

ORDINANCE NO. 955

AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING TITLE 16 OF THE PLANNING AND DEVELOPMENT CODE.

WHEREAS, it has been determined that changes are needed to amend or clarify the wording and standards of Title 16 (Land Development and Planning Ordinance) of the Canby Municipal Code, and

WHEREAS, the Canby Planning Commission, after providing appropriate public notice, conducted a public hearing, during which the citizens of Canby were given the opportunity to come forward to present testimony on these proposed changes, and

WHEREAS, after concluding the public hearing, the Planning Commission made appropriate changes to the wording of the proposal to assure that the public interest would be best served by this Ordinance, and

WHEREAS, the Planning Commission found that the standards and criteria of Section 16.88.160 of the Land Development and Planning Ordinance (Amendments to text of title) were met based on the analysis and conclusions of the staff report (TA 96-01), dated July 31, 1996, and recommended adoption of the amendment to the Land Development and Planning Ordinance, and

WHEREAS, City Council, after concluding a public hearing and review of the record of the Canby Planning Commission regarding the subject amendment, concluded that the amendment is appropriate,

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

NOW, THEREFORE, THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Amend Section 16.04.550 Setback, to read as follows:

"Setback" means a distance which a structure is required to be set back from a lot line. Where specified in this title, some setbacks are measured from curbs or projected curb lines rather than lot lines. Railing for decks less than 30 inches above grade are exempt from setback standards.

Section 2. Amend Section 16.08.110 Fences, to read as follows:

Fences not more than three and one-half feet in height may be constructed up to property lines in the street setbacks of any R-1, R-1.5, R-2 or C-1 zone. Fences not more than six 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. The Planning Commission may require site-blocking or noise mitigating fences for any development it reviews. The Planning Commission may require fences of up to eight feet in height for any development in C-2, C-M, M-1 or M-2, or Planned Unit Development zones. No fence/wall shall be constructed throughout a subdivision, planned unit development or be part of a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Section 3. Amend Section 16.10.070(A)(2), Parking lots and access, to read as follows:

Parking stalls of eight (8) feet in width and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty percent (30%) of the total number of parking stalls. Such parking stalls shall be marked "Compact Parking Only" either on the parking surface or on a sign in front of the parking stalls.

Section 4. Amend Section 16.10.070(B)(13) Access, to read as follows:

13. Distance Between Driveways and Intersections - Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:
 - a. At the intersection of any collector or arterial streets, driveways shall be located a minimum of fifty (50) feet from the intersection.

- c. If the subject property is not of sufficient width to allow for the separation between driveway and intersection as provided, the driveway shall be constructed as far from the intersection as possible, while still maintaining the five (5) foot setback between the driveway and the property line.
- d. In the case of existing flag lots, it shall be at the discretion of the Site and Design Review Board to determine the best location for driveways.
- e. When considering a public facilities plan that has been submitted as part of a site and design review plan in accordance with this ordinance, the City Public Works Supervisor may approve the location of a driveway closer than fifty (50) feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.
- f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

Section 5. Amend Section 16.16.030 Development Standards. (C)(3) Minimum yard requirements, to read as follows:

- 3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures and erected sixty feet or more from any street other than an alley.

Section 6. Amend Section 16.18.030 Development Standards. (C)(3) Minimum yard requirements, to read as follows:

- 3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures and erected sixty feet or more from any street other than an alley.

Section 7. Amend Section 16.20.030 Development Standards. (C)(3) Minimum yard requirements, to read as follows:

- 3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures and erected sixty feet or more from any street other than an alley.

Section 8. Amend Section 16.22.010(31) Uses permitted outright, as follows:

31. Telephone or telegraph exchange, excluding wireless or cellular communications towers or monopoles.

Section 9. Amend Section 16.24.030(A) Development Standards, to read as follows:

- A. Minimum lot area: seven thousand square feet, except for residential development. The minimum lot area for residential development shall be according to 16.18.030(A) for residential uses permitted outright, and shall be according to 16.20.030(A) for residential uses permitted conditionally.

Section 10 Reletter Section 16.32.010 Uses permitted outright, subsections (V) - (X) as (W) - (Y).

