

ORDINANCE NO 622

AN ORDINANCE AMENDING THE ZONING CODE FOR THE PURPOSE OF LCDC GOAL COMPLIANCE AS A RESULT OF PERIODIC REVIEW

WHEREAS, the City of Stayton is currently in the process of Periodic Review of the City's Comprehensive Plan as required by Oregon's Department of Land Conservation and Development and the following amendments are related to LCDC Goal compliance

NOW THEREFORE

THE CITY OF STAYTON ORDAINS AS FOLLOWS:

Section 1. Ordinance 311, 353, 420, 497 and 498 are hereby repealed.

Section 2. The Stayton City Code is hereby amended as follows:

8.1040 DEFINITIONS

Accessory Building. Means a subordinate building detached from, or attached to, a portion of the main building, the use of which is incidental to that of the main building or to the use of the premises, but does not include dwellings or living quarters.

Apartment. A room, or suite of rooms within a house, which has facilities for the preparation of meals and is designed for and used or intended to be used by one family.

Condominium. Property submitted to the provisions of ORS 94.004 to 94.480 and 94.991.

Day Care Center. Means any facility which provides nonmedical care to persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a twenty-four-hour basis.

Flag Lot. A lot or parcel of land taking access by a

strip owner of which lot or parcel of land has fee-simple title to said strip extending from the main portion of the lot or parcel of land to the adjoining parkway, highway or street.

Mobile Home Subdivision. A privately owned place where mobile homes are parked on adjacent lots, tracts or parcels of land under different ownerships and used for human occupancy.

Townhouses. Attached or semi-attached buildings, each containing a single dwelling unit and each located or capable of being located on a separate lot.

8.2025 GENERAL ADMINISTRATIVE \* APPLICATION PROCEDURE. Any application for a Zone Change, variance, conditional use, Subdivision, P.U.D. , Major or Minor Partition, Comprehensive Plan Amendment, or Annexation shall be filed in the following manner:

- (1) The application shall be in writing on forms provided by the City Planner.
- (2) The application shall be filed with the City Planner at least 30 days prior to a public hearing.
- (3) The application shall be accompanied by a notarized statement evidencing the authority of anyone representing land owner applicants not present at a public hearing.
- (4) Filing fees and other required information shall accompany the application.

8.2030 GENERAL ADMINISTRATIVE \* STAFF ACTIONS

- (1) Upon receiving the application, staff will review the application within ten (10) working days after its initial submission by the applicant. If the information contained in the application is not sufficient for complete staff review or if there are technical problems associated with the proposed action, staff will return the application to the applicant or attempt to resolve problems in a

meeting with the applicant. If applicable, a written agreement between the applicant and the city regarding how the technical problems will be resolved, will be prepared.

- (2) After the initial review is completed and all problems are sufficiently addressed the application will be deemed complete and the staff shall schedule a public hearing before the Planning Commission and give notice of such hearing as provided in Section 8.2040.
- (3) Planning staff will prepare a written report on the proposed action within fifteen (15) working days after the final, complete application is received.
- (4) After Planning Commission public hearing, the planning staff will prepare written findings based on the material contained in the application, the material contained in the application, the items set forth in Section 8.2031 and 8.2032 herein, any agreements between the applicant and the City and all pertinent discussions.
- (5) The Planning Commission and City Council shall take final action on an application including resolution of all appeals under section 8.2055 within 120 days after the application is submitted and deemed complete.
- (6) If the City does not take final action on an application within 120 days after the application is deemed complete, the applicant may proceed in Circuit Court under ORS 227.180 (7).

8.3020 REPEALED

8.3025 REPEALED

8.3030 ZONE CHANGES - POWER TO GRANT. The Planning Commission shall recommend whether or not the public health, safety, welfare, convenience, and environmental amenities will be best served by the proposed zone change.

8.3031 ZONE CHANGES \* CONDITIONS AND LIMITATIONS

- (1) The Planning Commission may recommend conditions or limitations for the proposed zone as it may deem appropriate to be in the public interest.
- (2) The Planning Commission may impose conditions only after it has determined that such restrictions are appropriate.
- (3) A violation of any such conditions or limitation shall constitute a violation of this Zoning Code.

8.3210 VARIANCES \* CONDITIONS FOR GRANTING A VARIANCE. The Planning Commission may recommend to the City Council a variance upon a showing that:

- (1) Because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, a strict application of the Zoning Code would deprive the subject property of rights and privileges enjoyed by other properties in the vicinity under identical zone classification; and
- (2) The granting of the variance would not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the subject property is situated.
- (3) Granting the application will be in general harmony with the intent and purpose of this Zoning Code and will not adversely affect the officially adopted Comprehensive Plan.

8.5010 ALLOWED USES

- (1) Single-family dwelling unit.
- (2) Duplex.
- (3) Triplex.

