

ORDINANCE NO. 722

AN ORDINANCE AMENDING ORDINANCE NO. 690, THE LAND DEVELOPMENT AND PLANNING ORDINANCE OF THE CITY OF CANBY.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Article 10.1.20 of Ordinance No. 690 is hereby amended to provide as follows:

"10.1.20: Definitions:

A) As used in this Ordinance, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied.

B) Unless the context requires otherwise, the following words and phrases shall mean:

- 1) Abutting, adjoining, or adjacent. Physically touching, having at least one common point or boundary, or lots separated only by a public street.
- 2) Accessory structure or use. A detached structure or use not intended for human habitation, 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 or utility building.
- 3) Agriculture. The tilling of the soil, the raising of crops, silviculture and horticulture.
- 4) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- 5) Billboard. A sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, 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.

- 6) Boardinghouse, lodging, or rooming house. A building where lodging with or without meals is provided for compensation for at least four (4), but not more than ten (10) guests.
- 7) Building. A structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.
- 8) Building line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.
- 9) Central business district (CBD). The downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development.
- 10) City. The City of Canby, Oregon.
- 11) Commission. The Planning Commission of the city.
- 12) Council. The City Council of Canby, Oregon.
- 13) Curb line. A line along the edge of the curb nearest the street lot line; not necessarily the right of way line.
- 14) Development plan. Any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- 15) Dwelling, duplex; or dwelling, two family. A detached building containing two dwelling units.
- 16) Dwelling, multi-family. A building containing three or more dwelling units.
- 17) Dwelling, single-family. A detached building containing one dwelling unit. Attached or "common wall" single-family dwellings may also exist provided that each is situated on a separate lot and provided that each such unit shall not contain a common wall with more than one other dwelling unit. Mobile homes and modular units shall not be considered to be single-family dwellings

unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site.

- 18) Dwelling unit. One or more rooms designed for occupancy by one family and not having more than one cooking facility.
- 19) Easement. A grant of the right to use a strip of land for specific purposes.
- 20) Family. An individual or two or more individuals 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 two additional individuals excluding servants; or a group of not more than four individuals excluding servants who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit.
- 21) 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.
- 22) Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employees 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 rights 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 1-1/2 square foot unilluminated nameplate within the interior of the building or in a window.
  - f) All home occupations require a city business license.
- 23) 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.
  - 24) Intersection. The place where two streets meet or cross.
  - 25) Kenel. A place where four (4) or more dogs more than four (4) months of age, on one lot or contiguous lots under one ownership are kept.
  - 26) 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.
  - 27) 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 recorded subdivision plat.
  - 28) Lot area. The total horizontal area within the lot lines of a lot, excluding the access strip serving a flaglot.
  - 29) 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.
  - 30) Lot front. The street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front.
  - 31) Lot, interior. A lot other than a corner lot.

- 32) Lot line. The property line bounding a lot.
- 33) Lot line, interior. All lot lines other than street lot lines which separate one parcel from another.
- 34) Lot line, street. A lot line that separates the lot from a street other than an alley.
- 35) Lot, through. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- 36) Lot width. The average width of a lot when measured at the front and rear setback lines for a principal use.
- 37) Mobile home. A movable structure which is certified to have been designed and constructed in compliance with the 1976 construction standards of the Federal Department of Housing and Urban Development and as may be amended.
- 38) Mobile home park. A tax lot or lots where two (2) or more mobile homes are used for human occupancy and where the space is available for rent or lease.
- 39) Mobile home subdivision. A subdivision of property where individual lots are available for the placement of mobile homes.
- 40) 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.
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- 41) Nonconforming structure, lot, or use. A structure, lot or use which lawfully existed prior to the adoption of zoning requirements for the zone in which it is located and with which it does not comply.
- 42) Parent parcel. A lot or parcel of land from which other parcels or lots are divided.

- 43) Parking space. A rectangle in the dimensions as set forth in Article 3 of this Ordinance together with maneuvering and access space required for a standard american automobile to park within the rectangle.
- 44) Partition. To divide an area or tract of land into two or three parcels within the calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partitioned land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced inside by the adjustment is not reduced below the minimum lot size.
- a) Major Partition. A partition which includes the creation of a road or street.
  - b) Minor Partition. A partition that does not include the creation of a road or street.
- 45) Pedestrian way. A right-of-way for pedestrian traffic.
- 46) Person. An individual, firm, partnership, corporation, company, association, syndicate, or any legal entity, and including any trustee, receiver, assignee, or other similar representative thereof.
- 47) Planning Commission. The planning commission of the City of Canby, Oregon.
- 48) Plat. The map or drawing on which the subdivider's plan of subdivision is presented and which he submits for approval and intends in final form to record. Includes "preliminary", "tentative", and "final plats".
- 49) Right-of-way. The area between the boundary lines of a street or other easement.
- 50) Roadway. The portion or portions of a street right-of-way developed for vehicular traffic.

