

ORIGINAL COPY

ORDINANCE NO. 558

AN ORDINANCE TO PROVIDE ZONING REGULATIONS; REPEALING ORDINANCES NO. 452 AND 519; RATIFYING AND CONFIRMING PRIOR AMENDMENTS TO THE CITY'S ZONING MAP AND ORDINANCE NO. 517 RELATING TO PLANNED UNIT DEVELOPMENT PROCEDURES; AND PROVIDING AN EFFECTIVE DATE.

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

## Canby Ordinances

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 single parcel or tract of land for which a legal description has been filed in the office of the County Recorder or the boundaries of which are shown on a subdivision plat.

(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 in the case of an irregular, triangular, or other shaped lot, a line 10 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

## Canby Ordinances

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 structures 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 of 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 privately owned place where two (2) or more trailers used for human occupancy are parked within 500 feet of each other on a lot under one ownership.

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

## Canby Ordinance

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.

(44) Kennel. A place where four (4) or more dogs more than four (4) months of age, kept on one lot or contiguous lots under one ownership are kept, for boarding, breeding, or sales.

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, or required 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 7 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.

Canby Ordinance

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:

Low Density Residential Zone R-1

Uses Permitted Outright<sup>1</sup>

1. Single-family dwelling. One single family dwelling per lot.
2. Agriculture, including all accessory structures necessary to the conduct of 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.

Conditional Uses<sup>2</sup>

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. One, two family dwelling per lot.
9. Utility, pumping station, or substation with no equipment storage.

Canby Ordinance

Medium Density Residential Zone R-2

Uses Permitted Outright<sup>1</sup>

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

Conditional Uses<sup>2</sup>

1. A use permitted as conditional in Zone R-1
2. Trailer parks and motels

Canby Ordinance

General Commercial Zone C-1

Uses Permitted Outright<sup>1</sup>

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, lithography, 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.
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.
35. Similar commercial uses as determined by the Planning Commission.

Canby Ordinances

General Commercial Zone C-1 (con't.)

Conditional Uses<sup>2</sup>

1. A use permitted as conditional in Zone R-1
2. Miniature golf courses (Use No. 2 as shown by Ordinance No. 454, passed January 7, 1964.)



Canby Ordinance

Highway Commercial Zone C-2

Uses Permitted Outright<sup>1</sup>

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 theater 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. Veterinarian's office or animal hospital
14. Fuel oil distribution, retail, provided all fuel oil storage is underground
15. Nursery and greenhouse
16. Feed and seed store
17. Similar commercial uses as determined by the Planning Commission.

Conditional Uses

1. Trailer parks
2. A use permitted outright in an M-1 Light Industrial Zone.

Canby Ordinance

Light Industrial Zone M-1

Uses Permitted Outright<sup>1</sup>

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:
  - (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 and 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
22. Similar industrial uses as determined by the Planning Commission

Conditional Uses<sup>2</sup>

1. Motels, hotels, and similar transient accommodations
2. Other uses as determined by the Planning Commission.

Canby Ordinance

Heavy Industrial Zone M-2

Uses Permitted Outright<sup>1</sup>

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

Conditional Uses<sup>2</sup>

NONE

Footnotes:

1. In addition to the listed permitted uses, accessory uses and structures are allowed.
2. For regulations governing conditional uses, see Sections 15 to 21.

Canby Ordinance

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 tables:

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENTS/ <sup>5</sup>			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	AREA	WIDTH	FRONT	SIDE	REAR			
R-1	7,000 square feet per single family dwelling,  10,000 square feet per two family dwelling	70 feet except 75 feet on corner lots.	20 feet/ <sup>2</sup>	10 feet/ <sup>3</sup> except 20 feet along a side street	20 feet	Principal building:  35 feet or 2½ stories whichever is less.  Accessory building:  22 feet or one story whichever is less/ <sup>4</sup>	Buildings:  30% of lot	<ol style="list-style-type: none"> <li>1. Signs shall be limited to the following: <ol style="list-style-type: none"> <li>(a) One name plate not over one and one-half square feet in area per residence.</li> <li>(b) Temporary signs pertaining to the sale, rental, or lease of the property upon which the sign is erected.</li> </ol> </li> <li>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley</li> <li>3. Grazing and the raising of rabbits and bees shall be limited as follows: <ol style="list-style-type: none"> <li>(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.</li> <li>(b) The total number of rabbits over the age of six months shall not exceed 50 per acre.</li> <li>(c) The number of colonies of bees shall be limited to one colony per 2,000 square feet of lot area.</li> <li>(d) Animals shall be properly caged or housed, and proper sanitation shall be maintained at all times with food stored in metal or other rodent-proof receptacles.</li> </ol> </li> <li>4. All setbacks to be measured from the furthestmost projection of the building.</li> </ol>

