

ORDINANCE NO. 922

AN ORDINANCE AMENDING THE REGULATION OF NONCONFORMING LOTS IN  
STAYTON MUNICIPAL CODE, TITLE 17

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, Title 17 of Stayton Municipal Code (SMC), Chapter 16, Section 17.16.050.5.a. establishes the regulations for legally existing parcels that do not meet the minimum lot area or lot width requirements of the Code;

WHEREAS, SMC Section 17.16.050.5.a. currently permits nonconforming lots that are not contiguous with another lot in the same ownership to be built upon. However, a nonconforming lot that is contiguous with another lot in the same ownership must be combined to the extent necessary to meet the minimum lot area or lot width requirements of the Code;

WHEREAS, the current requirements provide a disincentive to infill development within the City and establish inequities among owners of nonconforming lots;

WHEREAS, following a public hearing, the Stayton Planning Commission has recommended that the Stayton City Council enact a proposed amendment to repeal the provision that contiguous nonconforming lots be combined; and,

WHEREAS, following a public hearing, the Stayton City Council deems that the proposed amendments comply with the City of Stayton Comprehensive Plan.

NOW, THEREFORE, the City of Stayton ordains:

**Section 1. Section 17.16.050.5.a amended.** Stayton Municipal Code, Title 17, Section 17.16.050.5.a. is hereby amended by deleting the first sentence of paragraph 1) and by deleting the second paragraph, to read,

a. Vacant Non-conforming Lots.

- 1) ~~A vacant non-conforming lot of record may be built upon provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership at the time of or since adoption or amendment of this code. Proposed structures on any nonconforming lot larger than 7,000 square feet in area or with a lot width of 70 feet or more shall meet all the setback and development standards. The side and rear setback requirements of Section 17.16.070.3 may be reduced by 50% for lots that are 7,000 square feet or less in area or with a lot width of 70 feet or less. In addition, a legally existing nonconforming corner lot may have a front setback of only 75% of that required by Section 17.16.070.3 on the front which does not have vehicular access directly to a street.~~
- 2) ~~If two or more contiguous lots of record are in same or common ownership at the time of or since adoption or amendment of this code, and if all or some of the lots do not meet the dimensional requirements of this code, the lots shall be combined to the extent necessary to meet the dimensional standards of the district in which it is located.~~

**Section 2. Effective Date.** This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

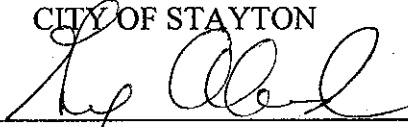
**Section 3. Notification to State.** A copy of this Ordinance shall be furnished to the State of Oregon, Department of Land Conservation and Development forthwith.

ADOPTED BY THE STAYTON CITY COUNCIL this 17th day of May, 2010.

CITY OF STAYTON

Signed: MAY 18, 2010

BY:

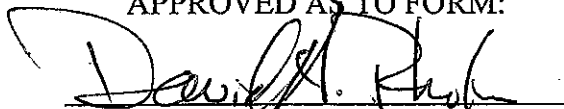
  
Gerry Aboud, Mayor

Signed: 5/18, 2010

ATTEST:

  
Don Eubank, City Administrator

APPROVED AS TO FORM:

  
David A. Rhoten, City Attorney