

ORDINANCE NO. 1010

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE (SMC) TITLE 17, TO ALLOW ACCESSORY DWELLING UNITS IN THE LOW DENSITY RESIDENTIAL AND MEDIUM DENSITY RESIDENTIAL 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 as the Land Use and Development Code;

WHEREAS, SMC Title 17, Chapter 16, establishes the various zones within the City;

WHEREAS, Section 17.16.070 of the Land Use and Development Code allows only one single family dwelling on a lot within the Low Density Residential (LD) and Medium Density Residential (MD) zones;

WHEREAS, the creation of accessory dwelling units can provide opportunities for affordable housing;

WHEREAS, the Housing policies of the Stayton Comprehensive Plan support providing a choice of housing types and meeting the needs of all income groups;

WHEREAS, the Oregon Legislative Assembly has enacted Senate Bill 1051, which amends ORS 197.312 to require a city with a population greater than 2,500 to allow at least one accessory dwelling unit for each detached dwelling in areas zoned for detached single-family dwellings;

WHEREAS, Senate Bill 1051, declared an emergency and became effective upon its passage and signing by the Governor;

WHEREAS, the Stayton Planning Commission has initiated the process for amending the Land Use and Development Code and following a public hearing has recommended that the Stayton City Council enact the proposed amendments; and

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

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Definition Amended. The definition of "Accessory Building" in Stayton Municipal Code, Title 17, Chapter 17.04, Section 17.04.100 is hereby amended as follows:

ACCESSORY BUILDING: A building that is incidental and subordinate to the main building ~~and does not include dwelling units.~~

Section 2. Standards for Accessory Dwelling Units Enacted. Stayton Municipal Code, Title 17, Chapter 17.20, Section 17.20.240 is hereby enacted as follows:

17.20.240 ACCESSORY DWELLING UNITS

1. **PURPOSE.** The purpose of these standards is to provide for opportunity for the construction or placement of a small dwelling unit that is accessory to and subordinate to the principal dwelling unit on a single family lot without requiring additional lot area for the lot.

2. LOCATION PERMITTED. One accessory dwelling unit may be located on a lot with a single family detached dwelling in the Low Density Residential or Medium Density Residential Zones.
3. TYPES OF ACCESSORY DWELLING UNITS PERMITTED. An accessory dwelling may be created by any of the following means:
 - a. Division of an existing single family detached dwelling to include an accessory dwelling unit.
 - b. Addition to an existing single family detached dwelling to create an accessory dwelling unit.
 - c. Creation of an accessory dwelling unit in an existing accessory building.
 - d. Construction or placement of an accessory building on the parcel detached from the principal dwelling unit.
4. SETBACKS. If attached to the principal dwelling unit, the accessory dwelling unit shall meet the minimum setback requirements of Section 17.16.070.3.a. Detached accessory dwelling units shall meet the setback and height restrictions of Section 17.20.040.
5. GROSS FLOOR AREA. The minimum gross floor area permitted for an accessory dwelling unit shall be 250 square feet. The maximum gross floor area permitted for an accessory dwelling unit shall be 800 square feet. Creation of an accessory dwelling unit shall not reduce the gross floor area of the principal dwelling unit below 1,000 square feet.
6. OWNER OCCUPANCY REQUIRED. Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the parcel.
7. OFF-STREET PARKING. In addition to the off-street parking required for the principal dwelling unit by Section 17.20.060.7.a, one off-street parking space shall be required for the accessory dwelling unit.
8. CODE COMPLIANCE. The accessory dwelling unit shall meet all applicable structural, electrical, plumbing, fire, and life safety codes.

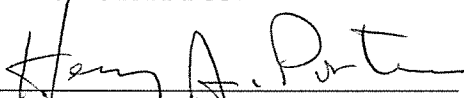
Section 3. Effective Date. This ordinance shall become effective 30 days after adoption by the Stayton City Council and the Mayor's signing.

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 18th day of September, 2017.

CITY OF STAYTON

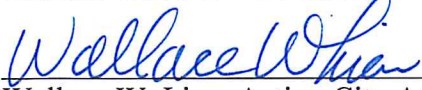
Signed: 9/20/, 2017

BY: 
Henry A. Porter, Mayor

Signed: 9-19, 2017

ATTEST: 
Keith D. Campbell,
City Administrator

APPROVED AS TO FORM:



Wallace W. Lien, Acting City Attorney