

EXHIBIT A

2025 LEGISLATIVE AMENDMENTS TO THE

CITY OF WINSTON MUNICIPAL CODE

CITY COUNCIL MEMBERS 2025

CHRISTIE KNUTSON, MAYOR

NICHOLAS WIGGINS - DAVE CUNNINGHAM – ALLEN HOBSON - DORIE WHITE

PLANNING COMMISSION MEMBERS 2025

REX STEVENS, PRESIDENT

STEVEN JOHNSON, VICE PRESIDENT

MICHAEL DERUSHA – ONIKKA DRISCOLL – RENEE MORGAN

CITY MANAGER

THOMAS MCINTOSH

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LEGEND

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| Deletion | Deletion is marked with strike out function and highlighted yellow |
| Addition | <u>Addition</u> is marked with redline, bold and underline |
| Comments | <i>Comments are provided in italics</i> |

ZONING

CODE

AMENDMENTS

WINSTON ZONING CODE AMENDMENTS

SECTION 154.031: *Purpose of Amendment: To include the use of a “duplex” within the Residential Low-Density zone to reflect the requirements of Oregon House Bill 3395 Section 20.*

154.031 RESIDENTIAL LOW DENSITY ZONE (R-L).

(A) *Uses permitted outright.* In an R-L zone the following uses and their accessory uses are permitted outright:

- (a) One single-family dwelling;
- (b) **Duplex;**
- (c) One manufactured home;
- (d) Agricultural use of land provided that no livestock shall be raised or kept on the premises without permit in accordance with the city's animal ordinance;
- (e) Residential home;
- (f) Family day care home;
- (g) Limited home occupation; and

Accessory residential unit in conjunction with a single family dwelling or manufactured home subject to the standards in division (C)(1)(d).

SECTION 154.142: *Purpose of Amendment: To revise the language to allow the City of Winston to accept and process quasi-judicial plan amendments at any time of year upon submission.*

154.142 APPLICATION AND HEARING DATES.

All quasi-judicial plan amendment applications shall be filed with the City Manager or his designee at least 60 days prior to the hearing date. Application shall be made on forms provided by the City Manager or his designee and shall be accompanied by the required fee. Once the City Manager or his designee has deemed the application complete, the Planning Commission shall schedule and conduct a public hearing on the proposed amendment following the procedures described in § § 154.179 through 154.188. ~~Quasi-judicial plan amendment hearings shall be scheduled and conducted only on regular meeting dates scheduled in the months of April and October.~~

~~(Ord. 590, passed 6-23-2003)~~

SECTION 154.038: *Purpose of Amendment: To introduce the allowance of recreational marijuana operations within the city of Winston. Recreational marijuana operations will be limited to the General Commercial zone, will be listed as a conditional use (CUP REQUIRED), and will require specific standards regarding buffer areas, aesthetic requirements, and processing/growing restrictions.*

154.038 GENERAL COMMERCIAL (C-G).

In a C-G zone the following regulations shall apply:

(A) *Uses permitted outright.* In a C-G zone the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in the R-H zone provided that family dwellings are permitted only above the ground floor of a business building and if the following conditions are met:
 - (a) There shall be parking designated for the exclusive use of residents only, in an amount specified in § 154.059; and
 - (b) For each residential unit, there shall be a yard, patio, or other private open space of at least 100 square feet, with a minimum dimension of seven feet in any direction;
- (2) Car wash;
- (3) Bakery or restaurant;
- (4) Bowling alley, theater or miniature golf course;
- (5) Financial institution;
- (6) Gift or souvenir shop;
- (7) Motel or hotel;
- (8) Retail sales;

- (9) Tavern, night club, cocktail lounge;
- (10) Barber or beauty shop;
- (11) Bus station, taxi stand;
- (12) Clinic;
- (13) Club, lodge, fraternal organization;
- (14) Drug store;
- (15) Food store;
- (16) Laundromat;
- (17) Museum, art gallery, or similar facility;
- (18) Office;
- (19) Parking lot;
- (20) Implement, machinery, and heavy equipment sales and service;
- (21) Mortuary;
- (22) Newspaper office;
- (23) Tire sales and repair (not including tire recapping), provided that all repairs shall be conducted entirely within an enclosed building;
- (24) Upholstery shop;
- (25) The following uses provided that all business, service, storage, sales, repair, and display shall be conducted entirely within an enclosed building:
 - (a) Veterinarian, animal hospital;
 - (b) Lumber or building materials sales and storage; and
 - (c) Contractor's office and storage;
- (26) Service stations providing fuel and minor repair;
- (27) Day care center;