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENTS/ <sup>5</sup>			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	AREA	WIDTH	FRONT	SIDE	REAR			
R-2	5,000 square feet for the first dwelling unit plus  2,500 square feet for each additional unit	70 feet	20 feet/ <sup>2</sup>	10 feet single story,  12 feet double story,  except 20 feet along a street side for either single or double story/ <sup>3</sup>	20 feet	35 feet/ <sup>4</sup>	Buildings 40% of the lot	<ol style="list-style-type: none"> <li>1. Signs shall be limited to the following:               <ol style="list-style-type: none"> <li>(a) A sign permitted in an R-1 zone.</li> <li>(b) Identification signs, not over nine square feet in total area, designating an apartment, boarding, or rooming house.</li> </ol> </li> <li>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley.</li> <li>3. Off street parking shall be required for two cars per dwelling unit (not allowed within the front yard set back); on corner lots parking not allowed within setbacks abutting streets. Refer to section 10 and 12.</li> <li>4. Setbacks to be measured from furthestmost projection of the building.</li> </ol>

ZONE	MINIMUM LOT SIZE <sup>1</sup>		MINIMUM YARD REQUIREMENTS <sup>5</sup>			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	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 <sup>4</sup>	No Limit	1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENTS/ <sup>5</sup>			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
C-2	5,000 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/ <sup>4</sup>	Buildings 50% of the lot	1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.



ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENTS/ <sup>5</sup>			MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
M-1	5,000 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.	45 feet/ <sup>4</sup>	No Limit	<ol style="list-style-type: none"> <li>1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.</li> <li>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.</li> </ol>

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENTS/ <sup>5</sup>			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	<ol style="list-style-type: none"> <li>1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.</li> <li>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.</li> </ol>

## Canby Ordinance

### 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.

Canby Ordinance

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 employees 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:	
Single family dwelling	One space per dwelling unit.
Two family and multi-family dwelling	Two spaces per dwelling unit.
Residential hotel, rooming house, or boarding house.	Spaces equal to 80 per cent of the number of guest accommodations.
Hotel	Spaces equal to 50 per cent of the number of guest accommodations.
Motel	One space per guest accommodation plus one space per manager.
Club or Lodge	Spaces to meet the combined uses.
2. Institutions:	
Welfare or correctional institution.	Spaces equal to 20 per cent of the number of patient or inmate beds.
Convalescent hospital, nursing home, rest home, sanitarium, home for the aged.	Spaces equal to 50 per cent of the number of patient or resident beds.
Hospital	Spaces equal to 150 per cent of the number of patient beds.
3. Places of public assembly:	
Church	One space per four seats or eight feet of bench length in the main auditorium.
Library	One space per 400 square feet of floor area plus spaces equal to 50 per cent of the number of employees.
Preschool nursery; kindergarten.	Two spaces per teacher.

Canby Ordinance

<u>USE</u>	<u>OFF-STREET PARKING REQUIRED</u>
Elementary or junior high school.	One space per classroom plus one space per teacher.
High School	One space per classroom plus spaces equal to 16 per cent of the number of students.
Other auditorium or meeting space.	One space per four seats or eight feet of bench length.
4. Commercial amusements:	
Stadium, arena, or theater.	One space per four seats or eight feet of bench length.
Bowling alley	Five spaces per alley plus spaces equal to 50 per cent of the number of employees.
Dance hall; skating rink	One space per 100 square feet of floor area plus spaces equal to 50 per cent of the number of employees.
5. Commercial:	
Service or repair shop; retail store handling exclusively bulky merchandise such as automobiles and furniture.	One space per 600 square feet of floor area.
Other retail store	One space per 200 square feet of floor area.
Bank; office (other than medical or dental).	One space per 600 square feet of floor area plus one space per two employees.
Medical or dental office or clinic.	One space per 300 square feet floor area plus one space per two employees.
Eating or drinking establishments.	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; manufacturing establishment; air, rail, or trucking freight terminal.	One space per employee.
Wholesale establishment.	One space per employee plus one space per 700 square feet of patron serving area.

