16, but are applicable only to the specific items listed below.

Part 6. Amend **Section 17.20.220.2.i** to change the standard for siding for attached residential buildings.

- i. Exterior finish materials. The purpose of this standard is to require high quality materials that are complementary to the traditional materials used in downtown Stayton.

- 1) Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10 percent of the surface area of each facade. ~~Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when the visible portion of the board product is less than 6 inches wide.~~
- 2) Where wood products are used for siding, the siding must be shingles, or horizontal siding, not shakes or board and batten.
- 3) Where horizontal siding is used, it must be shiplap or clapboard siding composed of boards, composite boards manufactured from wood or other products, such as hardboard or hardiplank with an exposure of 3 to 6 inches, or vinyl or aluminum siding which is in a clapboard or shiplap pattern where ~~the boards in the pattern are 6 inches or less in width.~~ when the visible portion of the product is at least 4 ½ inches and no more than 10 inches wide.

Part 7. Amend **Section 17.20.220.3.g.2)** to change the standard for siding for non-residential and mixed use buildings.

- 2) Smooth concrete block, plain concrete, corrugated metal, full-sheet plywood, synthetic stucco, and sheet pressboard are not allowed as exterior finish material, except as secondary finishes if they cover no more than 10% of the surface area of any facade. Composite boards manufactured from wood or other products, such as hardboard or hardiplank, may be used when visible portion of the board product is at least 4 ½ inches and no more less than 6-10 inches wide. Foundation material may be plain concrete or plain concrete block when the foundation material does not extend for more than 3 feet above the finished grade level adjacent to the foundation wall.