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ORDINANCE NO. 452

The City of Canby ordains as follows:

Section 1. Title. This ordinance shall be known as the "zoning ordinance" of the city.

Section 2. Definitions. As used in this ordinance, the masculine includes the feminine and the neuter and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

(1) Accessory structure or use. A structure or use incidental and subordinate to the main use of the property and which is located on the same lot with the main use, such as, but not limited to, garage, carport, tool shed, private greenhouse, utility building, and home occupation.

(2) Agriculture. The tilling of the soil, the raising of crops and horticulture.

(3) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

(4) Billboard. A sign which has a surface sign space upon which advertising may be posted, painted or affixed, and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

(5) Boardinghouse; lodging or rooming house. A building where lodging with or without meals is provided for compensation for over four but not more than 10 guests.

(6) Building. A structure built for the shelter, or enclosure of persons, animals, chattels, or property of any kind.

(7) City. The City of Canby, Oregon

(8) Commission. The planning commission of the City.

(9) Dwelling, duplex; or dwelling, two-family. A detached building containing two dwelling units.

(10) Dwelling, multi-family. A building containing three or more dwelling units.

(11) Dwelling, single-family. A detached building containing one dwelling unit.

(12) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility. Trailer coaches shall not be considered as dwelling units.

(13) Family. An individual, or two or more persons related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than four additional persons, excluding servants; or a group of not more than five persons, excluding servants, who need not be related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit.

(14) Grazing. The use of land for pasture of horses, cattle, sheep, goats, or other domestic, herbivorous animals.

(15) Height of building. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

(16) Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no servant, employee, or other person being engaged, provided the residential character of the building is maintained and the occupation is conducted in such a manner as not to give an outward appearance nor manifest any character of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

(17) Hotel. A building in which lodging is provided for more than 10 guests for compensation and in which no provision is made for cooking in the rooms.

(18) Loading space. An off-street space within a building or on the same lot with a building for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street.

(19) Lot. A parcel or tract of land.

(20) Lot area. The total horizontal area within the lot lines of a lot.

(21) Lot, corner. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

(22) Lot, interior. A lot other than a corner lot.

(23) Lot line. The property line bounding a lot.

(24) Lot line, front. In the case of an interior lot, the lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.

(25) Lot line, rear. A lot line which is opposite and most distant from the front line and in the case of an irregular, triangular, or other shaped lot, a line ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

(26) Lot line, side. Any lot line not a front or rear lot line.

(27) Lot width. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

(28) Motel. A building or group of buildings on the same lot containing guest units with separate and individual entrances and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.

(29) Nonconforming structure or use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(30) Parking space. A rectangle not less than 20 feet long and 8.5 feet wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.

(31) Person. Every natural person, firm, partnership, association, or corporation.

(32) Sign. A presentation or representation, not in an enclosed building and other than a house number which, by words, letters, figures, designs, pictures, or colors is publicly displayed so as to give notice relative to a person, a business, an article of merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the board, metal, or surface upon which the sign is painted, included, or attached. Each display surface or a sign shall be considered to be a sign.

(33) Street. The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road", "highway", "lane", "avenue", "alley", or other similar designation.

(34) Structural alteration. Any change to the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.

(35) Structure. That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some manner, and which requires a location on the ground or which is attached to something having a location on the ground.

(36) Trailer coach. A building or vehicle originally designed or presently constructed to be used as a human dwelling or lodging place and to be movable from place to place over streets.

(37) Trailer park. A plot of ground upon which one or more trailer coaches occupied for dwelling or sleeping purposes are located, regardless of whether a charge is made for such accommodation.

(38) Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

(39) Vision clearance area. The triangular area on a lot at the intersection of two streets or a street and a railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in this ordinance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to their points of intersection. The vision clearance area contains no plantings, structures, or temporary or permanent obstructions exceeding two and one half feet in height measured from the top of the curb.

(40) Yard. An open space on a lot which is unobstructed from a point two and one half feet above the general ground level of the graded lot upward except as otherwise provided in this ordinance.

(41) Yard, front. A yard between side lot lines and measured horizontally from the front lot line at right angles to the front lot line to the nearest point of a building.

(42) Yard, rear. A yard extending between side lot lines and measured horizontally at right angles from the rear lot lines to the nearest point of a building.

(43) Yard, side. A yard lying between the front and rear yards measured horizontally at right angles to the side lot line from the side lot line to the nearest point of a building.

Section 3. Compliance with Ordinance Provisions. No building, structure, or land shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered contrary to the provisions of this ordinance. No lot area, yard, or required off-street parking or loading area existing on or after the effective date of this ordinance shall be reduced in area, dimension, or size below the minimums required by this ordinance, nor shall any lot area, yard, off-street parking or loading area that is required by this ordinance for one use be used to satisfy the lot area, yard, off-street parking or loading area requirement for any other use.

Section 4. Zoning Map.