- (28) Day care group home;
- (29) Day nursery, preschool and kindergarten;
- (30) A medical marijuana facility, subject to the following standards:
 - (a) No portion of the facility shall be located within 1,000 feet of the property boundary
of another medical marijuana facility;
 - (b) No portion of the facility shall be located within 1,000 feet of the property boundary
of a public or private elementary, secondary or career school* attended primarily by minors;
 - (c) No portion of the facility shall be located within 1,000 feet of the property boundary
of a registered Head Start facility, or a licensed preschool or daycare facility;
 - (d) No portion of the facility shall be located within 500 feet of the property boundary of
an established tax-exempt church;
 - (e) No portion of the facility shall be located within 200 feet of any property with a public
plan designation or zoned for (PR) Public Reserve and/or parks, unless an arterial street runs between the facility and those properties;
 - (f) The facility shall not be located at a registered grow site;
 - (g) The maximum hours of operation for the facility shall be 9:00 a.m. through 7:00 p.m.;
 - (h) No mobile facility or services shall be authorized;
 - (i) Proof of an approved Oregon Health Authority (OHA) registration shall be provided,
demonstrating that the facility is in full compliance with O.R.S. 475.314 and O.A.R. 333-008-1000 through 333-008-1400, which includes a criminal background check of the person responsible for the facility, a security alarm system installed by an alarm installation company, and a fully operational video surveillance recording system; and
 - (j) The facility shall comply with all applicable parking, setback, signage and other

property development standards of the C-G zone.

*As defined in O.A.R. 333-008-1010, "career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.

(B) *Conditional uses permitted.* In a C-G zone, the following uses and their accessory uses may be permitted subject to the provisions of §§ 154.117 and 154.118:

- (1) Boat moorage or launching facility;
- (2) Cabinet or similar woodworking shop;
- (3) Church, non-profit religious or philanthropic institution;
- (4) Golf course;
- (5) Public and semi-public buildings, structures and uses essential to the physical, social and economic welfare of the area, including but not limited to fire stations, schools, granges, community halls, water and wastewater treatment plants and parks;
- (6) Hospital, nursing home, rest home, retirement home, or similar facility;
- (7) Public utility facility;
- (8) Manufacturing, assembling, fabrication, processing, packing, storage, or wholesaling use, except for use specified in § 154.040(B), and except a use declared a nuisance by this chapter, or by a court of competent jurisdiction;
- (9) Commercial amusement or recreation establishment;
- (10) "Mini" storage warehouses; and
- (11) Automobile, boat, truck, or trailer sales, service, or repair, provided that all repair shall be conducted entirely within an enclosed building.
- (12) **Recreational marijuana facility, subject to the following standards:**
 - (a) **No portion of the facility shall be located within 1,000 feet of the property boundary of another marijuana facility, medical or recreational;**

- (b) No portion of the facility shall be located within 1,000 feet of the property boundary of a public or private elementary, secondary or career school* attended primarily by minors;
- (c) No portion of the facility shall be located within 1,000 feet of the property boundary of a registered Head Start facility, or a licensed preschool or daycare facility;
- (d) No portion of the facility shall be located within 500 feet of the property boundary of an established tax-exempt church;
- (e) No portion of the facility shall be located within 200 feet of any property with a public plan designation or zoned for (PR) Public Reserve and/or parks, unless an arterial street runs between the facility and those properties;
- (f) The facility shall not be located at a registered grow site;
- (g) No mobile facility or services shall be authorized;
- (h) Proof of an approved Oregon Liquor and Cannabis Commission (OLCC) registration shall be provided, demonstrating that the facility is in full compliance with O.R.S. 475.314 and O.A.R. 333-008-1000 through 333-008-1400, which includes a criminal background check of the person responsible for the facility, a security alarm system installed by an alarm installation company, and a fully operational video surveillance recording system;
- (i) The facility shall comply with all applicable parking, setback, signage and other property development standards of the C-G zone; and
- (j) The facility shall be used only for the wholesale or retail sale of marijuana products. No growing, producing, or processing of marijuana or marijuana related products shall be allowed.
- (k) The storefront, including but not limited to exterior signs, window visuals, advertisements, or depictions visible to the general public, shall be designed such that the aesthetic matches the character of the area and shall be free of marijuana leaves, smoke vapor, and typical product which is expected to be dispensed from the establishment.

