

A BILL FOR AN ORDINANCE AMENDING) ORDINANCE BILL NO. 3
THE CITY OF SODAVILLE ZONING AND) for 2014
DEVELOPMENT ORDINANCE TO EXPAND)
ALLOWED USES IN THE COMMERCIAL ZONE) ORDINANCE NO. 14-03
AND ESTABLISH NEW STANDARDS FOR LOT
AREA, DEPTH AND WIDTH; SETBACKS AND
STRUCTURE HEIGHT

WHEREAS, the City Council, pursuant to the provisions of the Sodaville Zoning Ordinance, after appropriate notice given, has conducted a hearing to take testimony, hear arguments and to consider all of the evidence concerning adopting a new Commercial Mixed Use Zone as an amendment to Ordinance No. 12-02 Zoning and Development Code, City Planning File 14-03, such hearing being conducted on August 21, 2014; and

WHEREAS, the City Council has considered all relevant evidence and deliberated.

NOW, THEREFORE, the City of Sodaville ordains as follows:

Section 1. In addition to the findings referred to above, the City Council does hereby adopt and find those matters contained in Exhibit "A" which is incorporated herein by this reference as if fully set forth at this point.

AREA RESERVED
FOR USE BY
LINN COUNTY RECORDER

After Recording, Please Return To:

City of Sodaville

Attn: City Clerk

30723 Sodaville Rd

Sodaville, OR 97355

Section 2. Based upon the findings adopted herein, the City hereby adopts the new Sodaville Commercial Mixed Use Zone as specified in Exhibit "A", which is incorporated herein by this reference as if fully set forth at this point.

Passed by the Sodaville City Council by a vote of _____ for and _____ against and approved by the Mayor this 21st day of August, 2014.

Mayor

Attested:

City Clerk / Recorder

EXHIBIT "A"

(Note: new language in *italics*.)

2.102 COMMERCIAL ZONE (C)

2.102.01 Permitted Uses

In a C zone the following uses and their accessory uses are permitted outright:

- A. Single family dwelling and accessory uses.
- B. Home occupation.
- C. Professional office.

2.102.03 Conditional Uses

In a C Zone the following uses and their accessory uses are permitted subject to approval of a Conditional Use:

- A. Antique shops or second hand stores.
- B. General dry goods stores.
- C. Grocery stores or meat markets.
- D. Restaurants or cafes.
- E. Service stations with facilities for minor repair.
- F. Craft shops including woodworking, ornamental iron, ceramics, leather working, and shops of similar scale and use.
- G. Hotels, motels and bed and breakfast establishments.
- H. Public parking.
- I. *Permitted uses in the Public Zone.*

2.102.04 Dimensional and Development Standards

The following minimum standards shall be required for all development in the C Zone:

- A. Signs – The City Council shall approve all signs in which the sign face exceeds 10 square feet in area.
- B. Lot Coverage - Buildings shall not occupy more than 50% of the lot area.

- C. Minimum Lot Area – None.
- D. Lot Depth – None.
- E. Minimum Lot Width – None.
- F. Minimum Yard Setbacks

All structures shall maintain the following minimum yard setbacks:

- | | | |
|----|---------------------------------------|----------------|
| 1. | <i>Front Yard</i> | <i>20 feet</i> |
| 2. | <i>Rear Yard</i> | <i>20 feet</i> |
| 3. | <i>Side Yard (interior)</i> | <i>10 feet</i> |
| 4. | <i>Side Yard (adjacent to street)</i> | <i>20 feet</i> |
| G. | <u>Maximum Structure Height</u> | <i>35 feet</i> |

EXHIBIT B
SODAVILLE CITY COUNCIL FINDINGS
Planning File No. 14-03

I. BACKGROUND

- A. APPLICANT: City of Sodaville.
- A. PROPERTY LOCATION: The application affects all Commercial zoned property within the City.
- B. REQUEST: The proposal would amend the Commercial zone to: (1) conditionally permit public uses; and, (2) establish setback and other development requirements. Specific changes are noted in "Attachment A".
- D. DECISION CRITERIA: The decision shall be based on the following criteria contained in the Sodaville Zoning and Development Ordinance: Section 3.107- Amendments.

II. APPLICATION SUMMARY

- A. Regulations regarding Commercial zoning are contained in Section 2.102 of the Sodaville Zoning and Development Ordinance. In order to broaden the scope of allowed uses in the zone and effectively create a "mixed-use" type of zoning, the City wishes to amend this Section. The proposed amendments cover two specific subsections:
 - 1. Section 2.102.03 (Conditional Uses) – Permitted uses in the Public zone would be allowed in the Commercial zone subject to approval of a conditional use. For example, a fire station or city hall is permitted in the Public zone; these uses would now be allowed in the Commercial zone with a conditional use permit.
 - 2. Section 2.102.04 (Dimension and Development Standards) – This Section only regulates signs and lot coverage. The proposed changes would add (or identify) standards for lot area, depth and width; setbacks and structure height. The standards mirror those found in the Public zone.
- B. With these changes, the Commercial zone becomes more of a mixed use type of zone that allows a range of activities. Further, the additional development standards ensure development consistency with other properties, both Residential and Public.

