

ORDINANCE NO. 659

AN ORDINANCE TO PROVIDE ZONING REGULATIONS; REPEALING ORDINANCE NO. 583; RATIFYING AND CONFIRMING PRIOR AMENDMENTS TO THE CITY'S ZONING MAP AND ORDINANCE NO. 517 RELATING TO PLANNED UNIT DEVELOPMENT PROCEDURES; ESTABLISHING PROCEDURES FOR AMENDING THE CITY'S INTERIM GENERAL PLAN OR COMPREHENSIVE CONSERVATION AND DEVELOPMENT PLAN; AND PROVIDING AN EFFECTIVE DATE.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1: Title. This Ordinance shall be known as the "1979 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 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 and utility building.

(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 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.

(5) 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.

(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) Curb line. A line along the edge of the curb nearest the street lot line; not necessarily the right of way line.

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

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

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

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

(14) 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.

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

(16) Home occupation. A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no 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 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.

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

- (18) Intersection. The place where two streets meet or cross.
- (19) 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.
- (20) 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.
- (21) Lot area. The total horizontal area within the lot lines of a lot.
- (22) 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.
- (23) Lot, interior. A lot other than a corner lot.
- (24) Lot line. The property line bounding a lot.
- (25) Lot line, street. A lot line that separates the lot from a street other than an alley.
- (26) Lot line, interior. All lot lines other than street lot lines which separate one parcel from another.
- (27) 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.
- (28) Nonconforming structures or use. A lawful existing structure or use at the time this ordinance or any amendment there-to becomes effective which does not conform to the requirements of the zone in which it is located.
- (29) Parking space. A rectangle in the dimensions as set forth in Section 12(8) of this ordinance together with maneuvering and access space required for a standard American automobile to park within the rectangle.
- (30) Person. Every natural person, firm, partnership, association or corporation.
- (31) Setback. A distance which a structure is required to be set back from a lot line.
- (32) Sign. A presentation or representation not in an enclosed building and other than a house number which, by works, letters, figures, 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 separate sign.

(33) 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 including the terms "road", "highway", "lane", "avenue", "alley", or similar designation. Any private way approved by the Planning Commission in a partition or subdivision shall also be considered to be a street where it serves more than one dwelling unit.

(34) 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.

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

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

(37) Mobile home park. A single tax lot or lots where two (2) or more mobile homes are used for human occupancy.

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

(39) Vision clearance area. The triangular area 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 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.

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

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

(42) 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.

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

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

Section 4: Zoning Map.

(1) The location and boundaries of the zones designated in Section 7 are hereby established as shown on the map entitled "Zoning Map of the City of Canby" dated with effective date of this ordinance and signed by the Mayor and the City Recorder and hereafter referred to as the "zoning map".

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

Section 5: Zone Boundaries. Unless otherwise specified, zone boundaries are lot lines or the center lines of streets, railroad rights-of-way, or such lines extended. Where a zone boundary divides a lot in 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. An area annexed to the city shall be automatically classified as an R-1 zone until and unless 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:

Low Density Residential Zone R-1

Uses Permitted Out Right<sup>1</sup>

1. Single-family dwelling. One single family dwelling Per lot.
2. Agriculture, including all accessory structures necessary to the conduct of agricultural activity but excluding commercial processing, sales, 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. A decision of the Planning Commission to allow the creation of a lot or lots which do not abut a street for a distance of seventy (70) feet shall be based upon a finding that a unique characteristic of the site or the proposed development necessitates the reduced frontage requirement, and that the resulting development will be as beneficial to the city, overall, as a development which meets the seventy (70) foot requirement.

Prohibited Parking: In addition to the 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 Uses<sup>2</sup>

1. Cemetery
2. Church
3. Day nursery
4. Hospital
5. Nursing home, convalescent home, or home for the aged.
6. Public building or land use 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.

### Medium Density Residential Zone R-2

## Uses Permitted Outright<sup>1</sup>

1. 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. A decision of the Planning Commission to allow the creation of a lot or lots which do not abut a street for a distance of seventy (70) feet shall be based upon a finding that a unique characteristic of the site or the proposed development necessitates the reduced frontage requirement, and that the resulting development will be as beneficial to the City, overall, as a development which meets the seventy (70) foot requirement.

