

ORDINANCE NO. 848

AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, SETTING STANDARDS FOR SITE AND DESIGN REVIEW AND AMENDING CHAPTER 16.10 OF THE CANBY MUNICIPAL CODE TO PROVIDE A PROCESS AND DEFINABLE STANDARDS TO IMPROVE THE AESTHETIC QUALITY OF THE CITY'S PHYSICAL DEVELOPMENT, AND THEREBY DECLARING AN EMERGENCY.

WHEREAS, it has been determined that changes are needed to clarify or improve upon the wording of certain sections of Chapter 16 (Planning and Zoning) of the Canby Municipal Code; and

WHEREAS, the Canby Planning Commission and Canby City Council, after providing appropriate public notice, conducted several public hearings, during which both opponents and proponents came forward to present testimony on these proposed changes; and

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

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

PART I

Section 1. Findings and Objectives.

- A. The City Council finds that excessive uniformity, dissimilarity, inappropriateness, or poor quality of design in the exterior appearance of structures and signs, and the lack of proper attention to site development and landscaping, in the business, commercial, industrial and certain residential areas of the City hinders the harmonious development of the City; impairs the desirability of residence, investment or occupation in the City; limits the opportunity to attain the optimum use and value of land and improvements; adversely affects the stability and value of property; produces degeneration of property in such areas with attendant deterioration of conditions affecting the peace, health and welfare of the City; and destroy a proper relationship between the taxable value of property and the cost of municipal services thereof.
- B. The City Council declares that the purpose and objectives of site development requirements and the design review procedures are to:
 - 1. Encourage originality, flexibility and innovation in site planning and development, including the architecture, landscaping and graphic design of said development.

2. Discourage monotonous, unsightly, dreary and inharmonious development.
3. Promote the City's natural beauty and visual character and charm by insuring that structures, signs and other improvements are properly related to their sites, and to surrounding sites and structures, with due regard to the aesthetic qualities of the natural terrain and landscaping, and that proper attention is given to exterior appearances of structures, signs and other improvements.
4. Protect and enhance the City's appeal to tourists and visitors and thus support and stimulate business and industry and promote the desirability of investment and occupancy in business, commercial and industrial properties.
5. Stabilize and improve property values and prevent blighted areas and thus increase tax revenue.
6. Achieve the beneficial influence of pleasant environments for living and working on behavioral patterns and thus decrease the cost of governmental services.
7. Foster civic pride and community spirit so as to improve the quality and quantity of citizen participation in local government and in community growth, change and improvement.
8. Sustain the comfort, health, tranquility and contentment of residents and attract new residents by reason of the City's favorable environment and thus promote and protect the peace, health and welfare of the City.
9. Determine the appropriate yard setbacks, building heights, minimum lot sizes and sign sizes, when authorized to do so by City ordinance.

PART II

Section 2. Establishment of the Site and Design Review Board

A. There is hereby established a Site and Design Review Board whose members, terms of office and manner of transacting business shall be as prescribed in the following subsections.

1. The Board shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development process: those portions of proposed Site and Design Review Plans which pertain to architectural features, applications

concerning historic structures and sign applications. The City Council may, by order, direct the Board to review and comment on other matters which the Council determines are or may be within the Board's areas of expertise.

2. **Qualifications of Members** - The Board shall consist of seven (7) members of the Canby City Planning Commission and one (1) member from the City Council, pro-tem (temporary), non-voting.
3. **Appointment and Term** - For the purposes of this ordinance, it shall be the Planning Commission's responsibility to serve as the initial reviewing board for all Site and Design Review applications. Members of the Planning Commission shall be appointed as required by Section 16.06.030 of the Canby Municipal Code.
4. **Vacancies and Removal** - Vacancies on the Planning Commission and/or removal of Planning Commission members shall be governed by Section 16.06.030 of the Canby Municipal Code.
5. **Chairman** - The duly appointed chairman of the Planning Commission shall also serve as chairman for Site and Design Review applications in accordance with Chapter 16.06 (Planning Commission) of the Canby Municipal Code.
6. **Voting** - Four (4) members shall constitute a quorum for the transaction of business. The chairman shall be counted to determine a quorum and shall have the same voting powers as other members of the Board. Each member shall have one (1) vote. A majority vote of the members shall be required for all Board actions.
7. **Meetings and Records** - The Board shall hold regular meetings each month as required. Site and Design Review applications will be reviewed as a regular agenda item.
8. **Rules** - The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code.

PART III

Section 1. Site and Design Review Plan Approval Required

1. Except for single family dwellings or duplexes as permitted by these standards, no new building, mobile home park or major remodeling above 60% of value shall occur, and no sign permit shall be issued until the Site and Design Review Plan, as required by this ordinance, has been reviewed

and approved by the Board and their designees for conformity with applicable criteria.