* As defined in O.A.R. 333-008-1010, "career school" means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.

(C) *Lot size and width.* Except as provided in §§ 154.084, 154.116, and 154.117, the minimum lot size and width in any C-G zone shall be as follows:

- (1) The minimum lot areas shall be 6,000 square feet; and
- (2) The minimum lot width at the front building line shall be 60 feet.

(D) *Yards.* Except as provided in §§ 154.056, 154.073, 154.083, 154.116, and 154.117, in a C-G zone yards shall be as follows:

- (1) On streets not constructed to city standards, the front setbacks of structures shall be setback
a minimum of 40 feet from the center line of a street (other than an alley);
- (2) All yards abutting a lot in an R-L, R-M, and R-H zone shall be a minimum of ten feet; and
- (3) For corner lots, see § 154.057.

(E) *Building height.* Except as provided in §§ 154.056, 154.086, 154.116, and 154.117, in a C-G zone no building shall exceed a height of 35 feet.

(F) *Parking.* Refer to § 154.059.
(Ord. 590, passed 6-23-2003)

**ANIMAL
CODE
AMENDMENTS**

WINSTON ANIMAL CODE AMENDMENTS

SECTION 91.04: *Purpose of Amendment: To amend the city requirements for permitting poultry on properties within the city limits. This amendment would allow more properties within the city*

limits to have an avenue to keep chickens for the purpose of pets and egg collection. With the current language, an estimated 82% of residential properties within the city limits of Winston would not be allowed to keep any number of poultry on their property. Additionally, it sets forth a fee appropriate for the review process and moved the authorizing body from city council to the city planner/city manager.

§ 91.04 LIMITATIONS.

Ownership or keeping of animals is subject to the limitations described in this section. Use of land allotments for more than one type of animal is prohibited.

(A) *Horses.*

- (1) No person shall own or keep a horse within the city without a permit pursuant to § 91.06.
- (2) No person shall own or keep a horse on less than 5,000 square feet of land.
- (3) Each additional horse shall require an additional 5,000 square feet of land.
- (4) No person shall own or keep more than three horses within the city, except that an excess of a single foal may be kept for not more than six months when caused by incidental reproduction.
- (5) No person shall own or keep a horse within 100 feet of a residence or dwelling, occupied or not, except the dwelling of the owner or keeper of the horse.

(B) *Cattle.*

- (1) No person shall own or keep a head of cattle within the city without a permit pursuant to § 91.06.
- (2) No person shall own or keep a head of cattle on less than 5,000 square feet of land.
- (3) Each additional head of cattle shall require an additional 5,000 square feet of land.
- (4) No person shall own or keep more than three head of cattle within the city, except that an excess of a single calf may be kept for not more than six months when caused by incidental reproduction.
- (5) No person shall own or keep any cattle within 100 feet of a residence or dwelling, occupied or not, except the dwelling of the owner or keeper of the cattle.

(C) *Other livestock and poultry.*

(1) No person shall own or keep a head of livestock, other than cattle, horses or poultry, without a permit pursuant to § 91.06.

(2) No person shall own or keep a head of livestock, other than cattle or horses, ~~or one to ten poultry~~ or one to six rabbits, on less than 5,000 square feet of land.

(3) Each additional head of livestock ~~or additional poultry over ten~~ or additional rabbits over six, shall be provided an additional 5,000 square feet of land by the owner or keeper of the animal(s).

