

ORDINANCE NUMBER 101

AN ORDINANCE AMENDING THE DUNES CITY ZONING ORDINANCE
(ORDINANCE NO. 50)

WHEREAS, Oregon Administrative Rule Chapter 660, Division 19, and ORS 197.640 to 197.649, specify that the Dunes City Comprehensive Plan and land use regulations be reviewed for conformance with changing circumstances in state and federal laws, new administrative rules, and new case law. Evaluation of the Plan and land use regulations shall be conducted as part of the Plan Update and Periodic Review process required by the State Department of Land Conservation and Development, and;

WHEREAS, The purpose of this ordinance is to amend the Dunes City Zoning Ordinance in order to comply with statewide regulations, and;

WHEREAS, The City Council of Dunes City finds that amending the Dunes City Zoning Ordinance as described below is in conformance with the goals and policies of the Dunes City Comprehensive Plan.

WHEREAS, The Planning Commission held a public hearing on April 30, 1986 on the amendments to the Dunes City Zoning Ordinance and the Commission has approved and recommended that the City Council approve the proposed amendments to the Zoning Ordinance, and;

NOW THEREFORE, THE CITY OF DUNES CITY ORDAINS as follows:

Additions will be underlined and deletions are in (brackets).

Section 1. Section 9IX.A of Ordinance No. 50 is amended to read as follows:

IX. Criteria and Requirements for Approval of Conditional Use Permits

A. Purpose

Certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration include, among others, the size of the area required for the full development of such uses, the nature of traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. All uses permitted conditionally possess unique and special characteristics making impractical their inclusion as outright uses in many of the various districts herein defined. Locations and operation of designated conditional uses shall be subject to review and authorized only by issuance of a Conditional Use Permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with the type of uses permitted in surrounding areas, and for the further purpose of establishing

such conditions as may be reasonable so that the basic purposes of this Ordinance shall be served. [Nothing herein shall be construed to require the granting of a Conditional Use Permit.]

Section 2. Section 9IX of Ordinance No. 50 is amended by adding a new Section J, to read:

J. Multifamily Standards

When considering a conditional use for multifamily housing, conditions shall not be placed which would exclude needed housing, unnecessarily decrease density, or allow special conditions to be attached which would have the effect of discouraging needed housing through unreasonable cost or delays.

In permitting a conditional use or the modification of an existing conditional use that involves a housing type (two-, three-, and four-family dwellings), the planning commission may impose standards and requirements expressly specified for that use, other conditions which it considers necessary to protect the best interests of surrounding property or the City as a whole. These conditions include the following:

1. Require diking, fencing, screening, landscaping, berms or other items to protect adjacent or nearby areas.
2. Require two acres for two-family dwellings, three acres for three-family dwellings, and four acres for four-family dwellings.
3. Require adequate off-street parking and loading-unloading facilities.

Section 3. Section 9IV.B of Ordinance No. 50 is amended to read as follows:

- B. An application which is not acted upon by the Planning Commission within [60] 40 days from receipt of application by the City Recorder may be deemed denied and may be appealed to the City Council in the manner as provided for appeals of Planning Commission negative recommendations.

Section 4. Section 9.VII of Ordinance No. 50 is amended by deleting the following:

[VII. Moratorium on Permits and Applications]

- A. [After any matter for Rezoning, Zoning or Amendment to this Ordinance affecting particular property has been set for public hearing by the Planning Commission, no zoning, subdivision or building code application or request shall be accepted, granted, issued or approved except as herein provided until the final action has been taken on the matter.]

- B. [After such final action, granting of pending or subsequent applications or request shall be in accordance with the requirements of the zoning district classification or requirements as amended by the final action.]
- C. [In the event of the Planning Commission or City Council modifies the matter as originally set by the Planning Commission, pending application or requests shall, in addition, meet the requirements of the proposed change or amendment as modified.]
- D. [In the event that final action upon the proposed change or amendment is not taken within one hundred twenty (120) days of the date set for hearing by the Planning Commission, the provisions of this subsection shall no longer be applicable.]
- E. [The provisions of this subsection shall not be applicable to the issuance of building or plumbing permits for normal repairs or corrections, nor shall the provisions apply when the proposed application or request meets both the requirements of the existing zoning district requirement and the proposed change or amendment, or to the approval of a final major subdivision plat.]

Section 5. Section 2V.A of Ordinance No. 50 is amended to read as follows:.

- A. Continuation. Any public hearing may be continued by oral pronouncement prior to the close of such hearing if notice of the time and place thereof is publicly announced at the hearing or is given in the same manner as required for the first public hearing, and such announcement shall serve as sufficient notice of such continuance to all interested persons. Final action on a development permit or zone change shall occur within 120 days after the application has been received.

Section 6. Section 5.1.III of Ordinance No. 50 is amended by adding a new subsection C, to read:

III. Shorelands. For purposes of this ordinance, shorelands are defined as all lands within 50 feet of the mean high water line of Woahink and Siltcoos Lakes and Woahink Creek, and lands comprised of the following soil types: Nestucca, 145A; Heceta, 204A; and Brallier, 20A; identified as wetlands on the shorelands Map in the Dunes City Comprehensive Plan.

A. Permitted Uses

Low-intensity uses, such as parks, playgrounds, walking trails and similar uses are allowed.

B. Conditional Uses

1. Those uses set forth in Paragraph II.B.1.
2. Structures which can meet variance criteria and underlying zone limitations.

C. Other Requirements

Public access in coastal shoreland areas shall be retained or replaced when public property, rights-of-way or public easements are sold, exchanged or transferred. The Planning Commission will review all vacations of rights-of-way and easements against the requirements outlined in the Comprehensive Plan policy.

No more than one water access development (boathouse, dock, pier, wharf, or combination) shall be allowed per lakefront lot, consistent with reasonable use.

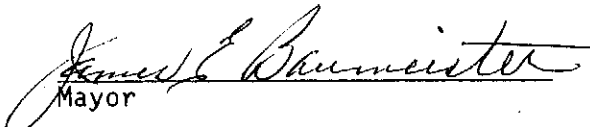
Section 7. Section 8IX of Ordinance No. 50 is amended to read as follows:

IX. Residential Density

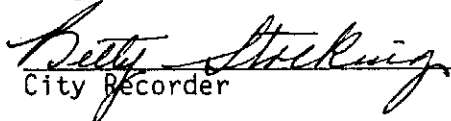
- A. The residential density shall be equivalent to not more than one [dwelling] family unit per acre.
- B. The overall density of a Planned Residential Development shall be calculated by dividing the total net development area by the number of [dwelling] family units. The net development area shall be determined by subtracting from the gross development area lands intended or used for:
 - (1) Commercial purposes
 - (2) Churches or schools
 - (3) Public or semipublic uses not intended to primarily serve the residents of the PUD.

Adopted by the City Council of Dunes City, Oregon this 13th day of November 1986

Approved and signed by the Mayor of the City of Dunes City this 13th day of November 1986


Mayor

ATTEST:


City Recorder