Prohibited Parking. In addition to provisions of the motor vehicle laws of Oregon prohibiting parking:

(1) No person shall park 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.

(2) 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.

## Conditional Uses<sup>2</sup>

1. A use permitted as conditional in zone R-1.
2. Mobile home parks and motels.

### General Commercial Zone C-1

## Uses Permitted Outright<sup>1</sup>

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 listed as permitted uses in the C-2 zone.
3. Amusement enterprise, including pool hall, bowling alley, dance hall, skating rink, theater, when enclosed in a building.
4. Baker, 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 or 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. Mortuary.
22. Office, business or professional.
23. Parking lot or garage.
24. Pawn shop.
25. Restaurant, without drive-in service.
26. Scientific or professional instrument sales or repair.
27. Sales, rental or repair of small recreational, radio, television, business or household equipment.
28. Studio, including music, art, dancing, photography or health.
29. Taxidermy shop.
30. Telephone or telegraph exchange.
31. Theater, except drive-in.
32. Upholstery shop.
33. Watch and clock repair.
34. Similar commercial uses as determined by the Planning Commission.



## Conditional Uses<sup>2</sup>

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

### Highway Commercial Zone C-2

## Uses Permitted Outright<sup>1</sup>

1. A use permitted in a C-1 zone.
2. A use permitted as conditional in a C-1 zone
3. Automobile, motorcycle, boat or truck sales, service, repair, rental or storage.
4. Billboard
5. Theaters or other drive-in commercial recreational enterprises
6. Drive-in restaurant
7. Kennel
8. Lumber yard
9. Machinery, farm equipment, or implement sales, service or rental
10. Motel or tourist court
11. Service station
12. Tire shop, including incidental tire recapping
13. Veterinarian's office or animal hospital
14. Fuel oil distribution, retail, provided all fuel oil storage is underground
15. Nursery and greenhouse
16. Feed and seed store
17. Similar commercial uses as determined by the Planning Commission

## Conditional Uses<sup>2</sup>

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

### Light Industrial Zone M-1

## Uses Permitted Outright<sup>1</sup>

1. Manufacturing, fabricating, processing, compounding, assembling, or packaging of products made from previously prepared materials such as cloth, plastic, paper, metal, wood (but not including sawmills or lumber mills), the operation of which will not result in:
  - (a) The dissemination of dusts, gas, smoke, fumes, odors, atmospheric pollutant or noise which exceed Department of Environmental Quality standards unless the Planning Commission feels that the demonstrated minimum

requirements of the Department of Environmental Quality are not adequate for the City of Canby.

(b) Danger by reason of fire, explosion, or other physical hazard.

(c) Unusual traffic hazards.

2. Automobile body shop
3. Contractor's equipment or storage yard
4. Dwelling for watchman or caretaker working on the property
5. Food processing plant
6. Fuel distribution, wholesale or retail
7. Ice or cold storage plant
8. Laundry or dry-cleaning plant
9. Lumber yard
10. Machinery, farm equipment, or implement sales, service or rental
11. Motor or rail freight terminal
12. Railroad trackage and related facilities
13. Restaurant
14. Service station
15. Stone, marble, or granite cutting
16. Tire retreading or recapping
17. Transfer and storage company
18. Utility service yard
19. Veterinarian's office or animal hospital
20. Warehouse
21. Wholesale distribution, including warehousing and storage
22. Similar industrial uses as determined by the Planning Commission

#### Conditional Uses<sup>2</sup>

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

#### Heavy Industrial Zone M-2

#### Uses Permitted Outright<sup>1</sup>

1. A use permitted in an M-1 zone
2. Other uses involving manufacturing or storage except any use which has been declared a nuisance by statute, by ordinance, or by any court of competent jurisdiction

#### Conditional Uses<sup>2</sup>

NONE

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:

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Footnotes:

<sup>1</sup>In addition to the listed permitted uses, accessory uses and structures are allowed.

<sup>2</sup>For regulations governing conditional uses, see Section 14 to 20.

