

ORDINANCE NO. 583

AN ORDINANCE TO PROVIDE ZONING REGULATIONS; REPEALING ORDINANCE NO 558; 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 "1975 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.

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(14) 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.

(15) Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employee or other persons being engaged, provided that:

- A. The residential character of the building is maintained.
- B. The activity occupies less than one-quarter of the ground floor area of the building.
- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic 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.
- D. The occupation shall not be carried on in an accessory building of the residence.
- E. No signs be permitted, except for a maximum of 1½ square foot unilluminated nameplate within the interior of the building or in a window.
- F. All home occupations require a city business license.

(16) 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.

(17) 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.

(18) 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.

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

(20) 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.

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

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

(23) Lot line, street. A lot line that separates the lot from the street.

(24) Lot line, interior. All lot lines other than street lot lines which separate one parcel from another.

(25) 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.

(26) 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.

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(27) 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.

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

(29) Setback. A distance which a building is required to be set back from a street center line

(30) Sign. A presentation or representation not in an enclosed building and other than a house number which, by words, letters, figure, designs, pictures, or colors, is publicly displayed so as to give notice relative to a person, a business, an article or 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.

(31) 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 similar designation.

(32) 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.

(33) 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.

(34) 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.

(35) Mobile home park. A privately owned place where two (2) or more mobile homes used for human occupancy are parked within 500 feet of each other on a lot under one ownership.

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

(37) 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 curb 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 curb lines at intersection have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures or temporary or permanent obstructions shall be located within a vision clearance area, excepting one tree trunk and one utility pole, with a maximum diameter of 18 inches, within an area extending from 2 1/2 to 10 feet above the curb or street elevation.

(38) 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.

(39) Yard street. A yard lying between the nearest point of a building and the street and measured horizontally at right angles to the street lot line.

(40) Yard interior. A yard lying between the nearest point of a building and the interior lot line and measured at right angles to the interior lot line.

(41) 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.

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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.

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 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. In each zone, outright and conditional uses and their accessory uses are permitted as follows:

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Low Density Residential Zone R-1

Uses Permitted Outright¹

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. Accessory uses and/or accessory structures are allowed.

Lot Frontage:

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.

Prohibited Parking. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

(1) Any vehicle, except an automobile or a pickup truck, on any public street or alley within any residential zone, except for an emergency or for the purpose of loading or unloading.

Conditional Uses²

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 and playgrounds, library, or museum
7. School
8. One, two family dwelling per lot
9. Utility, pumping station, or substation with no equipment storage
10. Golf courses, public or private, with facilities and structures that are associated with the use
11. Home occupation

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Medium Density Residential Zone R-2

Uses Permitted Outright¹

- 1- A Use permitted in R-1 zone
- 2- Boarding, lodging, or rooming house
- 3- Multi-family dwelling

Lot Frontage.

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.

Prohibited Parking. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking, no person shall park:

(1) Any vehicle, except an automobile or a pickup truck, on any public street or alley within any residential zone, except for an emergency or for the purpose of loading or unloading.

Conditional Uses²

1. A use permitted as conditional in Zone R-1
2. Mobile Home Parks and motels

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General Commercial Zone C-1

Uses Permitted Outright¹

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, 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

Conditional Uses²

1. A use permitted as conditional in Zone R-1
2. Miniature golf courses

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Highway Commercial Zone C-2

Uses Permitted Outright¹

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 Uses²

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

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Light Industrial Zone M-1

Uses Permitted Outright¹

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 Uses²

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

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Heavy Industrial Zone M-2

Uses Permitted Outright¹

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 Uses²

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.

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

ZONE	MINIMUM LOT SIZE/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Width	Interior Yards			
R-1	7,000 square feet per single family dwelling 10,000 square feet per two family dwelling	70' <i>except lots</i> <i>lots</i>	20 feet/ ² except 25 feet on corner lots	10 feet/ ³	Principal building: 35 feet or 2½ stories whichever is less Accessory building: 22 feet or one story whichever is less/ ⁴	Buildings: 30% of lot	<ol style="list-style-type: none"> Signs shall be limited to the following: <ol style="list-style-type: none"> One name plate not over one and one-half square feet in area per residence. Temporary signs pertaining to the sale, rental, or lease of the property upon which the sign is erected. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley. All setbacks to be measured from the furthestmost projection of the building.

