



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/03/2014
Jurisdiction: City of Dayton
Local file no.: LA-2014-001
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/31/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us

DLCD FORM 2



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION



Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of DaytonLocal file no.: LA-2014001Date of adoption: 10-6-14 Date sent: 10-23-14

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 6-10-14

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Joseph ShearerPhone: 503-588-6094E-mail: jshearer@mwrkog.orgStreet address: 100 High St SE, Suite 200 City: Salem OR Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this
change.			
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres: Non-resource – Acres:
Forest – Acres: Marginal Lands – Acres:
Rural Residential – Acres: Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres: Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number: Section 7.1.111
7.1.200, definitions; 7.2.103 Limited density residential; 7.2.104, Medium density residential; 7.2.106 commercial; 7.2.107, Industrial; 7.2.303, for off-street parking & loading; 7.2.406 Home occupations & 7.2.407 Bed + Breakfast Establishments

For a change to a zoning map:

Identify the former and new base zone designations and the area affected: Breakfast Establishments

Change from to Acres:
Change from to Acres:
Change from to Acres:
Change from to Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: Acres added: Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

DLCD, OHA

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE 619
CITY OF DAYTON, OREGON

An Ordinance Amending Chapter 7 – The City of Dayton Land Use and Development Code, to Make Changes to Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking.

WHEREAS, the City Council desires to adopt the amendments to Chapter 7 included in Exhibits 1 and 2; and

WHEREAS, the Planning Commission has considered the amendments to Chapter 7 – The City of Dayton Land Use and Development Code (DLUDC) pursuant to DLUDC Section 7.3.112 to make changes to the Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking; and

WHEREAS, a public hearing was held before the Planning Commission on July 10, 2014; and

WHEREAS, the Planning Commission recommended that said amendments be adopted; and

WHEREAS, the City has timely forwarded a copy of the proposed amendments to the Department of Land Conservation and Development of the State of Oregon and provided proper notice pursuant to DLUDC Section 7.3.204; and

WHEREAS, the City Council of the City of Dayton conducted a public hearing to consider changes to the to the Definitions, Special Permitted Uses and Conditional Uses, Supplemental Standards for Special Uses, and Off-street Parking on July 21, 2014; and

WHEREAS, on July 21, 2014, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 619 and the findings in the Staff Reports dated July 15, 2014 included in Exhibits 1 and 2 and incorporated by reference herein; and

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC attached as Exhibits 1 and 2, and incorporated by reference herein; and

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 2nd day of September, 2014.

**ORDINANCE 619
CITY OF DAYTON, OREGON**

Date of first reading: August 2nd 2014

Date of second reading: September 2nd 2014

No Council member present at the meeting requested that the ordinance be read in full.


A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

In Favor: Bixler, Frank, Marquez, Price, Utt, Wytoski

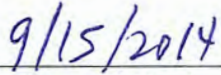
Opposed: None

Absent: Collins

Abstained: None

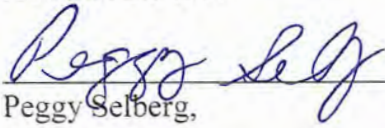


Elizabeth Wytoski
Mayor

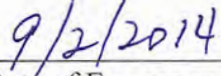


Date of Signing

ATTESTED BY:



Peggy Selberg,
City Recorder



Date of Enactment

CITY OF DAYTON
416 Ferry Street – P O Box 339
Dayton, OR 97114-0039
503-864-2221 FAX: 503-864-2956

STAFF REPORT
July 15, 2014
(for City Council Hearing: July 21, 2014)

File: Code Amendments 2014-01

Applicant: City of Dayton

Request: A text amendment to the City of Dayton Land Use and Development Code, 7.1.200, Definitions; Section 7.2.103, Limited Density Residential; 7.2.104, Medium Density Residential; 7.2.106, Commercial; 7.2.107, Industrial; 7.2.303, for Off-Street Parking and Loading; 7.2.406, Home Occupations; and 7.2.407, Bed and Breakfast Establishments.

Criteria: Dayton Land Use and Development Code, Section 7.3.112.03

Procedure: Type IV (Land Use and Development Code, Section 7.3.112)

Attachments: Attachment A: Draft Code amendments

I. PROCESS

According to the Dayton Land Use and Development Code (DLUDC), subsection 7.3.101.04, a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. The amendments were initiated by city staff. According to a Type IV process, a public hearing is conducted before the Planning Commission and the Commission makes a recommendation to the City Council. The Planning Commission held their public hearing on July 3, 2014.

City Council conducts a public hearing before making a final decision. Newspaper publications and postings provide notice for the hearings.