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yards			
R-1	7,000 square feet per single family dwelling  10,000 square feet per two family dwelling	70' Except 75' on corner lots	20 feet/ <sup>2</sup>	10 feet/ <sup>3</sup>	Principal building:  35 feet or 2 1/2 stories whichever is less  Accessory building:  22 feet or one story whichever is less/ <sup>4</sup>	No Limit	<ol style="list-style-type: none"> <li>1. Signs shall be limited to the following:               <ol style="list-style-type: none"> <li>(a) One name plate not over one and one-half square feet in area per residence.</li> <li>(b) Temporary signs pertaining to the sale, rental, or lease of the property upon which the sign is erected.</li> </ol> </li> <li>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley.</li> <li>3. All setbacks to be measured from the furthest projection of the building.</li> <li>4. No structures, excluding fences, are permitted in the setbacks, except as may be permitted as set forth in footnote No. 3.</li> </ol>

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	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/ <sup>2</sup>	10 feet single story, 12 feet double story/ <sup>3</sup>	35 feet/ <sup>4</sup>	Buildings: 40% of the lot	<ol style="list-style-type: none"> <li>1. Signs shall be limited to the following:               <ol style="list-style-type: none"> <li>(a) A sign permitted in an R-1 zone.</li> <li>(b) Identification signs, not over nine square feet in total area, designating an apartment boarding, or rooming house.</li> </ol> </li> <li>2. Vision clearance area distances shall be 30 feet or 10 feet at intersections including an alley.</li> <li>3. Off street parking shall be required for two cars per dwelling unit (not allowed within the front yard setback) on corner lots parking not allowed within setbacks abutting streets. Refer to section 10 and 12.</li> <li>4. Setbacks to be measured from furthestmost projecture of the building.</li> <li>5. No structure, excluding fences, are permitted in the setbacks except as may be set forth in footnote No. 3.</li> </ol>

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yards			
C-1	None	None	None except 10 feet where adjoining a residential zone.	None	45 feet/ <sup>4</sup>	No limit	1. Vision clearance area distances shall be 15 feet or 10 feet at intersection including an alley.

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yards			
C-2	5,000 square feet	50 feet	40 feet where abutting Highway 99E remaining property none except 10 ft. where adjoining a residential zone.	None	45 feet/ <sup>4</sup>	Buildings: 1.	Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley

ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		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 abutting a residential zone	None	45 feet/ <sup>4</sup>	No limit	<ol style="list-style-type: none"> <li>1. Vision clearance area distances shall be 15 feet or 10 feet at intersections including an alley.</li> <li>2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such material and design as will not detract from adjacent residences.</li> </ol>



ZONE	MINIMUM LOT SIZE/ <sup>1</sup>		MINIMUM YARD REQUIREMENT/ <sup>5</sup>		MAXIMUM BUILDING HEIGHT	MAXIMUM LOT COVERAGE	OTHER REGULATIONS
	Area	Width	Street Yard	Interior Yards			
M-2	10,000 square feet	50 feet	None except 10 feet where adjoining a residential zone.	None	No limit	No limit	<ol style="list-style-type: none"> <li>1. Vision clearance area distances shall be 15 or 10 feet at intersections including an alley.</li> <li>2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight obscuring fence. The fence shall be so designed as to screen the storage from view from the residential zone and shall be of such materials and design as will not detract from adjacent residences.</li> </ol>

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.

In flag lots for purpose of calculating the minimum lot size the area encompassing the "pole" of a "flag" shall not be considered.

Where two or more contiguous substandard recorded lots are in common ownership and are of such size to constitute at least one conforming "zoning lot", such lots or portions thereof shall be so joined, developed, and used for the purpose of forming an effective and conforming lot or lots. Such contiguous substandard lots in common ownership shall be considered as being maintained in common ownership after the effective date of this Ordinance for zoning purposes. In no case shall a lot created illegally be considered a lot of record.

2. When there are existing dwellings on the lots situated immediately to each side of a given lot and each of those neighboring lots has less than the required street yard depth, the street yard of the subject property may be reduced to the average street yard of those two abutting lots. When there is an existing dwelling situated on a lot immediately to either side of a given lot and which fronts on the same street, and such existing dwelling has a street yard which is less than half of that required in the zone, the street yard of the subject property may be reduced to a depth which is halfway between that normally required in the zone and that of the existing dwelling on the neighboring lot.

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, flagpoles, water tanks, elevators, penthouses, windmills, utility poles and other similar projections.