Section 11. Add to Section 16.32.010 Uses permitted outright, the following:

- V. Wireless or cellular communications facility/tower,

Section 12. Add to Section 16.32.030 Development standards, subsection (F) Other regulations, the following:

4. Prior to issuance of a building permit, wireless/cellular towers require written certification of approval/compliance from the Federal Communications Commission, Federal Aviation Administration and the Oregon Department of Transportation (Department of Aeronautics).

Section 13. Reletter Section 16.42.015 Definitions and interpretation, subsections (F) - (H) as (G) - (I).

Section 14. Add to Section 16.42.015 Definitions and interpretation, the following:

- F. Directory Signs. Signs that are attached to the building and are a directory of the occupants of the building.

Section 15. Reletter Section 16.42.015 Definitions and interpretation, subsections (I) - (N) as (K) - (P)

- F. **Directory Signs.** Signs that are attached to the building and are a directory of the occupants of the building.

Section 15. Reletter Section 16.42.015 Definitions and interpretation, subsections (I) - (N) as (K) - (P)

Section 16. Add to Section 16.42.015 Definitions and Interpretation, the following:

- J. **Multi-Business Buildings.** A building in which more than one business is located.

Section 17. Add to Section 16.42.028(A) Signs exempted or prohibited, the following:

- 16. **Directory signs not exceeding a total display area of one (1) square foot per business listed on the directory sign, and attached to the building. Such signs are exempt from the area limits of Sections 16.42.100. (No sign permit is required.)**

Section 18. Revise Table 16.42.100, to read as follows:

TABLE 16.42.100

BUSINESSES IN INDIVIDUAL BUILDINGS								
--- Area Per Square Footage of Use* ---								
Zone	0 to 500	500 to 1000	1000 to 2500	2500 to 4000	4000 to 6000	6000 to 8000	8000 to 10,000	Greater than 10,000
C-C C-R R-1 R-1.5 R-2	20	40	60	60	60	60	60	60
C-1	40	60	80	100	150	200	250	+ 25 sq. ft. of sign for each addtl. 1000 sq. ft. of area in commercial use, to a max of 500 sq. ft.
C-2 C-M M-1 M-2	50	75	100	150	200	250	300	+ 30 sq. ft. of sign for each addtl. 1000 sq. ft. of area in commercial industrial use, to a max of 600 sq. ft.

BUSINESSES IN MULTI-BUSINESS BUILDINGS						
--- Area Per Square Footage of Use* ---						
Zone	0 to 2000	2000 to 4000	4000 to 6000	6000 to 8000	8000 to 10,000	Greater than 10,000
C-1	40	60	80	100	120	+ 12 square feet of sign for each additional 1000 square feet of area in commercial use, to a maximum of 240 square feet
C-2 C-M M-1 M-2	50	80	100	120	150	+ 15 square feet of sign for each additional 1000 square feet of area in commercial/ industrial use, to a maximum of 300 square feet.

* "Square Footage of Use" is intended to apply only to building area and other portion of the property where business is actually conducted, exclusive of parking areas, open space, or undeveloped portions of the property. Square footage of use is intended to include outdoor storage and other outside areas where work is regularly performed.

** Sign area may be increased by as much as sixty (60%) percent for businesses having frontage on more than one street, other than an alley.

*** Sign area in residential zones is intended to apply to schools, churches, and nonconforming uses. It does not apply to home occupations.

**** Billboards having a surface not greater than fifty (50) square feet per side are permitted in C-2 and C-M zones regardless of the square footage of use.

Section 19. Delete 16.42.023 Administration and enforcement, subsection (J) Sign Enforcement Procedures.

Section 20. Amend Section 16.42.105(A) Signs in public rights-of-way (including daily display signs), to read as follows:

- A. **SIGNS PROHIBITED.** Signs are prohibited within public rights-of-way, except as allowed by this Section.

Signs Located Within City, County, or State Right-of-Way. Except for directional "open house" real estate signs referred to in 16.42.040 or 16.42.105, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off of the site in which they are intended to advertise, is prohibited.

Section 21. Amend the introductory paragraph of Section 16.42.105(B) Signs in public rights-of-way (including daily display signs), as follows:

- B. **EXEMPTED SIGNS.** As referenced in Section 16.42.010(C) signs for purposes of public direction and safety may be allowed within the public right-of-way. For placement of signs for purposes of public direction and safety by non-government agencies and/or persons, the following regulations shall apply.