II. BACKGROUND

The updates/corrections to sections of the code are staff initiated changes to correct discrepancies within the code, adopt an amended sign code for home occupations and bed and breakfasts, restrict Medical Marijuana Dispensaries that might otherwise be considered permitted in all Commercial and Industrial zones though House Bill 3460; clarify text to allow bed and breakfasts as special permitted uses in all residential zones, and clarify off-street parking and loading provisions.

III. CRITERIA

C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

Finding: The City of Dayton Comprehensive Plan helps to ensure compliance with Statewide Planning Goals. In reviewing the City's Comprehensive Plan that localizes the State Goals for the City of Dayton, staff and the Planning Commission found the amendments are in compliance with the applicable Goals and Policies.

Goal 1 (Citizen Involvement) is used in the process upon considering the code amendments during the public hearing process. Notice was mailed to the Department of Land Conservation and Development 30 days prior to the first hearing date and notices were published in the paper on June 27, 2014 in compliance with 7.3.204. Staff and the Planning Commission found this goal is met. Goal 2 (Land Use Planning) establishes the planning process and framework for land use decisions. The code update is considered a legislative amendment and subject to the Section 7.3.112 of the DLUDC. Notice was published in the paper and posted outside of city hall per the procedures outlined in section 7.3.112. The staff report was available for review one week prior to the public hearings on the proposed amendments.

Goal 9 (Economic Development) includes Goal 2, "To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and meet the needs of the citizens". The Council directed the Planning Commission to work on providing code clarity on existing portions of the sign code. House Bill 3460 provides additional commercial uses in permitting MMD's in commercial and industrial zones. Responding to this statewide legislation, the City is not prohibiting MMD's but is rather further regulating their potential locations in regards to minors without limiting/removing all potential economic uses.

Staff and the Planning Commission found these criteria were met.

Staff and the Planning Commission founds Goals 3-8 and 10-19 do not apply and are not impacted by the proposed code updates. This criterion is met.

D. The amendment is appropriate as measured by at least one of the following criteria:

- 1. It corrects identified error(s) in the provision of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: Staff has identified some of the amendments as clarifications required to implement the code and existing requirements. The amendment for MMD's is in response to mandated changes to state laws. The City Council directed staff and the Planning Commission to work on portions of the sign code, including signage for home occupations and bed and breakfasts.

Staff and the Planning Commission founds condition D.1 -3 were met.

IV. CITY COUNCIL ACTION

7.1.200.03 DEFINITIONS

Attachment A

The following words and phrases, when used in this Code, shall have the meanings ascribed to them in this Section:

Historic Resource: A building, structure, object, site, or district which meets the significance and integrity criteria for designation as a landmark. See Chapter [7.2.112](#). Resource types are further described as:

Building: A construction made for purposes of shelter or habitation, e.g. house, barn, store, theater, garage, and etc.

Structure: A construction made for functions other than shelter or habitation, e.g. bridge, dam, highway, boat, and etc.

Object: A construction which is primarily artistic or commemorative in nature and not normally movable or part of a building or structure, e.g. statue, fountain, milepost, monument, sign, and etc.

Site: The location of a significant event, use, or occupation which may include associated standing, ruined, or underground features, e.g. battlefield, shipwreck, campsite, cemetery, natural feature, garden, food-gathering area, and etc.

Medical Marijuana Facility or Dispensary: a facility or dispensary registered by the Oregon Health Authority under ORS 475.300 to 475.346 that is authorized to receive from a registered marijuana grow site and to transfer to a registered identification holder and designated primary caregivers usable marijuana and immature plants.

Storage Container: A container or structure designed for the temporary storage of commercial, industrial, or residential household goods, that does not contain a foundation or wheels for movement. Examples include piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck.

a. Where both adjacent streets are of the same street designation (e.g. local street) the duplex may obtain access from each adjacent street or share a single access.

b. Where the adjacent streets are of a different street designation (e.g. local and collector) a shared access shall be required from the lower street designation.

E. The following uses, subject to the applicable standards in Section 7.2.4:

1. Manufactured homes on individual lots (Section 7.2.404)

2. Home occupations (Section 7.2.406).

3. Bed and breakfast establishments (Section 7.2.407).

7.2.103 LIMITED DENSITY RESIDENTIAL (R-2)

7.2.103.01 Purpose

The R-2 zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan.

7.2.103.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Code, are permitted in the R-2 zone:

A. One detached single family dwelling on a separate lot or parcel.

B. Buildings with two or more dwelling units.

C. Combination of permitted attached or detached dwellings on a lot.

D. Residential homes and facilities.

E. Child day care service, including family day care provider, for 12 or fewer children.

7.2.103.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the R-2 zone:

A. Partitions, subject to the provisions in Section 7.2.307.

B. Subdivision, subject to the provisions in Section 7.2.307.

C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.