- (4) Townhouse.
- (5) Mobile Home Parks and Subdivisions.
- (6) Home Occupations.
- (7) Residential homes.
- (8) Accessory structures.
- (9) Public utility services.

8.5015 CONDITIONAL USES.

- (1) All allowed used in the HD Zone may be considered as conditional uses.
- (2) Planned Unit Developments.
- (3) Day care center.

8.6010 ALLOWED USES.

- (1) All uses allowed in the LD and MD Zones.
- (2) Fourplexes.
- (3) Apartments.
- (4) Townhouses.
- (5) Accessory structures.
- (6) Home occupations.
- (7) Public utility services.

8.6015 CONDITIONAL USES.

- (1) Nursing Home.
- (2) Retirement Home.

- (3) Residential Home.
- (4) Day Care Center.
- (5) Planned Unit Development.

8.7010 ALLOWED USES.

- (1) Retail sales outlet (hobby shop, appliance store, office supplies, department store, grocery store, tavern or bar, etc.)
- (2) Service businesses (beauty salon, gas station, shoe repair, clinic).
- (3) Offices.
- (4) Commercial/Residential uses. The main or ground floor shall be devoted exclusively to commercial activities; residential units may be located above the ground floor.
- (5) Public Utility Services.

8.7015 CONDITIONAL USES.

- (1) See Section 8.3405 through 8.3430
- (2) Planned Unit Developments.

8.7115 CONDITIONAL USES

- (1) See Section 8.3405 through 8.3430.
- (2) Planned Unit Development.

8.7505 ID ZONE \* PURPOSE. To provide for the location of needed highway service commercial facilities at the intersections of controlled access highways and arterial roads. All land Zoned ID shall have frontage (but not necessarily access) on Highway 22 or an arterial. In providing for the location of highway-oriented service

firms, it is essential that the principal function of the intersection (the carrying of traffic to and from the highway in a safe and expeditious manner) be preserved.

8.7510 ALLOWED USES.

- (1) Service station (gas, oil, lubricating, minor repair).
- (2) Towing Service.
- (3) Traveler accommodations.
- (4) Eating place, restaurant, cafe, coffee shop, dining room and tea room.
- (5) Drive-in eating and shack facilities.
- (6) Vending machines, automatic merchandising.
- (7) Public Utility Services.

8.7515 CONDITIONAL USES

- (1) Commercial uses not listed in 8.7510 that the Planning Commission finds meet the purpose of the ID Zone.
- (2) Any conditional use set forth in a P zone.
- (3) Planned Unit Developments.

8.7520 HEIGHT. 45' or 3 stories for buildings and structures.

8.7525 SET BACKS. Minimum set-back from property line shall be:

- (1) Front: 20"
- (2) Side: 5' plus 1" for each additional story.
- (3) Rear: 20'

8.7530 LOT AREA AND WIDTH. No minimum.

8.7535 FRONTAGE. No minimum.

8.7540 PARKING. See section 8.10300

8.7555 VEHICLE ACCESS. See section 8.8060

8.7560 OPEN STORAGE AREAS. See section 8.9300.

8.8015 CONDITIONAL USES.

(1) See Section 8.3405 through 8.3430.

(2) Planned Unit Developments.

8.8055 INDUSTRIAL PERFORMANCE STANDARDS

The Industrial Performance Standards of the Department of Environmental Quality are hereby adopted.

8.8110 ALLOWED USES.

(1) Dwelling for a caretaker or watchman.

(2) Manufacturing of metal products.

(3) Metal stampings.

(4) Manufacturing of prefabricated wood and metal products.

(5) Prefabrication of modular housing components and products.

(6) Machinery manufacturing and processing.

(7) Industrial machinery service.

(8) Paper and allied products manufacture.

(9) Petroleum, petroleum by-products manufacturing and storage.



- (10) Transportation equipment manufacturing.
- (11) Real and personal property auction yard.
- (12) Machinery service and repair.
- (13) Wood fuel dealer.
- (14) Construction and mining equipment.
- (15) Electrical equipment and components.
- (16) Warehouse.
- (17) Wholesale distributing firm.
- (18) Business form manufacturing.
- (19) Cannery, canning, freezing, drying, food processing and preserving.
- (20) Heliport.
- (21) Public Utility Services.
- (22) Any use permitted in an IC Zone.

8.8115 CONDITIONAL USES.

- (1) Dwelling for a caretaker or watchman.
- (2) Mineral manufacturing and processing.
- (3) Cement, glass, clay and stone products manufacturing.
- (4) Pulp mill.
- (5) Primary metal manufacturing.
- (6) Livestock auction yard.
- (7) Sawmill.

(8) Planned Unit Development.