5. Fences not more than three and one-half (3-1/2) feet in height may be constructed up to property lines in the street yards of any R-1, R-2, or C-1 zone. Fences not more than six (6) feet

in height may be constructed in any interior yard, street yard along the side of a corner lot, or street yard along an alley. Provided however, that in no case shall a fence be constructed in violation of the requirements of a vision clearance area.

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

#### 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, off-street parking spaces shall be provided as indicated in this section, unless greater requirements are otherwise established. Except, however, that no off-street parking shall be required for any use permitted outright within the C-1 zone in the rectangular area bounded by N. Ivy Street on the East, N. W. First Avenue on the south, N. Fir Street on the west, and N.W. Third Avenue on the north. Where square footage is 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	Two spaces per dwelling unit for new construction. Existing single family dwelling having only a single parking space shall not be considered to be nonconforming.
Two family and multi-family dwelling.	Two spaces per dwelling unit.
Residential hotel, rooming house or boarding house.	Spaces equal to 80% of the number of guest accommodations.
Hotel	Spaces equal to 50% 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% of the number of patient or inmate beds.

Convalescent hospital, nursing home, rest home, sanitarium, home for the aged.

Spaces equal to 50% of the number of patient or resident beds.

Hospital

Spaces equal to 150% of the number of patient beds.

3. Places of public assembly:

Church

One space per four seats or eight feet of bench length in the main auditorium.

Library

One space per 400 square feet of floor area plus spaces equal to 50% 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% of the number of students.

Other auditorium or meeting space

One space per four seats or eight feet or 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% of the number of employees.

Dancehall, skating rink

One space per 100 square feet of floor area plus spaces equal to 50% 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.
Medical or dental office	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; manufacturing establishment; air, rail or trucking freight terminal	One space per employee.
Wholesale establishment	One space per employee plus one space per 700 square feet of patron serving area.

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.

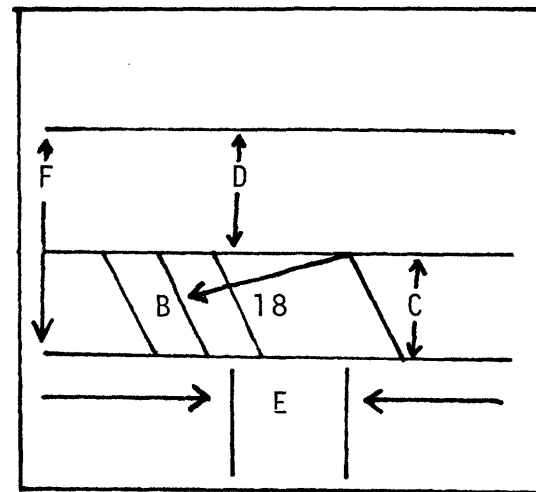
Section 12: General Requirements for Parking Lots and Loading Areas. A parking lot or loading area, whether an accessory or principal use, intended for the parking of four or more cars

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 dust free surfaces (asphalt or oil mat) maintained adequately for all weather use and so drained as to avoid flow of water across sidewalks,
- (2) Except for parking to serve residential uses, parking or loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
- (3) Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- (4) Access aisles shall be of sufficient width for all vehicular turning and maneuvering, but in no case shall two-way and one-way driveways be less than twenty (20) feet and twelve (12) feet respectively.
- (5) Parking spaces serving property containing more than two (2) dwelling units 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.
- (9) The Planning Commission shall have the authority to require designated areas to be set aside for vehicular parking for the handicapped.

FIGURE 1: PARKING TABLE

A	B	C	D	E	F
P a r a l l e l	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 20.0	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 space. 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.

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 for a new structure on property abutting or falling within the proposed alignment of such street unless the setback of the structure conforms to the Development Regulations of Section 9 of this Ordinance and the setback is measured from the alignment of the street for a width as specified below. Street alignments shall be established by the City staff, and any decision of the staff may be appealed to the Planning Commission for its ruling.