D. The following uses, subject to the applicable standards in Section 7.2.4:

7.2.106 COMMERCIAL (C)

7.2.106.01 Purpose

The Commercial (C) Zone is the primary commercial zone within the City. The zone is specifically designed to provide area for commercial activities to serve the residents of the City and the surrounding area. The Commercial Zone is suitable for the Commercial Plan designation.

7.2.106.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Code, are permitted in the C zone:

- A. Pre-schools, nurseries and kindergartens.
- B. Non-profit member organizations, such as business associations, labor unions, political organizations or fraternal lodges.
- C. Public and semi-public buildings, structures and uses, such as parks, parking, municipal offices, libraries, police and fire stations and hospitals.
- D. Public utility structures and buildings, such as pump stations, reservoirs, electric substations, and necessary right-of-way for public utilities.
- E. Business offices including, but not limited to, insurance, real estate and title insurance; credit agencies, newspaper, periodical, publishing and printing offices, and, similar business offices.
- F. Professional offices and clinics including, but not limited to, medical, dental, engineering and legal services, but excluding veterinary clinics.
- G. Banks services, brokerages, loan companies, investment companies and other financial institutions.
- H. Hotels and motels.
- I. Retail sales outlet including, but not limited to, food stores, pharmacy, furniture store, hobby or photography store, florist and garden supply including greenhouse, liquor store, hardware store, appliance or stereo equipment store, pet shop, sporting goods, department store, jewelry, gift, and other types retail activities.
- J. Restaurants, drive-in, taverns, snack shops and other types of eating and drinking establishments, including entertainment facilities.
- K. Retail and service related stores such as TV and radio sales and service, bicycle shop, equipment rental or other similar activities where a service department is customarily a secondary activity to the retail use.
- L. Service related businesses such as barber shops, beauty shops, advertising agencies, printing or photocopying, or other activities which provide a service to retail customers.

- G. Warehouse for short term storage, including mini-warehouse.
- H. Lumber yard and contracting supplies for lumber, stone, masonry or metal.
- I. Special trade contracting facilities such as; floor laying, building equipment, masonry and stone, plumbing, electrical, metal work or painting.
- J. Cabinet shop where activities are conducted wholly within a building.
- K. Welding and blacksmith shop.
- L. Mortuary
- M. Small-scale manufacturing businesses conforming to requirements in Section 7.2.411.
- N. Park and Ride Lot: Parking spaces cannot count as required parking or be used for vehicle storage.
- O. Wireless Communication Facility, subject to the provisions in Section 7.2.412.

P. Medical marijuana facilities or dispensary as defined in Chapter 7.1.200, restricted under ORS 475.314 and located more than 1000 feet from properties where minors congregate, including but not limited to public or private daycares, elementary, or secondary schools attended primarily by minors, public library, public park, recreation center or facility, playgrounds and athletic fields, and public transit centers. The distance shall be measured in a straight line from the closest edge of each property. (Amended by Ordinance # 619, September 2, 2014 – Effective October 2, 2014)

7.2.107 INDUSTRIAL (I)

7.2.107.01 Purpose

The purpose of the I Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas.

7.2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Code, are permitted in the I zone:

- A. Dwelling for a caretaker or watchman on the premises being cared for or guarded.
- B. Commercial activities:
 1. Vehicle repair and maintenance, including electric motor repair, paint and body shop, tire recapping and similar automotive repair facilities.
 2. Warehouse for short term storage, including mini-warehouse.
 3. Lumber yard and contracting supplies for lumber, stone, masonry or metal.

3. Scrap and waste material
4. Farm-product raw materials
5. Chemicals and allied products
6. Petroleum and petroleum products

7.2.107.03 Special Permitted Uses

The following uses, when developed under the applicable standards in the Code and special development requirements, are permitted in the I zone:

- A. Partitions, subject to the provisions in Section 7.2.307.
- B. Subdivision, subject to the provisions in Section 7.2.307.
- C. Accessory structures and uses prescribed in Section 7.2.203 and subject to the provisions in Section 7.2.309.
- D. Small wind energy systems, subject to the provision in Section 7.2.413.

