

ORDINANCE NO. 1033

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE TITLE 17, AMENDING STANDARDS FOR FENCES IN THE COMMERCIAL AND 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 Title 17 of the Stayton Municipal Code (SMC) as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 20 of the Land Use and Development Code, includes Development and Improvements Standards for development within the City, including standards regulating fences;

WHEREAS, Section 17.20.050.2 currently prohibits fences within the front yard of properties in the Commercial and Downtown Zones;

WHEREAS, there are situations where fences may be appropriate in these zones;

WHEREAS, the Planning Commission has initiated the amendment of the Code;

WHEREAS, notice of the proposed amendment was sent to the Department of Land Conservation and Development more than 35 days in advance of the Planning Commission's public hearing;

WHEREAS, following a public hearing, the Planning Commission has recommended that the City Council enact the amendments; and

WHEREAS, the Stayton City Council, following a public hearing, does find that the amendments proposed by the Planning Commission are appropriate and are consistent with the Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Standards for Fences in Commercial and Downtown Zones Amended. Stayton Municipal Code, Title 17, Chapter 12, Section 17.12.050.2 is hereby amended as follows:

2. COMMERCIAL AND DOWNTOWN ZONES.

- a. ~~No fences shall be allowed in the front yard.~~ Fences in the front yard must be placed on private property and not extend into or over the street right of way. Fences in the front yard shall
 - 1) be no more than 42 inches tall;
 - 2) be made of wrought iron, tubular steel or aluminum, or wood;
 - 3) have vertical members no more than 1½ inches in diameter or width;
 - 4) have vertical members no less than 4 inches apart; and
 - 5) be painted black, white, silver, brown or dark green.
- b. Fencing of outdoor service areas shall meet the standards of Section 17.20.200.3.b.4.
- c. Open fences up to 10 feet in height and solid fences up to 7 feet in height shall be allowed for screening of open storage areas.

- d. Except as provided in Section 17.20.090.13, fences located in rear and side yards shall be no more than 7 feet in height.


Section 2. Effective Date. This Ordinance shall not become effective until the 30th day after adoption by the Stayton City Council and execution by the Mayor, or a representative of the Mayor. In the event of a timely appeal to LUBA, this Ordinance shall not become effective until the LUBA appeal is finally resolved, including any appeals from the decision of LUBA.

Section 3. A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development, as required by OAR 660-018-0040.

ADOPTED BY THE STAYTON CITY COUNCIL this 3rd day of June, 2019.

CITY OF STAYTON

Signed: 6/3, 2019

BY: 
Henry A. Porter, Mayor

Signed: 6/3, 2019

ATTEST: 
Keith D. Campbell,
City Administrator