Street Name

TO BECOME OR REMAIN 40' RIGHT-OF-WAY:

N. Knott between N.E. 4th Avenue and N.E. 9th Avenue  
N. Locust Street between N.E. 10th Avenue and N.E. Territorial Road  
N. Juniper Court  
N.W. 6th Avenue from N. Grant Street to Canby Village Apartments  
N.W. 7th Avenue between N. Grant Street and N. Holly Street  
S.W. 2nd Avenue between S. Elm Street and S. Ivy Street  
S.W. 3rd Avenue between S. Elm Street and S. Ivy Street  
S. Birch Street between S.W. 4th Avenue and S.W. 5th Avenue  
S.W. 5th Avenue between Highway 99E and S. Birch Street  
S.W. 7th Avenue between S. Fir Street and S. Ivy Street  
S. Knott Street between S.E. 2nd Avenue and S.E. Township Road  
S. Fir Street between S.W. 3rd Avenue and S.W. 4th Avenue

TO BECOME OR REMAIN 50' RIGHT-OF-WAY:

N.E. 9th Place  
S.W. 6th Place  
S. Maple Street between S.E. 5th Avenue and S.E. Township Road  
N. Ash street between N.W. 6th Place and N.W. Knights Bridge Road  
(portions 51')  
N. Aspen Street between N.W. 6th Place and N.W. Knights Bridge Road  
N. Birch Street between N.W. 6th Avenue and N.W. 7th Avenue  
N.W. Dahlia Place between N.W. 7th Avenue and N. Cedar Street  
S. Locust Street between S.E. 2nd Avenue and S.E. Township Road  
N.W. 7th Avenue between N. Birch Street and N.W. Dahlia Place  
N.W. 6th Place  
N.W. 6th Avenue between N. Baker Drive and Dahlia Court.  
N.W. Baker Drive between N.W. 3rd Avenue and N.W. 6th Avenue.

Other

When conditions, particularly the size and shape of land parcels make it impractical to provide minimum lot sizes if the standard street widths are used, right of way of not less than 50 feet may be accepted for minor streets which do not have a continuous alignment exceeding 1,800 feet and for cul-de-sacs. All other streets not mentioned shall have a 60 foot right-of way



unless designated otherwise in the city's development and comprehensive plan.

#### CONDITIONAL USES

Section 14. Authorization to Grant or Deny Conditional Uses. A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this article. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for conditional use. In judging whether or not a conditional use proposal shall be approved or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed and, to approve such use, shall find that the following criteria are either met, can be met by observance of conditions, or are not applicable:

- (1) The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
- (2) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
- (3) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
- (4) The proposal will preserve assets of particular interest to the community.
- (5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes and as the alteration of property values for speculative purposes.

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 Planner 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 pro-

perties. There shall be a fee of \$150 accompanying a request for a conditional use and fee of \$150 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 Planner shall give notice of the hearing in the following manner:

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

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

Section 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.

Section 18: Placing Conditions on a Permit. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

(1) Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare and odor.

(2) Establishing a special yard or other open space or lot area or dimension.

- (3) Limiting the height, size or location of a building or other structure.
- (4) Designating the size, number, location and nature of vehicle access points.
- (5) Improving the street with the right-of-way.
- (6) Designating the size, location, screening, drainage, surfacing or other improvement of a parking area or truck loading area.
- (7) Limiting or otherwise designating the number, size, location, height and lighting of signs.
- (8) Limiting the location and intensity of outdoor lighting and requiring its shielding.
- (9) Requiring diking, screening, landscaping or another facility to protect adjacent or nearby property and designating standards for its installation and maintenance.
- (10) Designating the size, height, location and materials for a fence.
- (11) Protecting and preserving existing trees, vegetation, water resources, wildlife habitat or other significant natural resources.
- (12) Other conditions to permit the development of the City in conformity with the intent and purpose of the conditional classification of uses.

Section 19: Notification of Action. The City Planner 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 as permitted in the applicable zone.

#### Nonconforming Uses and Structures

Section 21: Continuation of Nonconforming Use or Structure. Subject to the provisions of Section 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. Any expansion must follow the procedures as set forth in Section 24.

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. Application for Expansion of Nonconforming Structure or Use. A request for an expansion of a nonconforming use or structure may be initiated by a property owner or his authorized agent by filing an application with the City Planner 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 \$150 accompanying a request for an expansion of a nonconforming use or structure.

Section 25: Authorization to Grant or Deny Expansion of Nonconforming Structure or Use. An expansion of a nonconforming use or structure shall be permitted, altered or denied in accordance with the standard and procedures of this article. In judging whether or not a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse condition that would result from authorizing the particular development at the location proposed and, to approve such expansion shall find that the criteria as set forth

in Section 14(2), (3), (4), and (5) can not be met by observance of conditions, or are not applicable.