7.2.107.04 Conditional Uses

The following uses shall require a Conditional Use permit:

- A. Recycling depots, excluding composting.
- B. Wrecking, demolition, junk yards.
- C. Battery manufacture, sales and service.
- D. Petroleum products storage and distribution, including asphalt plants.
- E. Feed and seed facilities, grain elevators and storage; including agricultural chemical, fertilizer, insecticide storage and distribution
- F. Chemical manufacturing including agricultural chemicals, fertilizers and insecticides.
- G. Manufacture of primary and secondary wood products, including sawmills, paper and allied products.
- H. Auction yard.
- I. Park and Ride Lot: Parking Spaces cannot count as required parking or be used for vehicle storage.
- J. All uses not specifically identified as a permitted use in, or specifically excluded from, Section 7.2.107.02 or Section 7.2.107.03 may be established by a conditional use permit.
- K. Wireless Communication Facility, subject to the provisions in Section 7.2.412.

7.2.303 OFF-STREET PARKING AND LOADING

7.2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading, and unloading of vehicles for all land uses in the City.

7.2.303.03 General Provisions Off-Street Parking and Loading

A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Code.

B. Interpretation. Requirements for types of buildings and uses not specifically listed herein shall be determined by the City Manager based upon the requirements of comparable listed uses.

C. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking.

D. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the use.

E. Park and ride spaces, handicapped parking and parking for carpools and vanpools ~~cannot~~ shall not count as required parking, loading, or be used for vehicle storage.

7.2.303.05 Shared Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to City Manager approval for public, commercial, and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties.

A. Tandem parking stalls (Added by Ordinance # 619, September 2, 2014 – Effective October 2, 2104)

B. Yard Parking Restrictions. Exclusive of driveways, it shall be prohibited for any automobile, truck, motorcycle, boat, trailer, recreational vehicle or similar vehicle to be parked or stored in a front yard or yard adjacent to the street, for a period in excess of 24 hours within any 7-day period.

C. Storage. The storage of vehicles, trucks, motorcycles, utility ~~trailers~~ trailers, house or vacation trailers, boats, or other similar vehicles not located within a garage shall be subject to the following:

1. A property owner shall be permitted to locate one vehicle storage space adjacent to a driveway. This storage space shall be paved with concrete, asphalt, or surfaced with similar improvements such as brick or concrete paving stones or gravel surface. Dirt, bark dust, ~~gravel~~ or similar material shall not be used as a surfacing material. This additional space shall be limited solely to registered, self-propelled vehicles. (As amended by Ordinance # _____, (date) – Effective (date))

2. All remaining vehicle storage space(s) shall be located in the rear or side yards and screened by a six-foot, sight-obscuring fence, wall or hedge. The enclosure shall comply with the provisions regarding the location for fences and maintaining a clear vision area. These space(s) shall be paved with concrete, asphalt or surfaced with similar improvements such as brick or concrete paving stones. Dirt, bark, dust, gravel or similar material shall not be used as a surfacing material. The number of vehicles stored in this manner shall be consistent with provisions in the Dayton Municipal Code.

3. For properties located within a floodplain, all recreational vehicles shall be fully licensed and ready for highway use, on its wheels or jacking system, have no permanently attached additions, and comply with all other applicable City Regulations.

4. Extended Parking Prohibited. It is unlawful to locate any mobile home, recreational vehicle, residential trailer, boat trailer, or storage container upon a public right of way for a period of more than seventy-two (72) hours and only for the purpose of loading, unloading or otherwise preparing the mobile home, recreational vehicle, residential trailer, or trailer for use, unless otherwise approved in writing by the City Manager. (Added by Ordinance # _____, (date) – Effective (date))

5. Violation - Penalty. Any person, firm or corporation or other entity who violates any provision of this section shall be punished by a fine according to the City of Dayton fee schedule. Each day that the violation continues shall constitute a separate offense. (Added by Ordinance # _____, (date) – Effective (date))

7.2.4 Supplemental Standards for Special Uses

7.2.401 GENERAL PROVISIONS

A. Application. Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development is not required. The standards contained in this Section apply where a special use is identified as a permitted use. If the special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated. The special use standards do not automatically apply unless the subsection number is referenced following the use title (eg. Manufactured Home Park, Section 7.2.405).

B. Development Requirements. Unless specifically modified by the provisions of this Section, special uses are still subject to the development requirements of the underlying zone. Where the special use standard imposes a standard higher, the special use standard shall apply.

7.2.406 HOME OCCUPATIONS

Where permitted as a special use, a home occupation shall meet the following use and development standards:

A. Operations. The owner/operator of the home occupation shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence.

B. Compatibility. The home occupation shall be continuously conducted in such a manner as not to create any off premise nuisance, including but not limited to traffic, noise, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference.