(1) The location and boundaries of the zones designated in Section 6 are hereby established as shown on the map entitled "Zoning Map of the City of Canby" dated with effective date of this ordinance, and signed by the Mayor and the City Recorder, and hereafter referred to as the "zoning map".

(2) The signed copy of the zoning map shall be maintained on file in the office of the City Recorder and is hereby made a part of this ordinance.

Section 5. Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines or the center lines of streets, railroad rights of way, or such lines extended. Where a zone boundary divides a lot into two or more zones then the entire lot shall be considered to be in the zone containing the greater lot area provided the boundary adjustment is a distance of less than 20 feet.

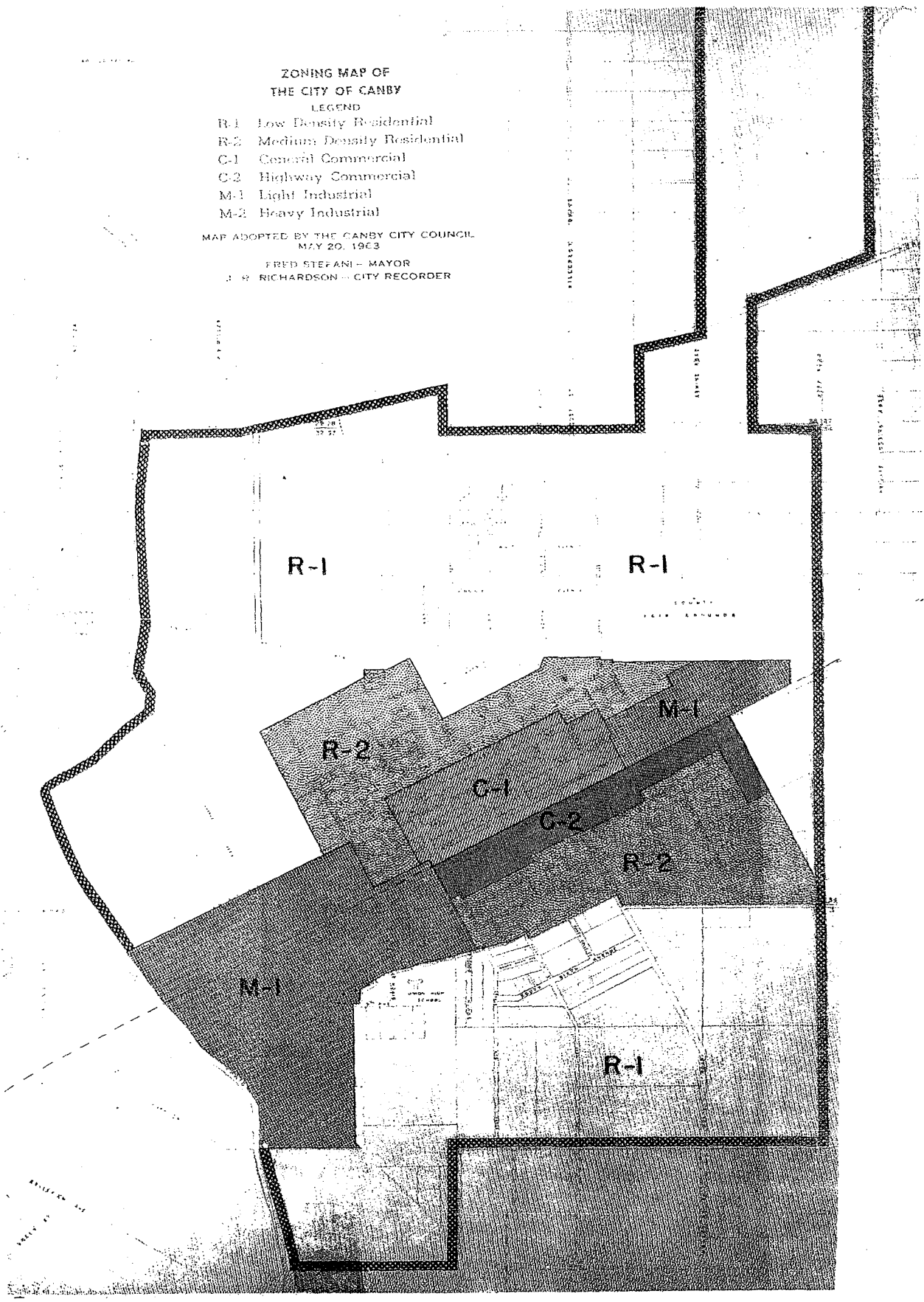
ZONING MAP OF
THE CITY OF CANBY

LEGEND

- R-1 Low Density Residential
- R-2 Medium Density Residential
- C-1 General Commercial
- C-2 Highway Commercial
- M-1 Light Industrial
- M-2 Heavy Industrial

MAP ADOPTED BY THE CANBY CITY COUNCIL
MAY 20, 1963

FRED STEFANI - MAYOR
J. R. RICHARDSON - CITY RECORDER



Section 6. Zoning of Annexed Areas. Zoning regulations applicable to an area prior to annexation to the city shall continue to apply and shall be enforced by the city until a zoning plan for the area has been adopted by the City Council. An area annexed to the city which is not zoned shall be automatically classified as an R-1 zone until a zoning plan for the area has been adopted by the city council.