New Def.

- 51) Setback. A distance which a structure is required to be set back from a lot line.
- 52) Sidewalk. A pedestrian walkway with permanent surfacing to city standards.
- 53) Street. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the term "road", "highway", "lane", "place", "avenue", "alley", or other similar designations.
- a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
  - b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.
  - c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
  - d) Cul-de-sac (dead end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
  - e) Half-street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
  - f) Marginal access or frontage street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

- g) Minor street. A street intended exclusively for access to abutting properties.
- 54) Structural alteration. Any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.
- 55) 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 jointed together in some manner and which requires a location on the ground.
- 56) Subdivide land. To divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.
- 57) Subdivision. Either an act of subdividing land or tract of land subdivided as defined in this Section.
- 58) Trailer coach. A trailer or motor home not certified as meeting the HUD 1976 standards or as may be amended for design and construction of a mobile home.
- 59) Trailer park. A tax lot or lots where space is rented or leased for the location of two (2) or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation.
- 60) Urban growth boundary (UGB). The area specifically delineated in the City's Comprehensive Plan as being already urbanized or available for future urban development.
- 61) Urbanizable The term applied to property which is within the city's urban growth boundary and which is planned for eventual urban development.
- 62) Use. The purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained.



- 63) Vision Clearance area. The triangular area at the intersection of two streets or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed 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 intersections 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.
- 64) 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.
- 65) Yard, interior. A yard lying between the nearest point of a building and the interior lot line and measured horizontally to the interior lot line.
- 66) Yard, Rear. The yard which is most directly opposite the lot front. If the lot is unusually shaped, the City Planner may designate an area which is opposite the front to be the rear yard for setback purposes.
- 67) Yard, Street. A yard lying between the nearest point of a building and the street and measured horizontally to the street lot line.

Section 2: Section 10.3.18 is amended to read as follows:

"10.3.18: Low Density Residential Zone (R-1):

A) Uses Permitted Outright:

- 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, sales, manufacturing, or packaging plants except when used primarily for items grown on the premises.
- 3) Accessory uses and/or accessory structures.
- 4) Two family dwelling on oversized lot when planned for such use as part of the original subdivision design. One two-family dwelling where the lot contains a minimum of 14,000 square feet or, if a corner lot on other than arterial streets, 10,000 square feet. Any duplex constructed on a corner lot of less than 14,000 square feet shall be designed such that access to the different units is taken from different streets.
- 5) Mobile home subdivisions when developed as planned unit developments, subject to the requirements of Articles 4 and 5.
- 6) Public building or land use such as fire station, city hall, park and playgrounds, library or museum.

B) Conditional Uses:

- 1) Cemetery
- 2) Church
- 3) Day Nursery
- 4) Hospital
- 5) Nursing home, convalescent home, or home for the aged.
- 6) School
- 7) Utility, pumping station or substation
- 8) Golf courses, public or private, with facilities and structures that are associated with the use.
- 9) Home occupations which otherwise meet the strict definition of Section 10.1.20, but which involve the manufacture of products, non-residential storage of goods, or any activity which is likely to increase traffic.
- 10) Accessory use or structure located on a lot or lots abutting the lot which houses the principal use of the property.

11) Mobile home or trailer park subject to the criteria of Section 10.3.45.

12) Two family dwelling when not planned for such use at the time of the original subdivision approval.

C) Development Standards:

1) The following table indicates the required development standards of the R-1 zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
R-1	<p>Area: 7,000 sq. ft per single family dwelling.</p> <p>A minimum area of 5600 sq ft may be permitted within a new subdivision or partition provided that the overall mean average lot size exceeds 7000 sq ft.</p>	<p>Width &amp; Frontage: 60', except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.</p> <p>Corner Lots: 65 ft.</p>	<p>Street Yard: <u>(includes each street side of corner lots)</u> 20 ft.</p> <p>Rear Yard: <u>15 ft. for single story.</u> <u>20 ft. for two story.</u></p>	<p>Side Yards: Single Story: <u>one side-7'</u> <u>other side-10'</u></p> <p>Two Story: <u>one side-7'</u> <u>other side-10'</u></p> <p>Interior yards <u>may be reduced to 3 ft for detached accessory structures not exceeding one story and erected 60 ft. or more from lot front.</u></p>	<p>Principal building: 35 ft or 2½ stories, whichever is less.</p> <p>Accessory building: 22 ft or one story which ever is less.</p>	<p>Principal building: No limit.</p> <p>Accessory building: No more than the area covered by the main building, unless lot area exceeds 12,000 sq ft in which case no limit is specified.</p>	<p>*Vision clearance distance shall be 10 ft from an alley and 30 ft. from any other street.</p> <p>*All setbacks to be measured from the foundation line of the <u>building. Overhangs shall not exceed 2 ft.</u></p> <p>*Required yards on southern and western exposures may be reduced by not more than 5 ft for eaves or canopies to provide shade.</p>

Section 3: Article 10.3.20 is hereby amended to read as follows:

"10.3.20: Intermediate Density Residential (R-1.5):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 zone.
- 2) Two or three family dwelling. One duplex or triplex on each lot.

B) Conditional Uses:

- 1) Uses listed as conditional in the R-1 zone.
- 2) Single family dwellings having common wall construction and located on lots of not less than 4,500 square feet each.

C) Development Standards:

- 1) The following table indicates the required development standards of the R-1.5 zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
R-1.5	<p>Area: 6,000 sq. ft for the first dwelling unit and 4000 sq ft for each additional unit.</p> <p>A minimum area of 5000 sq ft may be permitted within a new subdivision provided that the overall mean average lot size exceeds 6000 sq ft.</p> <p>Single family dwellings with common wall construction may be permitted on lots of 4500 sq ft each if approved as a conditional use.</p>	<p>Width &amp; Frontage: 60' except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.</p> <p>Corner lots: 65 ft.</p>	<p>Street Yard: <u>(includes each street side of corner lots)</u> 20 ft.</p> <p>Rear Yard: <u>15 ft. for single story.</u> <u>20 ft. for two story.</u></p>	<p>Side Yards: Single Story: <u>one side-7'</u> <u>other side-10'</u></p> <p>Two Story: <u>one side-7'</u> <u>other side-10'</u></p> <p>Interior yards <u>may be reduced to 3 ft for detached accessory structure not exceeding one story and erected 60 ft or more from lot front.</u></p>	<p>Principal building: 35 ft</p> <p>Accessory building: 22 ft. or one story, whichever is less.</p>	60%	<p>*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street.</p> <p>*All setbacks to be measured from the <u>foundation line of the building. Overhangs shall not exceed 2 ft.</u></p> <p>*Required yards on southern and western exposures may be reduced by not more than 5 ft for eaves or canopies to provide shade.</p>

Section 4: Article 10.3.21 hereby is amended to read as follows:

"10.3.21: Medium Density Residential Zone (R-2):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 Zone
- 2) Boarding, lodging or rooming house.
- 3) Multi-family dwelling.
- 4) Mobile home subdivision of eight or fewer lots per acre, subject to the requirements of Section 10.5.80.

B) Conditional Uses:

- 1) A use listed as conditional in the R-1 zone.
- 2) Mobile home or trailer parks, subject to the criteria of Section 10.3.45.
- 3) Motels or hotels.
- 4) Single family dwellings having common wall construction and located on lots of not less than 4,000 square feet each.

C) Development Standards:

- 1) The following table indicates the required development standards of the R-2 zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
R-2	<p>Area: 5,000 sq. ft for the first dwelling unit plus 2500 sq ft for each additional unit; except that single family dwellings with common wall construction may be permitted on lots of 4000 sq ft each if approved as a conditional use.</p>	<p>Width &amp; Frontage: 60' (see Section 10.3.60 for regulations governing access)</p> <p>Corner Lots: 65 ft.</p>	<p>Street Yard: <u>(includes each street side of corner lots)</u> 20 ft.</p> <p>Rear Yard: <u>15 ft. for single story.</u> <u>20 ft. for two story.</u></p>	<p>Side Yards: <u>Single Story: one side-7'</u> <u>other side-10'</u></p> <p><u>Two Story: one side-7'</u> <u>other side-10'</u></p> <p><u>Interior yards may be reduced to 3 ft for detached accessory structure not exceeding one story and erected 60 ft or more from lot front.</u></p>	35 ft.	<p>40% of the lot for multiple family developments</p> <p>70% for single family residences.</p>	<p>*Vision clearance distance shall be 10 ft. from an alley and 30 ft. from any other street.</p> <p>*All setbacks to be measured from the <u>foundation line of the building. Overhangs shall not exceed 2 ft.</u></p> <p>*Required setbacks on southern and western exposures may be reduced by not more than 5 ft for eaves or canopies to provide shade.</p>