8.8210 ALLOWED USES.

- (1) Cannery spray irrigation, by DEQ permit.
- (2) Recreation facilities.
- (3) Agricultural activities.
- (4) Public Utility Services.

8.8215 CONDITIONAL USES.

- (1) See Section 8.3405 through 8.3430.
- (2) Single family dwelling.
- (3) Planned Unit Development.

8.10330 OFFSTREET PARKING AND LOADING - JOINT USE

- (2) One parking area may be used jointly between users only if the number of given spaces exceeds the greater requirement and the demand is clearly and distinctively independent of each others use, and both parties agree in writing and the agreement is filed against both properties with a copy going to the city.

8.10346 FRACTIONAL NUMBER OF SPACES. When the required spaces are calculated by 8.10340 becomes greater than one-third of a space, the number shall be rounded up.

8.10350 OFFSTREET LOADING REQUIREMENTS. Offstreet loading space shall be provided as listed below.

- (1) All Commercial buildings containing 20,000 square feet or less shall require a minimum loading space size of 12 feet wide, 20 feet long, and 14 feet high exclusive of streets, alleys, driveway or sidewalk.
- (2) All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30

feet long, and 14 feet high exclusive of streets, alleys, driveways or sidewalks in the following amounts:

- (a) For buildings containing up to 20,000 square feet of gross floor area: one space (1)
- (b) For each additional 40,000 square feet of gross floor area, or any portion thereof: one space (1).

8.10360 OFFSTREET PARKING AND LOADING DEVELOPMENT REQUIREMENTS.

All parking and loading areas shall be developed and maintained as follows:

- (1) Location: Parking and loading areas may be located within side and rear yard setbacks if developed as required by this code. Areas and spaces within setbacks adjacent to streets shall not satisfy the requirements of 8.10340 or 8.10350, and in no case may parking or loading areas be allowed within 10 feet of a curb or curblane, or within 5 feet of a sidewalk or sidewalk alignment. This area may be paved or planted but shall never exceed a height of two feet above the street grade.
- (2) Surfacing: All driveways, parking and loading areas shall be paved with asphalt or concrete surfacing and shall be adequately designed, graded and drained as required by the Public Works Superintendent. In no case shall drainage be allowed to flow across a public sidewalk.
- (3) Design of parking spaces and driveways: The following standards shall apply to all parking areas and driveways:
  - (a) The minimum dimension of a parking space shall be nine feet wide by twenty feet long exclusive of driveways. Up to 50 percent of the required parking spaces may be nine feet by eighteen feet provided they are clearly marked as compact car spaces.

- (b) Driveways providing travel in both direction shall have a minimum clear width of 20 feet, exclusive of parking spaces. Driveways providing travel in one direction shall have a minimum clear width, exclusive of parking spaces, as shown below:

ANGLE	MINIMUM ONE-WAY DRIVEWAY WIDTH
Parallel	12 ft.
30 Degree	12 ft.
45 Degree	13 ft.
60 Degree	18 ft.
80 Degree	24 ft.
Perpendicular	24 ft.

- (c) Entrances and exits shall be clearly marked with pavement markings and/or signs. Entrances and exits should favor right hand turns into, and out of, the lot where possible and should be located at least 50 feet from intersections where possible.

- (d) Backing into or across a street, sidewalk or right-of-way from any required area shall be prohibited. The perimeter shall prevent access to or from the parking lot except at designated entrances and exits.

4. Screening: When any parking or loading area is within or adjacent to any Residential Zone such parking or loading area shall be screened from all residential properties with an ornamental fence, wall or hedge at least four feet high but not more than seven feet high, except along an alley, pursuant to 8.10260.

Lighting: Any light used to illuminate a parking or loading area shall be so arranged as to be directed entirely onto the loading or parking area, shall be deflected away from any moving vehicles on public right-of-way.

Nonconforming Buildings and Uses - Nonconforming use of a Building. The lawful use of a building or land existing on June 5, 1972 may be continued although such does not conform to the regulations specified for the zone in which the land or building is located.

8.10380 Off STREET PARKING AND LOADING - PERMITS REQUIRED


Prior to construction of any off street parking or loading area, plans and specifications shall be submitted to the City Engineer for approval. Upon satisfaction, the City Engineer shall approve the plans and issue a permit to construct.

8.10600 Special Street Setbacks:

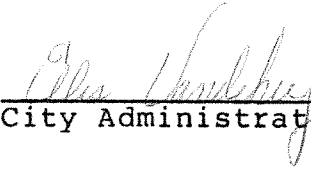
- (7) Golf Club Road from Highway 22 to Shaff Rd.
- (8) Wilco Rd.

PASSED BY THE COMMON COUNCIL THIS 21<sup>st</sup> DAY OF April, 1986

Signed by the Mayor this 28 day of April, 1986

  
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Mayor

ATTEST:

  
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City Administrator