## Canby Ordinance

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, but in no case shall two-way and one-way driveways be less than twenty (20) feet and twelve (12) feet respectively.
- (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.
- (7) All parking area and parking spaces except those required in conjunction with a single family dwelling on a single lot shall be designed and laid out to the minimum standards as set forth in Figure 1, Parking Table.

Section 13. Access. All lots shall abut a street other than an alley with a minimum front footage of seventy (70) feet, or shall be approved by the Planning Commission.

Canby Ordinance

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.

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 sub-section 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

## Canby Ordinance

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 signs, 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 con-



## Canby Ordinance

formance 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 nonconforming 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:

## Canby Ordinance

(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 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

## Canby Ordinance

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.

## Canby Ordinance

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 sign 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 Clackamas County jail for not to exceed 5 days or by a fine not exceeding \$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.


Section 42. Ratification of Prior Zone Changes and Repeal of Conflicting Ordinances. The City's Zoning Map as previously amended at different times is not changed by this Ordinance, and all prior Ordinances which have been adopted amending the City's Zoning Map are hereby ratified and confirmed; and Ordinance No. 517 providing for Planned Unit Development Procedures enacted September 9, 1968, is hereby ratified and confirmed and A Planned Unit Project as defined in Ordinance No. 517 may be developed in any zone as defined by this Ordinance or any amendments to this Ordinance. Ordinance No. 452 entitled "AN ORDINANCE TO PROVIDE ZONING REGULATIONS" enacted July 15, 1963, and Ordinance No. 519 entitled "AN ORDINANCE AMENDING ORDINANCE NO. 452; AND DECLARING AN EMERGENCY"

Canby Ordinance


enacted December 2, 1968, and all other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 43. Effective Date. After final reading and adoption by the Council, this Ordinance shall take effect at 12:01 a.m. Friday, September 1, 1972.


Passed on first reading at a regular meeting of the Canby City Council held on the 17th day of July, 1972; ordered posted in three (3) 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 7th day of August, 1972, at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.

  
\_\_\_\_\_  
CARL A. BRAMAN - Mayor

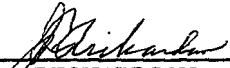
ATTEST:

  
\_\_\_\_\_  
J.R. RICHARDSON - City Recorder

Passed on second and final reading by the Canby City Council at a regular meeting thereof on the 7th day of August, 1972, by the following vote:  
Yeas 6. Nays 0.

  
\_\_\_\_\_  
CARL A. BRAMAN - Mayor

ATTEST:

  
\_\_\_\_\_  
J.R. RICHARDSON - City Recorder

WADE P. BETTIS  
RAYMOND R. REIF  
WADE P. BETTIS, JR.

BETTIS & REIF  
ATTORNEYS AT LAW  
160 N.W. THIRD AVENUE  
CANBY, OREGON 97013

TELEPHONES  
266-1113  
655-1674  
AREA CODE 503

August 8, 1973

Mr. J. R. Richardson  
Canby City Recorder  
P. O. Box D  
Canby, Oregon 97013

Re: Ordinance No. 558 Enacted July 3, 1972 and  
Second Ordinance No. 558 Enacted August 7, 1972

Dear Jarrel:

In going through my ordinance files, I note that Ordinance No. 558 was enacted July 3, 1972 and it repealed prior Ordinance No. 548 which authorized a lease with option to purchase of the Burroughs Company billing computer. As a result of an error on my part, the City's new zoning ordinance, enacted on final reading August 7, 1972 was also assigned the same ordinance number 558. To solve the problem, I suggest that the first Ordinance No. 558, enacted July 3, 1972 be assigned the number "558-A". Since that ordinance is a repealer of a prior ordinance, it is unlikely that it will ever be used or cited hereafter, whereas Ordinance No. 558 adopting a new zoning ordinance is used regularly and has been and will be cited periodically in the future. I don't feel that the matter is important enough to spend any council time to make the change of the ordinance number to add the "A" on the first ordinance and I suggest that you simply do it as an administrative act by putting that number on the original and any other copies of the same which are in your office. I have already done so on my file copy.

Sincerely,

BETTIS & REIF



Wade P. Bettis

WPB/nc

cc: Paul N. Roth, Mayor  
Harold A. Wyman, City Manager