Section 7. Classification of Zones. In order to carry out the purpose and the provisions of this ordinance the city is divided into zones designated as follows:

<u>Zone</u>	<u>Abbreviated Designation</u>
Low density residential	R-1
Medium density residential	R-2
General commercial	C-1
Highway commercial	C-2
Light industrial	M-1
Heavy industrial	M-2

Section 8. Uses Permitted. The uses permitted in each of the individual zones are set forth in the following table:

ZONE	USES PERMITTED OUTRIGHT/ ¹	CONDITIONAL USES/ ²
R-1 Low density residential	<ol style="list-style-type: none"> 1. Single-family dwelling. 2. Agriculture, including all accessory structures necessary to the conduct of an agricultural activity but excluding commercial processing, manufacturing, or packaging plants except when used primarily for items grown on the premises. 3. Grazing and the raising of rabbits and bees. 	<ol style="list-style-type: none"> 1. Cemetery 2. Church 3. Day Nursery 4. Hospital 5. Nursing home, convalescent home, or home for the aged. 6. Public building or land use such as fire station, city hall, park, library, or museum. 7. School 8. Two-family dwelling 9. Utility, pumping station or sub-station with no equipment storage.
R-2 Medium density residential.	<ol style="list-style-type: none"> 1. A use permitted in an R-1 zone except grazing and the raising of rabbits and bees. 2. Boarding, lodging or rooming house. 3. Multi-family dwelling. 	<ol style="list-style-type: none"> 1. A use permitted as conditional in Zone R-1.
C-1 General Commercial	<ol style="list-style-type: none"> 1. A use permitted in R-2 zone. Residences are subject to the regulations of R-2 zone. 2. Retail store or shop, except those first listed in the C-2 zone. 3. Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink, theater, when enclosed in a building. 4. Bakery, for retail sale on premises only. 5. Barber or beauty shop. 6. Bank or other financial institution. 7. Bicycle sales, service or repair. 8. Blueprinting, photostating, printing, lithographing, or other reproduction process. 9. Building materials supply sales when enclosed in a building. 10. Bus depot 11. Business college 12. Business machine sales, service or repair 13. Catering establishment. 	<ol style="list-style-type: none"> 1. A use permitted as conditional in zone R-1

ZONE	USES PERMITTED OUTRIGHT ¹	CONDITIONAL USES ²
C-1 (Continued)	<ul style="list-style-type: none"> 14. Club or lodge hall 15. Laundry or cleaning establishment 16. Frozen food lockers 17. Hotel or apartment hotel 18. Laboratory for experimental, photo or electronic testing or research 19. Locksmith or gunsmith 20. Magazine or newspaper distribution agency 21. Marine craft sales, service, repair or supplies 22. Mortuary 23. Office, business or professional 24. Parking lot or garage 25. Pawn shop 26. Restaurant, without drive-in service 27. Scientific or professional instrument sales or repair 28. Small household, recreational, radio, television or business equipment sales, rental or repair 29. Studio; including music, art, dancing, photography or health 30. Taxidermy shop 31. Telephone or telegraph exchange 32. Theater, except drive-in 33. Upholstery shop 34. Watch and clock repair 	
C-2 Highway commercial	<ul style="list-style-type: none"> 1. A use permitted in a C-1 zone. Residences are subject to the regulations of the R-2 zone 2. A use permitted as conditional in a C-1 zone 3. Automobile, motorcycle or truck sales, service, repair, rental or storage. 4. Billboard 5. Drive-in theatre or other drive-in commercial amusement enterprise 6. Drive-in restaurant 7. Kennel 8. Lumber yard 9. Machinery, farm equipment or implement sales, service or rental 10. Motel or tourist court 11. Service station 12. Tire shop, including incidental tire recapping. 13. Trailer park 14. Veterinarian's office or animal hospital 15. Fuel oil distribution, retail, provided all fuel oil storage is underground 16. Nursery and greenhouse 17. Feed and seed store 	None

ZONE	USES PERMITTED OUTRIGHT/ ¹	CONDITIONAL USES / ²
M-1 Light Industrial	<ol style="list-style-type: none"> 1. Manufacturing, fabricating, processing, compounding, assembling, or packaging of products made from previously prepared materials, such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills) the operation of which will not result in: <ol style="list-style-type: none"> (a) The dissemination of dust, gas, smoke, fumes, odors, or other atmospheric pollutant beyond the property on which the use is conducted. (b) Danger by reason of fire, explosion, or other physical hazard. (c) Unusual traffic hazards. 2. Automobile body shop. 3. Contractor's equipment or storage yard. 4. Dwelling for watchman or caretaker working on the property. 5. Food processing plant. 6. Fuel distribution, wholesale or retail. 7. Ice or cold storage plant. 8. Laundry or dry cleaning plant. 9. Lumber yard. 10. Machinery, farm equipment, or implement, sales, service or rental. 11. Motor or rail freight terminal. 12. Railroad trackage & related facilities. 13. Restaurant. 14. Service station. 15. Stone, marble or granite cutting. 16. Tire retreading or recapping. 17. Transfer and storage company. 18. Utility service yard. 19. Veterinarian's office or animal hospital. 20. Warehouse. 21. Wholesale distribution, including warehousing and storage. 	None.
M-2 Heavy Industrial	<ol style="list-style-type: none"> 1. A use permitted in an M-1 zone. 2. Other uses involving manufacturing or storage except any use which has been declared a nuisance by statute, by ordinance, or by any court of competent jurisdiction. 	None.