C. Signs. Signs ~~shall be limited to those~~ placed within a window shall be limited to 12 square feet. Signs physically attached and not projecting more than 18 inches from the primary structure shall be limited to three (3) square feet. The maximum total sign area permitted per home occupation shall be 12 square feet. Window displays and outdoor signage shall be prohibited. External illumination of signs within a window is permitted but shall be limited to the hours of operation of operation as approved with the corresponding business license. Internal illumination, fluorescent, neon or LED, rotating, flashing or intermittent signs shall be prohibited. (As Revised by Ordinance # _____, (date) – Effective (date)

D. Location. The home occupation shall be conducted entirely within the dwelling, any attached garage, or in an unattached accessory building.

E. Area. The total floor area devoted to the home occupation, shall not exceed 500 square feet.

F. Alterations. Structural alterations are permitted provided the residential character of the building is not altered.

ORDINANCE 620
CITY OF DAYTON, OREGON

An Ordinance Amending Chapter 7 – The City of Dayton Land Use and Development Code, to Make Changes to Section 7.2.111.07 – Central Business Area Overlay Zone (CBO) Signs.

WHEREAS, the City Council desires to adopt the amendments to Chapter 7 included in Exhibit 1; and

WHEREAS, the Planning Commission has considered the amendments to Chapter 7 – The City of Dayton Land Use and Development Code (DLUDC) pursuant to DLUDC Section 7.3.112 to make changes to the CBO Signs; and

WHEREAS, a public hearing was held before the Planning Commission on July 10, 2014; and

WHEREAS, the Planning Commission recommended that said amendments be adopted; and

WHEREAS, the City has timely forwarded a copy of the proposed amendments to the Department of Land Conservation and Development of the State of Oregon and provided proper notice pursuant to DLUDC Section 7.3.204; and

WHEREAS, the City Council of the City of Dayton conducted a public hearing to consider changes to the to the CBO Signs on July 21, 2014 and continued the hearing on August 4, 2014; and

WHEREAS, on July 21 and August 4, 2014, the City Council considered the information provided by staff and deliberated on the proposed action.

The City of Dayton ordains as follows:

Section 1. The City Council hereby adopts Ordinance 620 and the findings in the Staff Report dated July 15, 2014 attached as exhibit 1 and incorporated by reference herein; and

Section 2. The City Council adopts the amendments to Chapter 7 of the DLUDC included in the attached Exhibit 1, and incorporated by reference herein; and

Section 3. This Ordinance shall become effective 30 days after adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Dayton on this 6th day of October 2014.

**ORDINANCE 620
CITY OF DAYTON, OREGON**

Date of first reading: October 6, 2014

Date of second reading: October 6, 2014

No Council member present at the meeting requested that the ordinance be read in full.

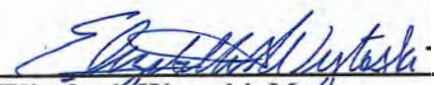
A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

In Favor: Bixler, Collins, Marquez, Price, Utt, Wytoski

Opposed: None

Absent: Frank

Abstained: None

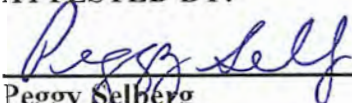


Elizabeth Wytoski, Mayor

10/17/2014

Date of Signing

ATTESTED BY:



Peggy Selberg
City Recorder

10/6/2014

Date of Enactment

Attachment - Exhibit 1

CITY OF DAYTON
416 Ferry Street – P O Box 339
Dayton, OR 97114-0039
503-864-2221 FAX: 503-864-2956

STAFF REPORT
July 15, 2014
(for City Council Hearing: July 21, 2014)

File: Code Amendments 2014-01

Applicant: City of Dayton

Request: A text amendment to the City of Dayton Land Use and Development Code, 7.1.111, Central Business Overlay zone.

Criteria: Dayton Land Use and Development Code, Section 7.3.112.03

Procedure: Type IV (Land Use and Development Code, Section 7.3.112)

Attachments: Attachment A: Draft Code amendments

I. PROCESS

According to the Dayton Land Use and Development Code (DLUDC), subsection 7.3.101.04, a Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. The amendments were initiated by city staff. According to a Type IV process, a public hearing is conducted before the Planning Commission and the Commission makes a recommendation to the City Council. The Planning Commission held their public hearing on July 3, 2014.

City Council conducts a public hearing before making a final decision. Newspaper publications and postings provide notice for the hearings.

II. BACKGROUND

The proposed updates to the sign code portion of the Central Business Overlay (CBO) zone are staff initiated changes as requested by the City Council.