III. CRITERIA AND FINDINGS – AMENDMENTS

- A. Section 3.107 establishes the review criteria for Amendments. Subsection 3.107 notes the City may initiate such a change with the application submitted to the City Recorder.

FINDINGS: This request was initiated by the City and the appropriate files created.

- B. Section 3.107.03, establishes the Public Hearing procedures. Provisions include notice requirements, the ability to recess a hearing and the decision making authority.

FINDINGS: This application will be heard by the City Council. Their review and decision process must conform to the standards of this Section.

- C. Section 3.107 does not contain specific decision criteria. Generally, amendments to a zone code require conformance to applicable Comprehensive Plan policies. Staff finds provisions in the “Land Use Plan Element” most applicable to the request:

COMMERCIAL LAND USE

COMMUNITY GOALS:

- Establish a central commercial focus within the community.
- Provide for and encourage further small scale commercial growth in Sodaville.

RECOMMENDED POLICIES:

- When reviewing proposed commercial uses, insure adequate provision for parking, loading and unloading of goods, disposal of solid waste including recycling and due consideration to offensive smells, health hazards or eyesores.
- Within the Sodaville zoning ordinance, require all commercial uses be reviewed as conditional uses.

PUBLIC USE

COMMUNITY GOALS:

- Encourage uses that will be compatible and promote a harmonious civic center area with the Public Use designation.

RECOMMENDED POLICIES:

- Pursue Federal and State grants for acquisition of property for city use.
- Land zoned for public use should be limited to that held in public ownership.

FINDINGS: The City center contains both the Commercial and Public zones in close proximity. Expanding identified uses in the Commercial zone will allow these uses to integrate, helping to promote a “civic center” in the town. Further, the changes do not diminish the capability for small scale commercial growth in the community but do allow local land owners some options which ultimately benefit the City. This also allows public-type uses (e.g., churches) on land not under public ownership. Finally, the inclusion of development standards helps address some of the concerns related to commercial development.

- D. In addition to the City Comprehensive Plan polices, staff analyzed the proposals against the Statewide Goals:

Goal 1, Citizen Involvement: A public hearing, or hearings, will be held before City Council. This is consistent with City procedures and the intent of the Goal.

Goal 2, Land Use Planning: The proposal does not involve exceptions to the Statewide Goals. Adoption actions are consistent with the acknowledged Comprehensive Plan and Development Ordinance.

Goal 3, Agricultural Lands: This Goal does not apply, as the amendments do not affect designated farmland.

Goal 4, Forest Lands: This Goal does not apply, as the amendments do not affect designated forestland.

Goal 5, Open Spaces, Scenic and Historic Areas, and Natural Resources: The amendments establish new uses and development standards in the Commercial zone but do not alter requirements for the maintenance of these identified resources.

Goal 6, Air, Water and Land Resource Quality: As noted the amendments establish new uses and development standards. Impacts to air, water and land resources are considered and addressed as part of the required conditional use process.

Goal 7, Natural Hazards: These amendments do not change natural hazard development standards.

Goal 8, Recreational Needs: The amendments address uses and standards and do not directly impact recreational opportunities.

Goal 9, Economic Development: The map amendments will allow a greater variety of uses in the Commercial thereby increasing development potential.

Goal 10, Housing: This Goal does not directly apply, as the map amendments do not affect the supply or location of needed housing, or the ability to provide housing.

Goal 11, Public Facilities and Services: Services needs and requirements are not altered by the amendments, nor is the City's ability to provide public facilities.

Goal 12, Transportation: Impacts to transportation facilities are considered and addressed as part of the required conditional use process.

Goal 13, Energy Conservation: The map amendments are neutral with regard to energy conservation.

Goal 14, Urbanization: The amendments were found to be consistent with Plan policies related to urban land development.

Goals 15 to 19, Willamette River Greenway, Estuarine Resources, Coastal Shores, Beaches and Dunes, Ocean Resources: The proposals do not involve land within the Willamette Greenway or coastal areas.

- D. The proposed changes focus on allowing additional uses in the Commercial zone as well as establishing additional development standards. Findings indicate the changes conform to applicable Plan policies as well as the Statewide Land Use Goals.

IV. CONCLUSION AND RECOMMENDATION

Staff finds the proposal complies with the decision criteria for Amendments, and recommends the City Council approve the proposed changes to the Sodaville Zoning and Development Ordinance contained in Attachment "A".

V. CITY COUNCIL ACTION

- A. The City Council may either:
 - 1. Approve the application and adopt findings contained in the staff report,
 - 2. Approve the application with modified findings; or
 - 3. Deny the application, specifying reasons why the application has not met the criteria.
- B. Staff will prepare the appropriate document based on the Council's decision.