FOOTNOTES:

1. In addition to the listed permitted uses, accessory uses and structures are allowed.

2. For regulations governing conditional uses see Section 15 to 21.

Section 9. Developmental Regulations. The minimum regulations for development of uses permitted outright in each of the individual zones are set forth in the following table:

ZONE	MINIMUM LOT SIZE ¹		MINIMUM YARD REQUIREMENTS ²			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	AREA	WIDTH	FRONT	SIDE	REAR			
R-1	7000 square feet	70 feet except 75 feet on corner lots.	20 feet ²	10 feet ³ except 20 feet along a street side.	5 feet	Principal building: 35 feet or 2½ stories whichever is less. Accessory building: 22 feet or one story whichever is less./4.	Buildings: 30 per cent of the lot.	<p>1. Signs shall be limited to the following:</p> <p>(a) One name plate not over one and one-half square feet in area per residence.</p> <p>(b) Temporary signs pertaining to the sale, rental, or lease of the property upon which the sign is erected.</p> <p>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley.</p> <p>3. Grazing and the raising of rabbits and bees shall be limited as follows:</p> <p>(a) Cow, horses, sheep, or goats shall not be kept on lots having an area of less than two acres. The total number of such animals over the age of six months shall not exceed two per acre.</p> <p>(b) The total number of rabbits over the age of six months shall not exceed 50 per acre.</p> <p>(c) The number of colonies of bees shall be limited to one colony per 2,000 square feet of lot area.</p> <p>(d) Animals shall be properly caged or housed, and proper sanitation shall be maintained at all times with food stored in metal or other rodentproof receptacles.</p>

ZONE	MINIMUM LOT SIZE/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	AREA	WIDTH	FRONT	SIDE	REAR			
R-2	5000 square feet per single family dwelling plus 2000 square feet for each additional dwelling.	50 feet	15 feet/ ²	5 feet except 10 feet along a street side./ ³	5 feet	Same as R-1	Buildings: 40 per cent of the lot.	<p>1. Signs shall be limited to the following:</p> <p>(a) A sign permitted in an R-1 zone.</p> <p>(b) Identification signs, not over nine square feet in total area, designating an apartment, boarding, or rooming house.</p> <p>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley.</p>

MINIMUM LOT SIZE ¹			MINIMUM YARD REQUIREMENTS ²			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
ZONE	AREA	WIDTH	FRONT	SIDE	REAR			
C-1	None	None	None, except 10 feet where adjoining a residential zone.	None, except 5 feet where abutting a residential zone.	None, except 5 feet where abutting a residential zone.	45 feet ⁴	No limit	1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.
C-2	5000 square feet	50 feet	40 feet	None, except 5 feet where abutting a residential zone.	None, except 5 feet where abutting a residential zone.	45 feet ⁴	Buildings: 50 per cent of the lot	1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.
M-1	5000 square feet	50 feet	None, except 10 feet where adjoining a residential zone.	None, except 5 feet where abutting a residential zone.	None, except 5 feet where abutting a residential zone.	45 feet ⁴	No limit	1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley. 2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.

ZONE	MINIMUM LOT SIZE		MINIMUM YARD REQUIREMENTS			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	AREA	WIDTH	FRONT	SIDE	REAR			
M-2	10,000 square feet	50 feet	None, except 10 feet where adjoining a residential zone.	None, except 5 feet where abutting a residential zone.	None, except 5 feet where abutting a residential zone.	No Limit	No Limit	<p>1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.</p> <p>2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.</p>

FOOTNOTES:

1. If on the effective date of this ordinance, a lot or the aggregate of continuous lots held in a single ownership, has less than the required area or width, the lot or aggregate may be occupied by a permitted use subject to the other requirements of the zone, provided that if the deficiency is one of area, residential uses shall be limited to single family dwellings and further provided that if the deficiency is one of width, each required side yard, not abutting a street, may be reduced by one foot for each four feet of deficient width. In no case, however, shall such reduction result in a side yard of less than five feet.

2. When there are dwellings on both abutting lots with front yards less than required, the front yard may be reduced to the average front yard provided on the two abutting lots. When there is a dwelling on one abutting lot with a front yard less than required, the front yard may be reduced to a depth one-half way between the yard provided on the abutting lot and the depth required in the table above.