III. CRITERIA

Amendments to the Development Code text shall be reviewed in accordance with the Type IV review procedure. DLUDC section 7.3.112.03 provides the criteria for amendments to the development as follows:

- A. Impact of the proposed amendment on land use and development patterns within the City, as measured by:*
 - 1. Traffic generation and circulation patterns;*
 - 2. Demand for public facilities and services;*
 - 3. Level of park and recreation facilities;*

4. *Economic activities;*
5. *Protection and use of natural resources; and*
6. *Compliance of the proposed with existing and adopted special purpose plans or programs, such as public facilities improvements.*

Finding: Changes to the DLUDC related to signage in the CBO is not expected to impact demand for facilities or revise traffic patterns. The permitted uses under the zone are not revised and no negative economic impact is anticipated for property owners as signage is still permitted and expanded in some cases while also serving to provide greater clarity and enforceability and to enhance and contribute to the historic downtown core by creating a cohesive code for all businesses in the core.

The code updates are not determined to negatively impact traffic, increase demand on public facilities and service, change the level of needed park/recreational facilities, or diminish protection and use of natural resources.

Staff and the Planning Commission found this criteria was met.

B. A demonstrated need exists for the product of the proposed amendment.

Finding: Amendments to the sign code in the CBO was requested by staff and the City Council to clarify text for staff enforcement and provide greater clarity to applicants.

Staff and the Planning Commission found this criteria was met.

C. The proposed amendment complies will all applicable Statewide Planning Goals and administrative rule requirements.

Finding: The City of Dayton Comprehensive Plan helps to ensure compliance with Statewide Planning Goals. In reviewing the City's Comprehensive Plan that localizes the State Goals for the City of Dayton, staff and the Planning Commission found the amendments are in compliance with the applicable Goals and Policies.

Goal 1 (Citizen Involvement) is used in the process upon considering the code amendments during the public hearing process. Notice was mailed to the Department of Land Conservation and Development 30 days prior to the first hearing date and notices was published in the paper on June 27, 2014 in compliance with 7.3.204. Staff and the Planning Commission found this goal is met. Goal 2 (Land Use Planning) establishes the planning process and framework for land use decisions. The code update is considered a legislative amendment and subject to the Section 7.3.112 of the DLUDC. Notice was published in the paper and posted outside of city hall per the procedures outlined in section 7.3.112. The staff report was available for review one week prior to the public hearings on the proposed amendments.

Goal 9 (Economic Development) includes Goal 2, "To provide sufficient, orderly and convenient commercial and industrial development that will enhance the livability of the community and

meet the needs of the citizens". The Council directed the Planning Commission to work on providing code clarity on existing portions of the sign code for applicants and for staff.

Staff and the Planning Commission found these criteria were met.

Staff and the Planning Commission founds Goals 3-8 and 10-19 do not apply and are not impacted by the proposed code updates. This criterion is met.

D. The amendment is appropriate as measured by at least one of the following criteria:

- 1. It corrects identified error(s) in the provision of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Finding: Staff has identified some of the amendments as clarifications required to implement the code and existing requirements. The City Council directed staff and the Planning Commission to work on sign code amendments in the CBO zone in order to create greater clarity and enforceability and to enhance and contribute to the historic downtown core by creating a cohesive code for all businesses in the core.

Staff and the Planning Commission founds condition D.1 -3 were met.

IV. CITY COUNCIL ACTION

Following a public hearing conducted by the City Council and based upon the findings as indicated above and as recommended by the Planning Commission, the City Council may take one of the following actions:

- A. Adopt the findings in the staff report and adopt the code amendments as presented in Attachment A; or
- B. Adopt the code amendments with modifications to Attachment A indicating the changes and stating the findings and conclusions to support the modifications; or
- C. Reconsider the code amendments as presented in Attachment A indicating the basis for not adopting the findings in the staff report and stating the additional information needed to complete the adoption process.
- D. Continue the City Council hearing, to a date and time certain and stating the date and time, in order to collect more information.

7.2.111 CENTRAL BUSINESS AREA OVERLAY ZONE (CBO)

7.2.111.07 Signs.

A. Applicability.

All properties within the Central Business Overlay (CBO) shall be subject to the provisions of this section. Unless specifically listed as a permitted use or type in this section, other sign types and uses are prohibited.

B. Purpose

Sign regulations are intended to protect the character of the community while enhancing and contributing to the economic vitality of the commercial core. The City acknowledges the need to effectively communicate and attract the eye to the business for which they are intended to advertise. Signs should be compatible or integrated with the architecture and should not obscure or dominate the building or business. In the review of sign applications within the City, the following criteria and standards shall apply.

The Dayton Sign Code shall not be construed to permit the erection or maintenance of any sign at any place or in any manner unlawful under any other city code provision or other applicable law. In any case where a part of the Dayton Sign Code conflicts with a provision of any zoning, development, building, fire, safety or health ordinance or code, the provision which establishes a stricter standard for the protection of the public health and safety shall prevail.