Section 5: Article 10.3.24 is hereby amended to read as follows:

"10.3.24: Downtown Commercial Zone (C-1):

A) Uses Permitted Outright:

- 1) Dwelling units incidental and attached to any use listed in a C-1 zone. (Residences are subject to the regulations of the R-2 zone).
- 2) Retail store or shop, except those first listed as permitted uses in the C-2 zone.
- 3) Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink or theater, when enclosed in a building.
- 4) Bakery, for retail sale primarily on premises.
- 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 or sales when enclosed in a building.
- 10) Bus depot.
- 11) Business college.
- 12) Catering establishment.
- 13) Club or lodge hall.
- 14) Laundry or cleaning establishment.
- 15) Frozen food lockers.
- 16) Hotel and apartment hotel.
- 17) Laboratory for experimental, photo or electronic testing research.
- 18) Locksmith or gunsmith.
- 19) Magazine or newspaper distribution agency.
- 20) Mortuary.
- 21) Office, business or professional.
- 22) Parking lot or parking structure.
- 23) Pawn shop.
- 24) Restaurant, without drive-in service.
- 25) Scientific or professional instrument sales or repair.
- 26) Sales, rental or repair of small recreational, radio, television, business or household equipment.
- 27) Studio, including music, art, dancing, photography or health.
- 28) Taxidermy shop.
- 29) Telephone or telegraph exchange.
- 30) Theater, except drive-in.

- 31) Upholstery shop.
- 32) Watch and clock repair.
- 33) Similar commercial uses as determined by the Planning Commission.
- ~~34) Public building or land use such as fire station, city hall, park, playground, library or museum.~~

*New*

B) Conditional Uses:

- 1) A use listed as conditional in the R-1 zone.
- 2) Miniature golf courses.
- 3) Dwelling units other than those which are incidental and attached to a use listed in the C-1 zone.

C) Development Standards:

- 1) The following table indicates the required development standards of the C-1 zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area:	Width & Frontage:	Street Yard:	Interior Yard:			
C-1	None	None	None, except 10 ft. where adjoining a residential zone.	None	45 ft.	No limit	<p>*Vision clearance distances shall be 10 ft. from an alley and 15 ft. from any other street.</p> <p>Sidewalks 8 Ft in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.</p> <p><u>New</u></p> <p>*All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 ft.</p> <p><u>New</u></p>

Section 6: Article 10.3.25 is hereby amended to read as follows:

"10.3.25: Residential/Commercial (C-R):

A) Uses Permitted Outright:

- 1) Uses permitted outright in the R-1 zone.
- 2) Parking lots or parking structures.
- 3) Bakery, for retail sale on premises only.
- 4) Barber or beauty shop.
- 5) Bicycle service and repair shop with all business and storage conducted within an enclosed building.
- 6) Church.
- 7) Ceramic, arts, crafts, or hobby shop, provided that adequate parking exists for any classes given.
- 8) Day care center serving 15 or fewer children or adults.
- 9) Locksmith shop.
- 10) Magazine or newspaper distribution agency.
- 11) Sales, rental or repair of small recreational, radio, television, business or household equipment.
- 12) Studio, including music, art, dance, photography or health.
- 13) Upholstery shop.
- 14) Watch or clock repair.
- 15) Business or professional offices.
- 16) Rooming or boarding houses.
- 17) Shoe repair.

B) Conditional Uses

- 1) Uses listed as conditional in R-1 or R-1.5 zones, and not listed as permitted in "A" above.
- 2) Uses listed as permitted outright in R-2 zones, and not listed as permitted in "A" above.
- 3) Motels or hotels.

C) Development Standards

- 1) The following table indicates the required development standards of the C-R zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area:	Width & Frontage:	Street Yard:	Interior Yard:			
C-R	7,000 sq. ft.	60' except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.	20 ft.	None, except 10 ft. where adjoining a residential zone.  May be reduced to 3 ft. for detached accessory structure not exceeding one story and erected 60 ft. or more from all streets other than an alley.	45 ft.	60%	*Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street.  *All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 ft.
			<u>New</u>			<u>New</u>	

Section 7: Article 10.3.26 is hereby amended to read as follows:

"10.3.26: Convenience Commercial (C-C):

A) Uses Permitted Outright:

1. Convenience commercial enterprises having no more than 4,000 square feet of floor area including:

- a) Retail stores
- b) Barber or beauty shop
- c) Service station not operating after 10 P.M. or before 6 A.M.
- d) Similar appropriate commercial uses as determined by the Planning Commission.