3. A side yard may be reduced to three feet for a detached accessory structure not exceeding one story and erected 60 feet or more from any street other than an alley. (See also Footnote 1 above)

4. The following types of structures or structural parts are not subject to the building height limitations: chimneys, cupolas, tanks, church spires, belfries, derricks, fire and hose towers, transmission towers, flagpoles, radio and television towers, water tanks, elevators, penthouses, windmills, and other similar projections.

5. Fences, not to exceed three and one-half feet in height in a front yard, except in a vision clearance area, and not to exceed six feet in height in any side or rear yard, shall be permitted. Eaves, cornices, gutters, ornamental features, chimneys, belt courses, and similar architectural features may extend into a required yard a distance not to exceed two inches for each foot of required yard.

General Provisions

Section 10. Off-street Parking. At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city other than a C-1 zone, off-street parking spaces shall be provided as indicated in this section, unless greater requirements are otherwise established. Where square feet are specified, the area measured shall be the gross floor area of the building primary to the functioning of the particular use of the property other than space devoted to off-street parking or loading. Where employes are specified, the term shall apply to all persons, including the proprietors working on the premises during the peak shift.

<u>Use</u>	<u>Off-Street Parking Required</u>
1. Residential uses: Dwelling. Residential hotel, rooming house, or boarding house. Hotel. Motel. Club or Lodge	One space per dwelling unit. Spaces equal to 80 per cent of the number of guest accommodations. Spaces equal to 50 per cent of the number of guest accommodations. One space per guest accommodation plus one space per manager. Spaces to meet the combined uses.
2. Institutions: Welfare or correctional institution. Convalescent hospital, nursing home, rest home, sanitarium, home for the aged. Hospital	Spaces equal to 20 per cent of the number of patient or inmate beds. Spaces equal to 50 per cent of the number of patient or resident beds. Spaces equal to 150 per cent of the number of patient beds.
3. Places of public assembly, Church. Library. Preschool nursery; kindergarten. Elementary or junior high school. High school. Other auditorium or meeting space.	One space per four seats or eight feet of bench length in the main auditorium. One space per 400 square feet of floor area plus spaces equal to 50 per cent of the number of employes. Two spaces per teacher. One space per classroom plus one space per teacher. One space per classroom plus spaces equal to 16 per cent of the number of students.
4. Commercial amusements: Stadium, arena, or theater. Bowling alley	One space per four seats or eight feet of bench length. One space per four seats or eight feet of bench length. Five spaces per alley plus spaces equal to 50 per cent of the number of employes.

4. Commercial amusements; (contd.)

Dance hall; skating rink.

One space per 100 square feet of floor area plus spaces equal to 50 per cent of the number of employes.

5. Commercial:

Service or repair shop;
retail store handling ex-
clusively bulky merchandise
such as automobiles and
furniture.
Other retail store.

One space per 600 square feet of floor area.

Bank; office (other than
medical or dental.)

One space per 200 square feet of floor area.

Medical or dental office
or clinic.

One space per 600 square feet of floor area plus one space per two employes.

One space per 300 square feet floor area plus one space per two employes.

Eating or drinking estab-
lishments.

One space per 200 square feet of floor area.

Mortuaries.

One space per four seats or eight feet of bench length in chapels.

6. Industrial

Storage warehouse; manu-
facturing establishment;
air, rail, or trucking
freight terminal.

One space per employe.

Wholesale establishment.

One space per employe plus one space per 700 square feet of patron serving area.

Section 11. Off-street loading. Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. Loading space that has been provided for an existing use shall not be eliminated if its elimination would result in less than the space required to adequately handle the needs of the use. Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading except during periods of the day when these areas are not needed for parking.

Section 12. General Requirements for Parking Lots and Loading Areas.

A parking lot or loading area, whether an accessory or principal use, intended for the parking of four or more cars or trucks or the loading from one or more trucks shall comply with the following:

(1) Areas used for standing or maneuvering of vehicles shall have durable and dustless surfaces maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks.

(2) Except for parking to serve residential uses, parking or loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

(3) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.

(4) Access aisles shall be of sufficient width for all vehicular turning and maneuvering.

(5) Groups of more than four parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right of way other than an alley.

(6) Service drives to off-street parking and loading areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and the maximum safety of pedestrians and vehicular traffic on the site.

Section 13. Access. All lots shall abut a street other than an alley for a width of at least 25 feet.

Section 14. Setback Lines. To permit or afford better light, air and vision on more heavily traveled streets and on streets of sub-standard width; to protect arterial streets; and to permit the eventual widening of streets, every yard abutting a portion of a street hereinafter named shall be increased over the required yard dimension specified in Section 7 so that the minimum distance from the center line to the front of any structure shall be as listed below.