C. Definitions

Abandoned Sign: A sign that is no longer used by the person who constructed/installed the sign on the property where the sign is located or cessation of use of the property where the sign is located.

A-Board Sign: Includes signs that are ordinarily in the shape of an "A", or some variation thereof, on the ground, easily moveable and which is usually two sided.

Area Sign: The area contained within lines drawn between or around the outermost points of a sign, including cutouts, but does not include essential sign structure, foundations or supports. The area of a sign having two display surfaces facing in opposite traffic directions shall be computed by measuring the largest face. For signs having two or more display surfaces, the area is the maximum area of the surfaces that can be seen from any one point.

Awning: A roof like cover or shelter that projects from the wall of a building for the purpose of shielding a doorway or window from the elements and is supported entirely from the exterior wall of a building.

Banner Sign: A sign made of fabric or other non-rigid material with no enclosing framework or not affixed to the primary structure and shall include every type of decoration or banner displayed over or upon the city streets of the City of Dayton on a temporary or seasonal basis, whether attached to utility poles or any other structure.

Billboard: A sign height over ten feet from the ground surface, on which same is located, to the top of such billboard, and sign area greater than sixty-four (64) square feet, on which the copy is designed to be periodically changed and which is not located on the premises to which such advertising copy pertains.

Direct Illumination: A source of illumination directed towards such signs so that the beam of light falls upon the exterior surface of the sign.

Facade: The architectural front of a building; usually the front but sometimes the rear or side, use to meet architectural treatment details and setting the tone for the rest of the building.

Government Sign: A sign erected, constructed, or placed within the public right-of-way or on public property by or with the approval of the government agency having authority over, control of, or ownership of the right-of-way or public property.

Illuminated Sign: A sign illuminated by an interior or exterior light source, which exterior light source is primarily designed to illuminate such sign.

Light-Emitting Diode or LED: A form of illumination using a semiconductor light source that converts applied voltage to light and is used in digital displays.

Mural: A hand-painted, hand-tiled or digitally printed image on the exterior wall of a building.

Neon Light: A form of illumination using inert gases in glass tubes and includes black light and other neon lights.

Nonconforming Sign: A sign that was lawful when it was constructed but does not meet the requirements of this Section.

Portable Sign: A sign that is not attached to any building or facade that is easily portable. It may stand alone or be illuminated, have wheels attached, or be located on a trailer.

Projecting Sign or Blade Sign: A two-sided sign other than a wall sign which projects beyond the building surface to which it is attached.

Reader Board: Any sign not permanently attached to the ground or building and capable of being moved from place to place, including signs attached to vehicles and trailers.

Sign: The physical components of materials placed or constructed primarily to convey a message or other display and which can be viewed from a right-of-way, private roadway or lot under other ownership.

Temporary Sign: A sign not permanently attached to a building, structure or ground that is intended to be displayed for a limited period of time. Such signs may include banners, pennants, streamers, spinners, or other similar devices.

Vehicle Sign: A sign placed in or attached to the motor vehicle, trailer, railroad car, or light rail car that is used for either personal purpose or is regularly used for purposes other than the display of signs.

Wall Sign: A sign that is painted or attached on a wall of a building, and extending no more than twelve inches from the wall. Window signs that are permanently attached to the outside of a window are wall signs.

Window Sign: Includes text or graphics that are painted on or attached to a window. Window signs do not include business hours of operation or non-illuminated open/closed signs.

DA. Permitted Sign Types.

The following sign types are allowable in the Central Business Overlay Zone. Unless specifically permitted in this section, other sign types and uses are prohibited.

1B. Maximum Allowable Area. The maximum allowable sign area shall be computed as follows: one (1) square foot of sign area for each one (1) linear foot of building facade, not exceeding 100 square feet. This maximum area shall apply to all signs attached to the building such that the total area of all signs combined on the property does not exceed 100 square feet.

2C. Number. There shall be no limit to the number of signs, provided the total sign area for all signs does not exceed the maximum allowable area for the building.

3D. Illumination. Direct or in-direct illumination shall be permitted, provided all illumination is directed away from adjacent property. Neon or LED signage shall be limited to one (1) sign per business, not exceeding three (3) square feet in area, and shall be limited to three (3) colors. Strobe, blinking or flashing lights are prohibited.

4. Wall Signs. Wall signs shall be placed in traditional locations in order to fit within architectural features, such as: above transoms, on cornice fascia boards, or below cornices.

5. Projecting Signs. The edge of a projecting sign furthest from the wall shall not extend more than 42 inches from a wall, the bottom of the sign shall be no lower than eight (8) feet above a right of way or private sidewalk area and the top of the sign shall not extend over the roof line of the building. Blade, projecting or hanging signs shall be limited to one (1) per tenant space. Projecting signs shall have a maximum area of eight (8) square feet. Hanging signs may be externally illuminated although ambient light is usually sufficient to light these small signs.