(4) No person shall own or keep more than three head of other livestock described in this section, other than cattle ~~or~~ horses ~~poultry~~ except than an excess may be kept for not more than two months when caused by incidental reproduction.

(5) No person shall own or keep livestock ~~poultry~~ or rabbits within 100 feet of a residence or dwelling, occupied or not, except the dwelling of the owner or keeper of the livestock.

(6) The keeping of poultry is permitted in all residential zones provided the following standards are met and verified via the permitting process:

a) No roosters or male fowl shall be allowed.

b) The animals shall be contained at all times within an enclosed coop.

c) The coop shall be located at least 25 feet from all property lines and dwelling units, occupied or not, except the dwelling of the owner or keeper of the animals.

d) The coop shall be located in the rear yard of the subject property

e) The minimum lot size for poultry to be kept is 5,000 square feet. The density of poultry allowable for a 5,000 square foot lot is 5 animals. The density shall increase at the rate of 1 animal for each additional 1,000 square feet of lot area, with the maximum allowed number being 10 animals regardless of lot size (i.e., a 9,000 square foot lot would allow for 9 animals provided all other requirements are met).

- (D) *Dogs and cats.* No person shall own or keep within the city more than three dogs nor more than three cats, except that an excess consisting of a single litter may be kept for not more than six months when caused by incidental reproduction.
- (E) *Household pets.* No person shall own or keep within the city household pets in numbers as to create unsanitary conditions or a danger to the health or safety of the owner or keeper or the public.
- (F) *Animals for educational purposes.* Educational organizations that raise animals for educational purposes or the purpose of instructing students in animal husbandry may apply for exemption from this subchapter if all animals so raised are contained in a manner consistent with § 91.05 and are not kept in numbers as to create unsanitary conditions or a danger to the health or safety of the public. These requests for exemption shall be approved by the City Council and may be denied if the Council determines that the educational organization is a commercial enterprise or if the essential conditions of this subchapter are not met.
- (G) *Diseased animals.* No person shall own or keep within the city an animal with a contagious or communicable disease.
- (H) *Wild animals.* No person shall own or keep a wild animal within the city. (1993 Code, Comp. No. 4-7) (Ord. 572, passed 10-18-1999) Penalty, see § 91.99

§ 91.05 CONTAINMENT.

No person owning or keeping animals shall permit them to run at large. All land areas housing livestock or poultry shall be surrounded by a fence sufficient to ensure the containment of all livestock and poultry to those areas. Property owners are strictly liable for damages suffered by any person from physical or other injury caused by contact with a fence used for the containment of livestock or poultry.

This liability does not apply to persons injured while committing an illegal act. (1993 Code, Comp. No. 4-7) (Ord. 572, passed 10-18-1999) Penalty, see § 91.99

§ 91.06 PERMITS.

- (A) No animal, except a household pet other than a dog, shall be kept within the city except under permit issued by the city.
 - (B) No permit for an animal shall be issued under this subchapter unless the requirements set forth in this subchapter are met.
 - (C) Applications for permits shall be submitted to the City Manager along with the required filing fee of ~~\$15~~ **\$25**. Permits shall be **reviewed by the City Planner and** issued by the City Manager ~~after approval by the City Council.~~
- (1) As a condition of all permits, the owner and keeper of the animals shall:

- (a) Keep the premises in a sanitary condition, including but not limited to the removal of
 - all manure at least once a week;
- (b) Prevent the animals from disturbing any person by frequent or prolonged noises; and
- (c) Prevent the animals from causing conditions resulting in offensive odors or areas where flies or other undesirable insects may breed.

~~(2) Property owners within a 250-foot radius of the property for which a permit is requested shall receive notice by regular mail of the time scheduled by the City Council for consideration of the request.~~

- (D) An application for a permit may be denied or a permit revoked by the **City Manager** ~~City Council~~ at a time as any requirements as set forth in § 91.05 and this section are no longer met. Thirty days' written notice shall be given to the owner of the animals after a decision is made to revoke a permit. (1993 Code, Comp. No. 4-7) (Ord. 572, passed 10-18-1999; Ord. 651, passed 12-20-2010)