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

ZONE	MINIMUM LOT SIZE/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Street Lot Line Setback	Street Yard	Interior Yard			
C-1	None	None	None, except 10 feet where adjoining 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 intersection including an alley.

ZONE	MINIMUM LOT SIZE/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yard			
C-2	5,000 square feet	50 feet	40 feet	None, except 5 feet where abutting a residential zone	45 feet/ ⁴	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/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yards			
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.	45 feet/ ⁴	No limit	<ol style="list-style-type: none"> 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 sight obscuring fence. 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/ ¹		MINIMUM YARD REQUIREMENTS/ ⁵		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yard			
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	No Limit	No Limit	<ol style="list-style-type: none"> 1. Vision clearance area distances shall be 15 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.

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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 interior 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 an interior yard of less than five feet.

2. When there are dwellings on both abutting lots with street yards less than required, the street yard may be reduced to the average street yard provided on the two abutting lots. When there is a dwelling on one abutting lot with a street yard less than required, the street 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. An interior 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 in R-1, R-2 and C-1 zones, 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 interior yard, shall be permitted.

6. Fences in C-2, M-1 and M-2 zones may not exceed 8 feet and must be chain link unless otherwise approved by the Canby Planning Commission.

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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

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USE

OFF-STREET PARKING REQUIRED

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
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 400 square feet of floor area
Bank; office (other than medical or dental)	One space per 500 square feet of floor area plus one space per two employees

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USE

OFF-STREET PARKING REQUIRED

Medical or dental office
or clinic

One space per 300 square feet of
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; manu-
facturing 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

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.

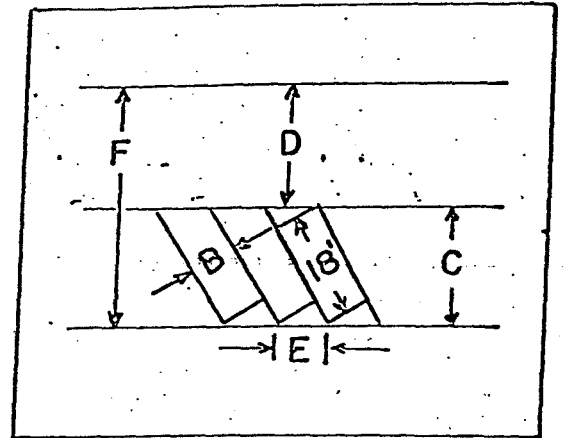
(2) Except for parking to serve residential uses, parking or loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.

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- (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.
- (8) Owners of two or more uses, structures and parcels of land may utilize jointly the same parking area when the hours of operation do not overlap, provided satisfactory legal evidence is presented in the form of deeds, leases, or contracts securing full access to such parking areas for all the parties jointly using them.

FIGURE PARKING TABLE

A	B	C	D	E	F
parallel	8'0"		12.0	22.0	20.0
20°	9'6" 10'0"	15.1 15.5	12.0 12.0	27.8 29.2	27.1 27.5
30°	9'6" 10'6"	17.3 17.7	12.0 12.0	19.0 20.0	29.3 29.7
45°	9'6" 10'0"	19.4 19.8	13.0 13.0	13.4 14.1	32.4 32.8
60°	9'6" 10'0"	20.5 20.9	18.0 18.0	11.0 11.5	38.5 38.8
70°	9'6" 10'0"	20.6 20.9	18.5 18.0	10.5 10.6	39.1 38.9
80°	9'6" 10'0"	19.5 19.6	24.0 24.0	9.6 10.2	43.5 43.6
90°	9'6" 10'0"	18.0 18.0	24.0 24.0	9.5 10.0	42.0 42.0



PARKING DIAGRAM

The above diagram is explanatory to Parking Table

This above table and diagram provide the minimum dimensional standards for parking areas and spaces. In the parking diagram, "A" equals the parking angle, "B" equals the stall width, "C" equals the minimum stall depth, "D" equals the minimum clear aisle width, "E" equals the minimum clear stall distance at bay side, "F" equals the minimum clear bay width.