<u>Street Name</u>	<u>Setback from Center Line</u>
S. Elm St. from Pacific Highway to S.W. Fourth St.	30 feet plus the yard requirement of the zone
Ferry Road	30 feet plus the yard requirement of the zone
N.E. and N.W. First Ave. from N. Elm St. to 1000' east of N. Ivy St.	30 feet plus the yard requirement of the zone
N. E. Fourth Ave. from Locust St. to Pacific Highway	45 feet plus the yard requirement of the zone
S. E. Fourth Ave. (Cemetery Road)	45 feet plus the yard requirement of the zone
S. W. Fourth Ave.,	45 feet plus the yard requirement of the zone
N. Ivy St.	40 feet plus the yard requirement of the zone
S. Ivy St.	45 feet plus the yard requirement of the zone
Knights Bridge Road from Molalla River to N. Grant St.	40 feet plus the yard requirement of the zone
N. Neff Road	45 feet plus the yard requirement of the zone
Rackleff Road	45 feet plus the yard requirement of the zone
N. E. Third Ave.,	40 feet plus the yard requirement of the zone
Amrine Road	30 feet plus the yard requirement of the zone
N. Cedar St.	30 feet plus the yard requirement of the zone
S. Elm St. from S. W. Fourth Ave. to Rackleff Road	30 feet plus the yard requirement of the zone
S. Fir St.,	30 feet plus the yard requirement of the zone
Wait Ave.	30 feet plus the yard requirement of the zone
N. E. Fourth Ave. from Ivy to Locust Street.	30 feet plus the yard requirement of the zone

Conditional Uses

Section 15. Authorization to Grant or Deny Conditional Uses. Uses designated in this ordinance as permitted conditional uses shall be permitted or enlarged or altered upon approval by the planning commission in accordance with the standards and procedures specified in Section 16 to 21.

Future enlargements or alteration of a conditional use shall be reviewed by the planning commission and new conditions may be imposed. Changes in use, expansion, or contraction of site, or alterations of structures or uses classified as conditional existing prior to the effective date of this ordinance, shall conform to all regulations pertaining to conditional uses.

Section 16. Application for Conditional Uses. A request for a conditional use or modification of an existing conditional use may be initiated by a property owner or his authorized agent by filing an application with the city recorder upon forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The planning commission may request other drawings or material essential to an understanding of the proposed use and its relationship to the surrounding properties. There shall be a fee of \$25.00 accompanying a request for a conditional use and a fee of \$10.00 shall accompany a request for enlargement or modification of an existing conditional use.

Section 17. Notice of Hearing on Conditional Uses. Before a conditional use or modification of an existing conditional use is allowed, it shall be considered at a public hearing by the commission. The public hearing before the planning commission shall be held within 40 days after the application is filed. The city recorder shall give notice of the hearing in the following manner:

(1) By publication of a notice in a newspaper of general circulation in the city not less than five nor more than ten days prior to the day of the hearing.

(2) By sending notices by mail not less than ten days prior to the day of the hearing to the property owners within lines parallel to and 200 feet from the exterior boundaries of the property involved using for this purpose the names and addresses of the owners as shown on the records of the county assessor. When all the property located within 200 feet of the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that in the same ownership shall be notified in the same manner as provided in this section. Failure of a person to receive the notice specified in this subsection shall not invalidate any proceedings in connection with the application for a conditional use.

Section 18. Recess of Hearing. The commission may recess a hearing on a conditional use request in order to obtain additional information or to notify additional property owners who it believes may be interested in the proposed conditional use. Upon recessing, the commission shall announce the time and date when the hearing will be resumed.

Section 19. Commission Action. In addition to the general requirements of this ordinance, in granting a conditional use, the commission may attach conditions which it finds are necessary to carry out the purposes of this ordinance. These conditions may increase the required lot or yard, control the location and number of vehicular access points to the property, increase the street width, limit the number of sign, limit coverage or height of buildings because of obstruction to view and reduction of light and air to adjacent property, and require sight obscuring fencing and landscaping where necessary to reduce noise and glare and maintain the property in a character in keeping with the surrounding area.

Section 20. Notification of Action. The city recorder shall notify the applicant in writing of the action of the planning commission within five days after the decision has been rendered.

Section 21. Standards Governing Conditional Uses. A conditional use shall ordinarily comply with the standards of the zone concerned for uses permitted outright except as specifically modified by the planning commission in granting the conditional permit or as otherwise provided as follows:

(1) **Building height.** The height limitations of any zone may be exceeded by a conditional use to a maximum permitted height of 75 feet, provided that each yard is increased over the yard requirement by the addition of five feet for every five feet or fraction thereof of additional height over 35 feet.

(2) **Utility substation or pumping station.** The minimum lot size of the zone in which a public utility is to be located may be waived by the planning commission only on finding that the waiver will not result in noise or other detrimental effect on adjacent property. No equipment storage shall be permitted on the site.

(3) **Signs.** Signs may be permitted for a conditional use, in keeping with the nature of the use and the character of the area, to allow:

(a) Identification signs, not over 12 square feet in total area.

(b) One bulletin board, not over 20 square feet in area, per church.