6. Awnings. Text on awnings shall be limited to text placed upon the awning skirt only and shall count as part of the maximum allowable sign area.

7. Temporary Signs.

a. Signs shall be subject to the maximum allowable area limitations.

b. Signs shall be limited to twelve (12) square feet.

c. Temporary signs are allowed provided they are erected not longer than sixty (60) days prior to an event and fifteen (15) days after an event. Temporary fabric or paper signs may be placed upon the window opening of a non-residential building when such signs do not obscure more than twenty (20) percent of the window area, and no more than ten (10) percent of the total primary facade area.

8. Flags are limited to a maximum of two (2) per property and shall be no larger than fifteen (15) square feet per flag.

9. Government Signs as defined in this section.

10. Security Signs. Signs relating to security monitoring which may include company logo are exempt and limited to twelve (12) square inches in size when located on a window or two square feet when free-standing.

11. A- Board Signs. One (1) A- board sign is permitted per business or property and shall measure no more than three (3) feet wide and no more than four (4) feet high. A- board signs shall not be calculated in total sign area calculations.

a. Placement. A- board signs may be placed upon private property or within an adjacent public right-of-way along the frontage of the business displaying the sign when a minimum of forty-two (42) inches of clear pedestrian walkway is available immediately adjacent to the sign.

b. Removal. A-board signs shall be movable at all times and displayed only during the open hours of the business.

12. Condition. Signs which are faded, torn, damaged or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

E. Prohibited Signs.

Signs not conforming to Section 7.2.111 of the Dayton Municipal Code are unlawful and shall constitute a Class C violation according to the City of Dayton Fee Schedule. subject to

1. Signs extending above the roof line, balloon/tethered signs, blinking or flashing lights, electronic message signs, and free standing signs shall be prohibited. Installation or posting of any notice or signage on utility poles, street lights, stop signs, other street signs, trees in the public right of way, public places or premises shall be prohibited without approval from utility or city.

2. Access. Signs that block ingress or egress so as to interfere with the flow of pedestrian or vehicle traffic, doors, windows, fire escapes or parking areas shall be prohibited.

3. Billboards.

4. Any sign on vacant property unless allowed as a temporary sign.

5. Abandoned signs.

6. Reader board or portable signs.

F. Exempt Signs. The following signs and devices shall not be subject to the provisions of this chapter and shall not require approval from the city. Window signs shall be exempt from the maximum allowable sign area requirements. Portable signs shall also be exempt provided they do not exceed 16 square feet in area (all sides).

1. Identification Signs. Memorial and Historic Identification Signs and Donation Plates, Memorial tablets, cornerstones, donation plates or similar plaques, such as National Register listing, not exceeding six square feet.

2. Occupant or Owner Sign. A sign identifying the name of the occupant or owner, provided the sign is not larger than one square foot, is not illuminated and is either attached to the structure or located within the front yard setback.

3. Window signs shall not be calculated in total sign area calculations but are limited to a maximum of twenty-four (24) square feet or twenty five percent (25%) of the total window area, whichever is less.

4.G. State Highway Requirements. Applicants are advised to contact the State Highway Division of the Oregon Department of Transportation regarding other possible sign regulations adjacent to Ferry Street and Third Street.

5. Vehicle Signs. Signs painted on or otherwise attached to vehicles.

G. Adjustments and Variances.

1. Sign adjustments/variances shall be reviewed in accordance with a Type I action, as specified in Section 7.3.2, using the criteria listed in 7.2.111.07.G.2. below.

2. Criteria for Sign Variance/Adjustments

a. Compliance with the applicable standard would create an unnecessary hardship due to physical conditions of the property (topography, lot size or shape, or other circumstances over which the applicant has no control), which are not present on other properties in the CBO, and the adjustment is necessary to permit signage comparable with other properties in the CBO;

b. The hardship does not result from actions of the applicant, owner(s) or previous owner(s), or from personal circumstances of the applicant, owner(s) or previous owner(s), such as physical condition, age or financial situation; and

c. Approval of the adjustment will not adversely affect the function or appearance of the development and use of the subject property and surrounding properties; and will not impose limitations on other properties and signage in the area including signage that would be allowed on adjacent properties.

of Dayton
ox 339
n, OR 97114

Attn: Plan Amendment Specialist

Dept. of Land Conservation and Development
635 Capitol Street, NE, Suite 150
Salem, Or

97301-2540

DEPT OF

LAND CONSERVATION
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