Sec. 13 amended by
Ord. # 549 2/2/76

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Section 13. Street Widening. In order to permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to permit the eventual widening and extension of important streets, street rights of way shall be as set forth in this section. Where a street does not conform to the standards listed below, no building permit will be issued on property abutting or falling within the proposed alignment of such street until right-of-way has been dedicated to make that portion of such street conforming. Alignment will be established by the City Staff. Any decision of the staff may be referred to the Planning Commission. Required yards will be measured from the new right-of-way line so created.

Street Name

40-Foot Right-of-Way to Remain

N. Locust between N.E. 10th Avenue and Territorial Road
N. Juniper Court
N.W. 6th Avenue
N.W. 7th Avenue between N. Grant Street and N. Holly Street
N. Ash Street
N. Aspen Street
N. Birch Street between N.W. 6th Avenue and N.W. 7th Avenue
N.W. 7th Avenue between N. Birch Street and N.W. Dahlia Place
N.W. Dahlia Place between N.W. 7th Avenue and N. Cedar Street
S.W. Second Avenue between S. Elm Street and S. Ivy Street
S.W. Third Avenue between S. Elm Street and S. Ivy Street
S. Birch Street
S.W. 5th Avenue between Hwy 99E and S. Birch Street
S.W. 7th Avenue
S. Knott Street between S.E. 2nd Avenue and S.E. Township Road
S. Fir Street between S.W. 2nd Avenue and S.W. 3rd Avenue

50-Foot Right-of-Way to Remain

N.E. 9th Place

40-Foot Right-of-Way to be 80-Foot Right-of-Way

N.W. Territorial between N. Birch Street and N. Holly Street
S.W. and S.E. 13th Avenue
S. Berg Parkway

Proposed Arterials to Become 80-Foot Right-of-Way

N. Holly Street from Willamette River to Territorial Road
Territorial Road and proposed Knights Bridge Road Connection from Pacific Hwy to 2000 feet west of Molalla River
Proposed extension from Arndt Road across the Molalla River south on Berg Parkway connecting to S.W. 13th Avenue to S. Ivy Street
S. Ivy Street from Hwy 99E to the Molalla River
N.W. 3rd Avenue from Arndt Road Extension to N. Cedar Street

All other streets not mentioned shall have a 60-foot right-of-way.

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Conditional Uses

Section 14. 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 15 to 20.

(1) In addition to the conditional uses allowed in Section 8, the Commission may grant a temporary permit for a use, structure, sign or activity, not otherwise allowed under this ordinance, for a specified period of time not to exceed one year. All procedures established herein for conditional uses shall apply.

Section 15. 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 \$50.00 accompanying a request for a conditional use and a fee of \$50.00 shall accompany a request for enlargement or modification of an existing conditional use.

Section 16. 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 17. 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.

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Section 18. 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 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 19. 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 20. 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.

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Nonconforming Uses and Structures

Section 21 Continuation of Nonconforming Use or Structure . Subject to the provisions of Sections 22 to 26 a nonconforming structure or use may be continued but shall not be altered or extended.

Section 22 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 23 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 24 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 25 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 26 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 23, be a discontinued use if not in operation within one year of the date of issuance of the building permit.

Variances

Section 27 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

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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 28. 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 29. 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 15 to 19 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 30 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.

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Section 31. 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 \$50.00.

Section 32. 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 change in 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 the 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 33. 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 34. 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 35. 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 36. 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 37. 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 38. 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.

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Section 39. 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 40. 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 41. 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 Planning 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. 558 entitled "AN ORDINANCE TO PROVIDE ZONING REGULATIONS" enacted August 7, 1972, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 42. Effective Date. After final reading and adoption by the Council this Ordinance shall take effect at 12:01 a.m. Tuesday, September 9, 1975

Passed on first reading at a regular meeting of the Canby City Council held on the 4th day of August, 1975 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 2nd day of September, 1975 at the hour of 8:00 o'clock p.m., Oregon Daylight Saving Time, at the Canby City Hall.

(s) Paul N. Roth

Paul N. Roth, Mayor

ATTEST:

(s) Harold Wyman

Harold Wyman, Acting City Recorder

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Passed on second and final reading by the Canby City Council at a special meeting thereof on the 8th day of September, 1975, by the following vote:

Yeas 6 Nays 0.

(S) Paul N. Roth

PAUL N. ROTH, Mayor

ATTEST:

(S) Harold A. Wyman

HAROLD A. WYMAN, Acting City Recorder