B) Conditional Uses:

- 1) Other commercial uses
- 2) Dwelling units

C) Development Standards:

- 1) The following table indicates the required development standards of the C-C Zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
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	Area:	Width & Frontage:	Street Yard:	Interior Yard:			
C-C	None	None	20 ft.	None, except 10 ft. where adjoining a residential zone.	35 ft.	60%	<p>*Vision clearance distances shall be 10 feet from an alley and 30 feet from any other street.</p> <p>Sidewalks 8 Ft in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.</p> <p><u>New</u></p> <p>*All setbacks to be measured from the foundation line of the building. Overhangs shall not exc. 2 ft.</p> <p><u>New</u></p>

Section 8: Article 10.3.28 is hereby amended to read as follows:

"10.3.28: Highway Commercial Zone (C-2):

A) Uses Permitted Outright:

- 1) A use permitted outright in a C-1 zone. other than dwelling units.
- ~~2) Miniature golf courses.~~
- 3) Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking.
- 4) Billboard.
- 5) Theaters or other drive-in commercial recreational enterprises.
- 6) Restaurant, including drive-in.
- 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.

B) Conditional Uses:

- 1) Mobile home or trailer parks.
- 2) A use permitted outright in an M-1 Zone.
- ~~3) A use listed as conditional in a C-1 zone and not listed in "A" above.~~

C) Development Standards:

- 1) The following table indicates the required development standards of the C-2 Zone.



ZONE	MINIMUM LOT STANDARDS	MINIMUM YARD REQUIREMENTS	MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS		
	Area:	Width & Frontage:	Street Yard:	Interior Yard:			
C-2	None	None	20 ft. where abutting Highway 99E and S. Ivy-Street remaining property none, except 10 ft where abutting a residential zone.	None, except 10 ft., where abutting a residential zone.	45 ft.	60%	<p>*Vision clearance distances shall be 10 ft. from an alley and 15 ft. from any other street.</p> <p>*Sidewalks 8 Ft in width shall be required in commercial locations unless existing building locations or street width necessitate a more narrow design.</p> <p>*All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 ft.</p>

NEW

NEW

Section 9: Article 10.3.31 is hereby amended to read as follows:

"10.3.31: Light Industrial Zone (M-1):

A) Uses Permitted Outright:

- 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 dusts, gas, smoke, fumes, odors, atmospheric pollutant or noise which exceed Oregon Department of Environmental Quality standards.
  - 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 heavy commercial and light industrial uses as determined by the Planning Commission.

- 23) Business or professional office.
- 24) Public buildings or uses such as fire station,  
Park or playground.

B) Conditional Uses:

- 1) Motels, hotels and similar transient accommodations.
- 2) Other heavy commercial or light industrial uses as determined by the Planning Commission.

C) Development Standards:

- 1) The following table indicates the required development standards of the M-1 zone.

ZONE	MINIMUM LOT STANDARDS		MINIMUM YARD REQUIREMENT		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area:	Width & Frontage:	Street Yard:	Interior Yard:			
M-1	5,000 square feet.	50 feet	None, except 10 ft. where abutting a residential zone and <u>20 ft. where abutting Highway 99E.</u>	None, except 10 ft. where abutting a residential zone.	45 feet	No limit	<p>*Vision clearance area distances shall be 15 ft or 10 ft at intersection including an alley.</p> <p>*Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.</p> <p><u>New</u> *All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed 2 ft.</p>

Section 10: Article 10.8.20 is hereby amended to read as follows:

"10.8.20: Administration and Enforcement:

A) Purpose: Recognizing the need for fair and impartial administration and the importance of strict enforcement of these regulations, it is the intent of the council in adopting these regulations that all reasonable means of enforcement be utilized and maximum allowable penalties be sought for willful violations.

B) Duty: It shall be the duty of the City Planner, with assistance from other city staff, to administer and enforce the Land Development and Planning Code.

C) Revocation of conditional use permits and variances.