Section 26: Destruction of a Nonconforming Use or Structure. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of the cost of replacement of the structure using new materials, then the property owner may apply to the Planning Commission to restore the nonconforming use or structure. In judging whether or not the restoration of a nonconforming use shall be approved or denied, the Planning Commission shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular restoration at the location proposed and, to approve such restoration shall find that the criteria as set forth in Section 14(2), (3), (4) and (5) cannot be met by observance of conditions, or are not applicable.

Section 27: Completion of Building. Nothing contained in this ordinance shall require any change in the plans, alteration, construction or designated use of a building upon which construction work has lawfully 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 28: Authorization to Grant or Deny Variances. The Planning Commission may authorize variances from the requirements of this ordinance where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this ordinance would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance the Planning Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purposes of this ordinance.

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

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

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

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

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

(5) The exceptional or unique conditions of the property which necessitate the issuance of a variance were not caused by the applicant, his employees or relatives acting in deliberate violation of these or other City regulations.

Section 30: Application for Variance. A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City Planner 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 proposal. The Planning Commission may request other drawings or material essential to an understanding of its relationship to the surrounding properties. There shall be a fee of \$200 accompanying a request for a variance.

Section 31: Variance Procedure. The procedure to be followed shall be substantially the same as those provided in Section 15 to 20 of this ordinance for the case of a conditional use except that notice of hearing need only be given by notices mailed to the owners of property abutting or directly across a street from the lot or parcel of land on which the variance is requested.

#### AMENDMENTS TO THE ZONING ORDINANCE OR ZONING MAP

Section 32: 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 forty (40) days after closing the hearing, recommend to the City Council, approval, disapproval or modification of the proposed amendment.

Section 33: Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner. The application shall be accompanied by a fee of \$250.

Section 34: 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) In judging whether or not a zoning ordinance or map should be amended or changed, the Planning Commission and City Council shall consider:

- (a) The comprehensive plan of the City, County, State agencies and local districts in order to preserve functions and local aspects of land conservation and development
- (b) a public need for the change.
- (c) whether the change will serve the public need better than other available property. (If the change is legislative as opposed to quasi-judicial, the standard will be whether the proposed change will serve the public need better than any other change which might be expected to be made.)

- (d) whether the change will preserve and protect the health, safety and general welfare of the residents in the area.
- (e) State-wide planning goals and guidelines. (until such time as the City Comprehensive Plan is found to be in compliance with the Land Conservation and Development Commission.)

(3) Recess in 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.

(4) 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 by publication in a newspaper of general circulation in the City not less than five (5) days prior to the hearing.

(5) In acting on an application for a zone change, the City Council may impose conditions to be met by the proponents of the change before the proposed change takes effect. Such conditions shall be limited to improvements or physical changes to the property which are directly related to the health, safety, or general welfare of those in the area. Further, such conditions shall be limited to improvements which clearly relate to and benefit the area of the proposed zone change. Allowable conditions of approval may include, but are not necessarily limited to:

- (a) Street or sidewalk construction or improvements.
- (b) Extension of Water, sewer, or other forms of utility lines.
- (c) Installation of fire hydrants.

Section 35: Record of Amendments. The City Planner shall maintain a record of amendments to the text and map of this ordinance in a form convenient for the use of the public.

#### AMENDMENTS TO COMPREHENSIVE CONSERVATION AND DEVELOPMENT PLAN

Section 36: Authorization to Initiate Amendments. An amendment to the city's interim development plan and interim development plan map or the comprehensive conservation and development plan and map 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 forty (40) days after closing the hearing, recommend to the City Council approval, disapproval or modification of the proposed amendment.



Section 37: Application and Fee. An application for amendment by a property owner or his authorized agent shall be filed with the City Planner. The application shall be accompanied by a fee of \$250.

Section 38: Public Hearing on an Amendment. Before taking 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 Commission and the purpose of the proposed amendment shall be given by the City Recorder 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.

(2) Recess of hearing. The Planning Commission may recess a hearing in order to obtain additional information or for further study. Upon recessing for this purpose the Commission shall announce the time and date when the hearing will be resumed and no further notice is required.

