

ORDINANCE NO. 1059

**AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE
TITLE 17, ESTABLISHING STANDARDS FOR DWELLINGS AS
PART OF A LIVE-WORK UNIT**

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 4, Section 17.04.100 defines the term live-work unit;

WHEREAS, SMC Title 17, Chapter 16, Section 17.16.070 of the Land Use and Development Code, includes dwellings as part of a live-work unit as a permitted use in the Commercial Retail, Commercial General, Commerce Park, Central Core Mixed Use, Downtown Commercial Mixed Use, Downtown Residential Mixed Use, Industrial Commercial, and Light Industrial zones, where single family detached dwellings are not permitted;

WHEREAS, there are no standards in the Land Use and Development Code for live-work units;

WHEREAS, SMC Title 17, Chapter 20, Section 17.20.100 includes standards for conducting business in a dwelling unit in the residential zones;

WHEREAS, there has been confusion as to what qualifies as a dwelling in a live-work unit compared to a home occupation in a single family dwelling;

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 housing goals and policies of Chapter 6 of the Stayton Comprehensive Plan and with Statewide Planning Goal 10.

NOW, THEREFORE, the City of Stayton ordains:

Section 1. Stayton Municipal Code, Title 17, Chapter 20, Section 17.20.260 is hereby enacted as shown on Exhibit A attached hereto and incorporated herein.

Section 2. 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 19th day of September, 2022.

CITY OF STAYTON

Signed: 9/20, 2022

BY:

Henry A. Porter
Henry A. Porter, Mayor

Signed: 9/20, 2022

ATTEST:

Julia Hajduk
Julia Hajduk, City Manager

EXHIBIT A

17.20.260 LIVE-WORK UNITS

The following provisions shall apply to any newly created live-work unit.

1. **PURPOSE.** Whereas live-work units are permitted in zones where single family dwellings are not permitted uses, the purpose of these regulations is to distinguish between a single family dwelling with a permissible home occupation and a dwelling in a live-work unit in a building with only one dwelling unit.
2. **LOCATION OF BUSINESS USE.** The business use of live-work units shall be located on the ground floor and be accessible directly from the outside without proceeding through the residential portion of the unit.
3. **MIX OF COMMERCIAL/RESIDENTIAL SPACE.** No more than 50% of the unit floor area may be dedicated to the residential use.
4. **OFF-STREET PARKING.** The minimum off-street parking shall be the minimum required for either the commercial use or the dwelling, in accordance Section 17.20.060, but not both.
5. **COMPLIANCE WITH OTHER CODES.** The unit shall be approved by the Building Official as compliant with applicable structural codes and life/safety codes.