Nonconforming Uses and Structures

Section 22. Continuation of Nonconforming Use or Structure. Subject to the provisions of Sections 23 to 27 a nonconforming structure or use may be continued but shall not be altered or extended.

Section 23. Nonconforming Structure. A structure conforming as to the use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension is in conformance with this ordinance.

Section 24. Discontinuance of a Nonconforming Use.

(1) If a nonconforming use involving a structure is discontinued from active use for a period of one year, further use of the property shall be for a conforming use.

(2) If a nonconforming use not involving a structure is discontinued for a period of six months, further use of the property shall be for a conforming use.

Section 25. Change of a Nonconforming Use. If a nonconforming use is changed, it shall be changed to a use conforming to the zoning regulations, and after change, it shall not be changed back again to the original non-conforming use.

Section 26. Destruction of a Nonconforming Use. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 per cent of the cost of replacement of the structure using new materials, a future structure or use on the property shall conform to the provisions of this ordinance.

Section 27. Completion of Building. Nothing contained in this ordinance shall require any change in the plans, alteration, construction, or designated use of a building upon which construction work has commenced prior to the adoption of this ordinance, except that if the designated use will be nonconforming it shall, for the purpose of Section 24, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

Variances

Section 28. Authorization to Grant or Deny Variances. The planning commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

Section 29. Conditions for Granting a Variance. No variances shall be granted by the planning commission unless it can be shown that all of the following conditions exist:

(1) Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.

(2) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3) The authorization of the variance shall not be materially detrimental to the purposes of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.

(4) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

Section 30. Variance Procedure. The procedure to be followed and the fees to be charged in applying for and acting on a variance shall be substantially the same as those provided in Sections 16 to 20 of this ordinance for the case of a conditional use except that notice of hearing need only be given by notices mailed to the owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested.

Amendments to the Zoning Ordinance.

Section 31. Authorization to Initiate Amendments. An amendment to the text or to the zoning map of this ordinance may be initiated by the city council, by the planning commission or by application of a property owner or his authorized agent. The planning commission shall, within 40 days after a hearing, recommend to the city council approval, disapproval, or modification of the proposed amendment.

Section 32. Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the city recorder. The application shall be accompanied by a fee of \$25.00.

Section 33. Public Hearing on an Amendment. Before taking final action on a proposed amendment the planning commission shall hold a public hearing thereon. After receipt of the report on the amendment from the planning commission the council shall hold a public hearing on the amendment.

(1) Notice of time and place of the public hearing before the planning commission and the purpose of the proposed amendment shall be given by the city recorder in the following manner:

(a) If an amendment to the text of this ordinance or a change in zone of an area of ten acres or more is proposed, the notice shall be by two publications in a newspaper of general circulation in the city once a week for two consecutive weeks prior to the date of hearing.

(b) If an amendment to the zoning map including an area of less than 10 acres is proposed the notice shall be by the mailing of written notice not less than ten days prior to the date of hearing to owners of property within lines parallel to and 200 feet from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the county assessor. Where all property located within lines parallel to and 200 feet from the exterior boundaries of the property involved is under the same ownership, owners of all property abutting that of the same ownership shall be notified in the same manner as provided in this section. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed change.

(2) Recess of hearing. The planning commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the commission shall announce the time and date when the hearing will be resumed.

(3) Notice and hearing before the city council. After the hearing and recommendations have been made by the commission, the city council shall hold a public hearing on the proposed amendment. Notice of the hearing shall be given as provided in ORS 227.260.

Section 34. Record of Amendments. The city recorder shall maintain a record of amendments to the text and map of this ordinance in a form convenient for the use of the public.

Administration, Enforcement, and Interpretation

Section 35. Enforcement. The superintendent of public works shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling of the superintendent of public works shall be made to the planning commission.

Section 36. Appeal to City Council. An action or ruling of the planning commission authorized by this ordinance may be appealed to the city council within 15 days after the commission has rendered its decision by filing written notice with the city recorder. If no appeal is taken within the 15 day period, the decision of the commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the planning commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than twelve days prior to the date of the hearing.

Section 37. Form of Petitions, Applications and Appeals. Petitions, applications, and appeals provided for in this ordinance shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Applications for a building permit shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact size and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use of each building, structure, or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this ordinance and of the building code.

Section 38. Temporary Permits. The superintendent of public works shall issue temporary permits for buildings to be constructed and used for storage incidental to construction of buildings on the property and for signs advertising a subdivision or tract of land or the lots therein.

Section 39. Interpretation. The provisions of this ordinance shall be held to be the minimum requirements fulfilling its objectives. Where the conditions imposed by any provisions of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinances, resolution, or regulation, the provisions which are more restrictive shall govern.

Section 40. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the remaining portions of this ordinance.

Section 41. Penalty. A person violating a provision of this ordinance shall, upon conviction thereof, be punished by imprisonment in the city jail for not to exceed 5 days or by a fine not to exceed \$100.00, or both. A person violating a provision of this ordinance shall be deemed guilty of a separate offense for each day during which the violation continues.