Section 22. Replace Section 16.46.010 Number of Units in Residential Development, with the following:

A major factor in determining the appropriate density of residential development, particularly in higher density areas, is vehicular access. In order to assure that sufficient access is provided for emergency response as well as the convenience of residents, the following special limitations shall be placed on the allowable number of units in a residential development:

- A. Single family residential access, public & private roads.
1. Roads shall be a minimum of 28 feet in width with parking restricted to one side only, or a minimum of 36 feet in width with no parking restriction.
 2. The number of units permitted are as follows:

One access:	60 units
Two accesses:	132 units
Three accesses:	207 units

For more than three accesses, use the following formula:

$$\# \text{ of units permitted} = (60 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$$

B. Single ownership developments (condominiums, townhouses, manufactured homes, multi-family developments, etc.).

- Two lane access roads/drives shall be a minimum width of 20 feet with no parking permitted, or 28 feet with parking restricted to one side only, or 36 feet with no parking restrictions. Three lane access roads/drives shall be a minimum width of 32 feet with no parking permitted, or 40 feet with parking restricted to one side.
- The number of units permitted are as follows:

<u>Two lane access road/drive</u>		<u>Three lane access road/drive</u>	
One access:	75 units	One access:	100 units
Two accesses:	165 units	Two accesses:	220 units
Three accesses:	258 units	Three accesses:	345 units

For more than three accesses on a two lane access road/drive, use the following formula:

$$\# \text{ of units permitted} = (75 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points}) \text{ (round down to the nearest whole number)}$$

For more than three accesses on a two lane access road/drive, use the following formula:

$$\# \text{ of units permitted} = (100 \times (1 + (.05 \times \# \text{ of access points}))) \times (\# \text{ of access points})$$

- The Planning Commission may allow increases beyond the maximum number of units listed in subsections A and B for planned unit developments. Such increases shall not exceed an additional twenty percent (20%) and shall be based upon a specific finding that no unwarranted problems for emergency response vehicles will result.
- All turnaround systems shall meet or exceed the requirements of the parking provisions of Chapter 16.10.

- E. All on-site private roads and drives shall be designed and constructed to provide safe intersections and travel surfaces which will not result in hazards for motorists, bicyclists or pedestrians.
- F. N. Maple Street, north of N.E. 23rd Avenue, and S. Elm Street, south of S.W. 13th Avenue, shall be exempt from the residential unit restrictions for single access roads, provided that legally binding alternative emergency vehicle access is available. Road width requirements for these roads shall remain in effect.

Section 23. Add to Section 16.49.030 Site and Design Review Plan approval required, the following:

- 4. No fence/wall shall be constructed throughout a project that is/was subject to site and design review approval where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Section 24. Add the following subsection to Section 16.49.040 Criteria and standards.;

- 1.D. The Board shall, in making its determination of compliance with subsections (B) and (C) above, use the following matrix to determine "compatibility". An application is considered to be "compatible", in regards to subsections (B) and (C) above, if a minimum of 65% of the total possible number of points (not including bonuses) are accumulated for the whole development.

Parking			
Screening of loading facilities from public ROW [not screened / partially screened / full screening]	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting [no / yes]	0	1	
Location (behind the building is best)[front / side / behind]	0	1	2
Number of parking spaces (% of min.) [x>120% / 100%-120% / x=100%]	0	1	2

Signs			
Dimensional size of sign (% of maximum permitted) [x>75% / 50% - 75% / x<50%]	0	1	2
Similarity of sign color to building color [no / some / yes]	0	1	2
Pole sign [yes / no]	0	1	
Location of sign [x>25' from driveway entrance / within 25' of entrance]	0	1	

Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<120% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to bldg. [1 entrance connected / all entrances connected]	0		2
Pedestrian access from parking lot to building [No walkways / Walkway next to bldg / No more than one undesignated crossing of access drive and no need to traverse length of access drive]	0	1	2

Building Appearance			
Style (architecture) [not similar - similar to surrounding]	0	1	2
Color (subdued and similar is better) [neither/similar or subdued/similar & subdued]	0	1	2
Material [concrete or wood or brick is better]	0	1	
Size (smaller is better) [over 20,000 s.f. / under 20,000 s.f.]	0	1	

