

COPY

ORDINANCE NO. 886

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 12
"STREETS, SIDEWALKS, AND PUBLIC PLACES" CHAPTER 12.04,
"CONSTRUCTION AND MAINTENANCE OF STREETS, SIDEWALKS, AND CURBS"**

WHEREAS, the Stayton Municipal Code (SMC) Title 12 provides for uniform improved streets, sidewalks, and curbs within the city; and SMC Chapter 12.04 addresses construction and maintenance of streets, sidewalks, and curbs;

WHEREAS, on January 17, 2006 staff presented proposed SMC Chapter 12.04 modifications to require Street, Sidewalk and Public Places improvements for permits requiring building permits and those not requiring building permits; and

WHEREAS, on January 17, 2006 staff presented proposed SMC Chapter 12.04 modifications to incorporate the City's subdivision, Chapter 17.26 Transportation Requirements, and

WHEREAS, on January 17, 2006, the City Council agreed with staff recommendations to modify SMC Chapter 12.04 as set forth herein.

NOW, THEREFORE, the Stayton City Council does ordain as follows:

SECTION 1. Sections of Stayton Municipal Code Title 12 "STREETS, SIDEWALKS, AND PUBLIC PLACES" Chapter 12.04 "CONSTRUCTION AND MAINTENANCE OF STREETS, SIDEWALKS, AND CURBS" is hereby amended and restated to read:

12.04.020 COMPLIANCE REQUIRED GENERALLY

1. Except as provided in Sections 12.04.030 through 12.04.210 of this chapter, no person shall construct any improvement (improvements requiring building permits and those not requiring building permits such as parking lots) within the city, and no parcel of land shall be partitioned within the City, unless the streets, sidewalks, curb, and dedication of additional right-of-way to the City bordering such lot or area to be built upon comply with the requirements of this chapter, and the City's subdivision title, chapter 17.26 Transportation Requirements.
2. No street, sidewalk, or curb shall be constructed, relaid, or repaired unless such work complies in all manner with the provisions of this chapter. (Ord. 646, section 1[part], 1988: prior code section 4.315)
3. In the case of the issuance of a permit to be issued solely and exclusively pursuant to Title 12, where no land use permit under Title 17 is required, but where city staff determines that Title 12 requires a dedication of land for any purpose, city staff shall determine there is a rough proportionality between the required dedication and the impact from the proposed site specific development for which the permit is being applied for before placing any dedication requirement as a condition of approval. City staff shall have the right to modify and/or waive any dedication requirements of this Title so that dedication requirements are roughly proportional to the site specific impacts of the proposed development. Any modification or waiver granted pursuant to this section is subject to review by the City Council pursuant to Section 12.04.060 hereof.

12.04.030 EXEMPTIONS

1. A person shall be exempt from all street, sidewalk, and curb improvements of this chapter for the purpose of obtaining a building permit to perform any of the following activities:
 - a. Demolition of an existing structure;
 - b. Construct a free standing garage;
 - c. Construct an accessory building which will not be used for human occupancy;
 - d. Maintain, remodel, or repair an existing structure; or
 - e. Construct an addition not to exceed 200 sq. ft. in size.
2. In any case, where an improvement is made in accordance with the City's subdivision title, chapter 17.24, the requirements of this chapter are deemed to be satisfied, but compliance with this chapter shall not be deemed to satisfy the requirements of the subdivision code where they might apply. (Ord. 646, section 1[part], 1988: prior code section 4.316)

ADOPTED BY THE STAYTON CITY COUNCIL this 6th day of February, 2006.

CITY OF STAYTON

Signed: FEBRUARY 8, 2006

BY:



Gerry Aboud, Mayor

Signed: Feb. 8, 2006

ATTEST:



Chris Childs, City Administrator

APPROVED AS TO FORM:


David A. Rhoten, City Attorney