Passed on first reading at a regular meeting of the Canby City Council held on the 3rd day of June, 1963, ordered posted in three public and conspicuous places in the City of Canby for a period of two (2) full calendar weeks as provided by the Canby City Charter and to come up for final reading and action of the Council at a regular meeting thereof to be held on the 15th day of July, 1963, at the hour of 8:00 o'clock p.m., Daylight Saving Time, at the Canby City Hall.


FRED STEFANI - MAYOR

ATTEST:


J. R. RICHARDSON, City Recorder


Passed on final reading this 15th day of July, 1963, by the following vote:

Yeas 5
Nays 0

Submitted to the Mayor this 15th day of July, 1963, and approved by the Mayor this 15th day of July, 1963.


FRED STEFANI - Mayor

ATTEST:


J. R. RICHARDSON, City Recorder

REGULAR MEETING OF
Canby City Council, July 15, 1963.

The meeting was called to order at 8 p.m. by the Council President.

Roll Call: Present - Councilman Giger, Graham, Harper, Housen and Stevens.

Absent - Mayor Stefani and Councilman Head.

Others Present - Sup't Cox, Asst Bentz, Attorney Bettis, Police Chief Lindsay and CD Director Langahim.

Minutes of the meeting of July 1 was read and approved.

Bill Dreher and Lawrence Beck appeared before the Council in the interest of sewer service or septic tank approval on property near Holly Street between S.W. 4th and 6th Avenues. The Council and Sup't advised them sewer extensions into the area were difficult without designation of street rights-of-way, but that septic-tank permits could be granted on property 100 or more feet from sewer service, subject to approval of the County Health Department.

Richard Morse appeared before the Council questioning an announcement in a recent issue of the Canby Herald that two copies of plans be submitted with applications for building permits and that the City reserved the right to post one issuance of permits for a period of thirty days after application. Sup't Cox explained the purpose of two copies of plans was to make identical recommendations and notations on both copies, one for City files and the other to be returned to the builder. Reservation of thirty days was explained as sufficient time to make a thorough study of the plans and specifications before final approval.

A motion was made by Councilman Giger, seconded by Graham and carried unanimously by roll call vote that claims against the City be approved for payment and warrants drawn on the Treasurer in payment thereof.

The Council President declared that the date had arrived for the final action on Ordinance No. 452, AN ORDINANCE PROVIDING FOR ZONING RESTRICTIONS FOR THE CITY OF CANBY, and called for objections or remonstrances.

Richard Morse registered objections to the area comprising the site of Canby Builders Supply Company being zoned as C-1 which would restrict "building material supply sales when enclosed in a building". Morse wanted assurance that the building could be altered or rebuilt without the necessity of housing all materials, now stored outdoors. The Council and City Attorney indicated to Morse that sufficient provisions were contained in the ordinance to allow for his request. Morse later withdrew his objections and requested that he be provided with copies of all minutes containing reference to his objections to the zoning ordinance.

A telegram from Earl G. Lee, objecting to the M-1 zone in the N.E. section of Canby, was read and Mrs. Hazel Lee Jenkins appeared before the Council with the same objection. Mrs. Jenkins explained that the 8 acre tract was worth more to the Lee family as residential property than for industrial purposes.

Attorney Bettis then read the Ordinance on final reading. A motion was made by Councilman Giger, seconded by Graham and carried unanimously by roll call vote that Ordinance No. 452 be adopted on final reading and made a part of the laws of Canby.

Sup't Cox reported on a meeting of County and City officials with property owners in the area of westerly Knights Bridge Road in relation to access roads to the property.

The Council instructed the Recorder to advise Ron Tatone, by letter, to appear at the next Council meeting to discuss estimates of cost of the Knights Bridge lift station upon which his engineering fee was based.

Sup't Cox's public works report included the following: a chlorinator and pump house has been installed at the Beck well; the foundation for the water storage tank was nearly complete and the contractor was due to be on the job during the week; application for permit to lay two water lines under hiway 99-E had been submitted; material was arriving for the underground electrical system in Oliver Addition No. 3; the newly installed equipment at the sewage disposal plant was complete with the exception of a flow meter, Al Johnson having completed his painting contract there; and nearing completion of the removal of utility facilities from the hiway widening project.

President Housen read a letter from Paul Erb, protesting the decisions of the Sup't regarding inferior material and workmanship in the construction of two houses being built by him in Canby. The Council instructed the Recorder to advise Erb by letter that he could make application to the Board of Appeals for a hearing in the matter.

A letter from the director of the State Department of Motor Vehicles was read, in which he assured the City of Canby of examiner service every fourth Monday until further notice.

The Recorder advised the Council that the Chamber of Commerce had indicated its intention of assisting the Woodburn Swimming Pool with the cost of Red Cross swim lessons to Canby children.

The Council President thanked Archie Markee for assisting in the office during