1) Automatic Revocation: All conditional use permits and variances shall be automatically revoked if not exercised within one year from the date of approval, of such additional time as is specified by the granting body at the time of approval. Conditional use permits and variances shall not be deemed exercised until the use of the property permitted by the conditional use permit or variance has actually commenced, or in the event that such use involves the construction of a building, that all required permits for said building have been obtained.

2) Revocation for Noncompliance: Any conditional use permit or variance may be revoked by the council for noncompliance with conditions set forth in the original approval, after first holding a public hearing and giving written notice of such hearing to the grantee.

D) Interpretation: The provisions of this Ordinance shall be held to be the minimum requirements fulfilling its objectives.

E) Penalties and Civil Remedies:

1) A person who knowingly violates this Ordinance is punishable upon conviction by imprisonment in the County jail for not more than sixty (60) days or by a fine of not more than \$200, or by both such fine and imprisonment. Each day a violation exists is a separate offense and may be punished as such.

- 2) When costs (attorney fees, court costs, staff or consultant expenses) are accrued in the enforcement of this Ordinance, the city may institute appropriate civil action to recoup the costs from the violators.
- 3) Alternative remedy. In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used in violation of this Ordinance, the building or land in violation shall constitute a nuisance, and the city may, as an alternative to other remedies that are legally available for enforcing these requirements, institute injunction, mandamus, abatement, or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration, or use.
- 4) Individuals who have been victimized by illegal land development practices shall be encouraged to seek civil relief from the developers for any and all costs and inconveniences which they have suffered as a result of such illegal practices.

F) Enforcement Procedures:

- 1) City staff and officials will work closely with local title insurance companies, developers, and members of the real estate profession to ensure fair and reasonable enforcement of these regulations.
- 2) Upon finding any indication of a violation of state law relative to land division, city staff shall contact the Real Estate Division of the State Department of Commerce urging their assistance in the investigation of the matter.
- 3) Upon finding that the regulations of this Ordinance have apparently been violated, the City Planner shall cause the following steps to be taken:
  - a) A member of the staff shall attempt to contact the property owner or apparent violator, explaining the requirements of this Ordinance and type of action which the city can be expected to take if the violation is not corrected.

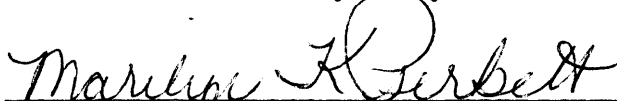
- b) If the property owner and/or violator is willing to correct the violation, he/she shall be given a reasonable amount of time to make such correction.
- c) If the owner and/or violator cannot be reached, is reached but does not intend to comply, or fails to comply within the time limits previously agreed to, the city shall take any of the following steps which are deemed appropriate in the situation:
  - i) Record a document affecting the title of all properties involved in the violation, thereby "clouding" the title and stating that no further permits will be issued for the development of any of the subject property.
  - ii) Withhold any and all permits for the development of the property.
  - iii) Disconnect the property from city services.
  - New iv) Cite the individual into a court of competent jurisdiction.
- d) The city planner shall notify, by certified mail, all record owners of the property involved, stating the nature of the remedial actions which the city is taking to correct the apparent violation.

Section 11: Article 10.8.70 is hereby added Ordinance No. 690:

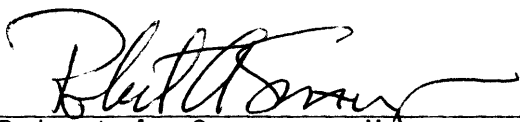
New "10.8.70: Public Officials: The term "City Administrator", "City Recorder", "City Engineer", "City Planner" and other references to individual employees by title shall include any City staff member or consultant operating in an official capacity for the City of Canby. The terms are offered for the convenience of the user of the Ordinance and are not intended to impair the validity of the Ordinance.

Submitted to the Canby City Council and read the first time at a regular meeting on October 20, 1982; ordered posted in three (3) conspicuous places in the City of Canby for a period of two (2) full calendar weeks as required by the Canby

City Charter and to come up for final reading and action of the Canby City Council at a regular meeting thereof to be held on the 17th day of November, 1982 after the hour of 7:30 p.m. o'clock p.m. at the Council chambers at the Canby City Hall.

  
Marilyn K. Perkett -  
City Recorder Pro-tem

Enacted by the Canby City Council at a regular meeting thereof on the 17th day of November, 1982, by the following vote: YEAS 6. NAYS 0.

  
Robert A. Swayze - Mayor

ATTEST:

  
Marilyn K. Perkett -  
City Recorder Pro-tem