Tree Retention				
For trees outside of the building foot- print and parking/access areas (3 or more trees) [No arborist report / follows <50% of arborist recommendation / follows 50%-75% of arborist rec. / follows 75% of arborist rec.]	0	1	2	3
Replacement of trees removed that were recommended for retention [x<50% / x>50%]	0	1		

Types of Landscaping			
# of non-required trees [x<1 per 500 sf of landscaping / 1 or more per 500 sf of landscaping]	0	1	
Amount of Grass [<25% / 25% - 50% / x>50%]	0	1	2
Location of shrubs [foreground / background]	0	1	
Automatic Irrigation) [no / yes]	0		4

Bonus points can be earned as follows:

Bonuses		
2 or more trees at least 3" in caliper	1	2
Park/open space retention for public use	1	2
Trash receptacle screening	1	

Section 25. Add the following subsection to Section 16.49.040 Criteria and standards.:

- 1.E. It must be demonstrated that all required public facilities and services are available, or will become available through the development, to adequately meet the needs of the proposed development.

Section 26. Amend Section 16.49.080(7) General provisions for landscaping, to read as follows:

- 7. Any required landscaped area shall be designed, constructed, installed and maintained so that within three (3) years, the ground shall be covered by living grass or other plant material. (The foliage crown of trees shall not be used to meet this requirement.) A maximum of 5% of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of 5% of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements. Plant size and spacing shall follow the Oregon Department of Transportation standards.

Section 27. Add to Section 16.58.060 City liability - compliance, the following subsection:

- D. Approval of the Lot Line Adjustment shall be null and void if the new deed descriptions for the properties involved is not recorded with Clackamas County within one (1) year of the final approval.

Section 28. Amend Section 16.64.070 Improvements. (C)(2) Streets, to read as follows:

- 2. All public and private streets shall be constructed to City standards for permanent street and alley construction. Catch basins and dry wells shall be installed and interconnected to provide drainage as may be required by the City Engineer. Upon completion of the street improvement, monuments shall be reestablished and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street centerlines as required by Oregon Revised Statutes Chapter 92.

Section 29. Add to Section 16.64.070 Improvements, the following:

- R. No fence/wall shall be constructed throughout a subdivision where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Section 30. Add to Section 16.76.030 Standards and Criteria, the following:

- L. No fence/wall shall be constructed throughout a planned unit development where the effect or purpose is to wall said project off from the rest of the community unless reviewed and approved by the Planning Commission.

Section 31. Add to Section 16.88.090 Revocation of conditional use permits and variances, the following subsection:

- C. Extension of approval. A one-time extension will be allowed if applied for no later than ninety (90) days prior to the expiration of the original approval. A request for extension must:
 - 1. Not change the original application.
 - 2. Explain specifically why an extension is needed.
 - 3. Be approved by the Planning Commission during a public hearing.
 - 4. The cost of notification [newspaper/adjacent owners/interested parties] must be borne by the applicant.

An extension shall not be granted for more than one (1) year.

Section 32. Add to Chapter 16.88 General Standards and Procedures, the following section:

16.88.135 Findings, Conclusions, and Final Orders.

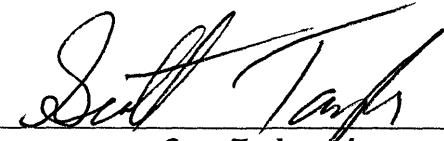
Findings, Conclusions, and Final Orders for decisions by the Planning Commission or the City Council shall be prepared by staff. In cases involving attorneys, the prevailing attorney shall prepare the Findings, Conclusions, and Final Order. Staff shall review and if necessary, revise, all attorney-prepared Findings, Conclusions, and Final Orders prior to submittal to the Planning Commission or the City Council.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 2, 1996, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 16, 1996, commencing at the hour of 7:30 p.m., in the Council Meeting Chambers at Canby City Hall in Canby, Oregon.


Marilyn K. Perkett, City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 16th day of October, 1996, by the following vote:

YEAS 6 NAYS 0


Scott Taylor, Mayor
City of Canby

ATTEST:


Marilyn K. Perkett
City Recorder