(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 by publication in a newspaper of general circulation in the City not less than five days prior to the hearing.

Section 39: Authorization to Amend Development Plans. In judging whether or not a development plan and plan map should be amended or changed, the Planning Commission and City Council shall:

(a) Consider the existing comprehensive plan of the County and the plans and programs affecting land use of state agencies and special districts in order to preserve functional and local aspects of land conservation and development.

(b) Give priority consideration to the areas and activities listed in ORS 197.400 and also the following:

- (1) Lands adjacent to freeway interchanges
- (2) Flood plains, marsh and wet land areas
- (3) Unique wildlife habitat, recreation and outstanding scenic areas
- (4) Agricultural land
- (5) State-wide planning goals and guidelines.

(c) If the proposed change is found to be quasi-judicial, the standards set forth in Section 34(2) shall be utilized.

Section 40: Record of Amendments: The City Planner shall maintain a record of amendments of development plans and plan maps in a form convenient for the use of the public.

## ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

Section 41: Administration. The City Planner shall have the power and duty to administer the provisions of this ordinance. An appeal from a ruling of the City Planner shall be made to the Planning Commission within fifteen (15) days of the staff decision.

Section 42: Appeal to City Council. An action or ruling of the Planning Commission authorized by this ordinance may be appealed to the City Council within fifteen (15) days after the Commission has rendered its decision by filing written notice with the City Recorder. There shall be a fee of \$100 accompanying an appeal. 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 43: 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. The City Planner shall refuse to accept any application which has not been fully and accurately completed.

Section 44: Temporary Permits. The Superintendent of Public Works may 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 45: Posting Notice of Public Hearing before the Planning Commission. At least ten days prior to all public hearings before the Planning Commission, the applicant shall post on the effected premises notice of the place, time, date and nature of the application on the affected premises. The form of notice shall be supplied the applicant by the City Planner.

Section 46: Interpretation. The provisions of this ordinance shall be held to be the minimum requirements fulfilling its objectives.

Where the conditions imposed by any provisions of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or of any other ordinances, resolution or regulation, the provisions which are more restrictive shall govern.

Section 47: 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 48: 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 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 49: Civil Enforcement. The City Council may authorize and direct the City Attorney to institute and prosecute in the name of the City of Canby in the Courts of this State an appropriate suit or action to enjoin violations or threaten violations of this Ordinance or the rules and regulations which are adopted by this Ordinance or to recover fees chargeable pursuant to this Ordinance. In case of any such civil suit or action the City shall be entitled to recover its costs and disbursements incurred therein and reasonable attorney fees as may be fixed by the Court in such suit or action and the appellant Court on appeals.

Section 50: Ratification of Prior Zone Changes and Repeal of Conflicting Ordinances. The City's Zoning Map as previously amended at different times is not changed by this Ordinance, and all prior Ordinances which have been adopted amending the City's Zoning Map are hereby ratified and confirmed; and Ordinance No. 517 providing for Planned Unit Development Procedures enacted September 9, 1968, is hereby ratified and confirmed and A Planned Unit Project as defined in Ordinance No. 517 may be developed in any zone as defined by this Ordinance or any amendments to this Ordinance. Ordinance No. 583 entitled "AN ORDINANCE TO PROVIDE ZONING REGULATIONS" enacted September 8, 1975 and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 51: Effective Date. After final reading and adoption by the Council, this Ordinance shall take effect at 12:01 a.m., on the 1st day of September, 1979.

Submitted to the Council and read the first time at a meeting thereof on Thursday, July 5, 1979; ordered posted as provided by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof

to be held on Wednesday, the 1st day of August, 1979, commencing at the hour of 7:30 o'clock p.m. at the Council's meeting chambers at the Canby City Hall in Canby, Oregon.

Robt E. Rapp  
Robt. E. Rapp - Mayor

ATTEST:

Harold A. Wyman  
Harold A. Wyman - City Recorder

Passed on final reading of the Canby City Council at a Regular meeting thereof held on the 1st day of August, 1979, by the following vote: YEAS 5. NAYS 0.

Robt E. Rapp  
Robt. E. Rapp - Mayor

ATTEST:

Harold A. Wyman  
Harold A. Wyman - City Recorder