2. Construction, site development and landscaping shall be carried out in substantial accord with the approved Site and Design Review Plan. Review of the proposed Site and Design Review Plan and any changes thereto shall be conducted in accordance with Site and Design Review procedures.

Section 2. Criteria and Standards

1. The Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following:
 - A. The proposed site development, including the site plan, architecture, landscaping and graphic design, is in conformance with the standards of this and other applicable City ordinances insofar as the location, height and appearance of the proposed development are involved; and
 - B. The proposed design of the development is compatible with the design of other developments in the same general vicinity; and
 - C. The location, design, size, color and materials of the exterior of all structures and signs are compatible with the proposed development and appropriate to the design character of other structures in the same vicinity.
2. The Board shall, in making its determination of compliance with the above requirements, be guided by the objectives and standards set forth in this section. If the Site and Design Review Plan includes utility facilities or public utility facility, then the City Planner shall determine whether those aspects of the proposed plan comply with applicable standards.
3. The Board shall, in making its determination of compliance with the requirements set forth, consider the effect of its action on the availability and cost of needed housing. The Board shall not use the requirements of this section to exclude needed housing types. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the requirement of this section. The costs of such conditions shall not unduly increase the cost of housing beyond the minimum necessary to achieve the purposes of this ordinance.
4. As part of the Site and Design Review, the property owner may apply for approval to cut trees in addition to those allowed in Section 12.20.080 of the City Tree Ordinance. The granting or denial of said application will be based on the criteria in Chapter 12.20 of the City Tree Ordinance. The

cutting of trees does not in and of itself constitute change in the appearance of the property which would necessitate application for Site and Design Review.

Section 3. Conditions Placed on Site and Design Review Approvals

1. A Site and Design Review approval may include restrictions and conditions. These restrictions and conditions shall be reasonably conceived to:
 - A. protect the public from the potentially deleterious effects of the proposal; and/or
 - B. fulfill the need for services created, increased or in part attributable to the proposal; and/or
 - C. further the implementation of the requirements of the Canby Municipal Code.

2. The following types of conditions are specifically contemplated by subsection (1) of this section and the listing below is intended to be illustrative only and not to be constructed as a limitation of the authority granted by this section.
 - A. **Development Schedule** - A reasonable time schedule may be placed on construction activities associated with the proposed development, or any portion thereof.
 - B. **Dedications, Reservation** - Dedication or reservation of land, or fee in lieu thereof, for park, open space purposes, rights-of-way, bicycle or pedestrian paths, greenway, riverbank or easements; the conveyance of title or easements to a homeowners' association.
 - C. **Construction and Maintenance Guarantees** - Security from the property owners in such an amount that will assure compliance with approval granted.
 - D. **Plan Modification** - Changes in the design or intensity of the proposed development, or in proposed construction methods or practices, necessary to assure compliance with this ordinance.
 - E. **Off-Site Improvements** - Improvements in public utility facilities not located on the project site where necessary to assure adequate capacity and where service demand will be created or increased by the proposed development. The costs of such improvements may be paid for in full while allowing for recovery of costs from users on other development sites, or they may be pro-rated to the proposed

development in proportion to the service demand projected to be created on increases by the project.

- F. **Other Approvals** - Evaluation, inspections or approval by other agencies, jurisdictions, public utilities or qualified consultants may be required for all or any part of the proposed development.
- G. **Access Limitation** - The number, location and design of street accesses to a proposed development may be limited or specified where necessary to maintain the capacity of streets to carry traffic safely, provided that sufficient access to the development is maintained.

Section 4. Time Limit on Approval

Site and Design Review Board approvals shall be void after twelve (12) months unless:

- 1. A building permit has been issued and substantial construction pursuant thereto has taken place, as defined by the State Uniform Building Code; or
- 2. The Planning Department finds that there have been no changes in any ordinances, standards, regulations or other conditions affecting the previously approved project so as to warrant its resubmittal.

PART IV

Section 1. Authority and Intent. The purpose of this section is to establish standards for landscaping within the City of Canby in order to enhance the environmental and aesthetic quality of the City:

- 1. by encouraging the retention and protection of existing trees and requiring the planting of trees in new developments;
- 2. by using trees and other landscaping materials to temper the effects of the sun, wind, noise and air pollution;
- 3. by using trees and other landscaping materials to define spaces and uses of the specific areas; and
- 4. through the use of trees and other landscaping materials as a unifying element within the urban environment.
- 5. by considering solar access conditions.

Section 2. General Provisions for Landscaping

1. The standards set forth in this section are **minimum** standards for landscaping.
2. Trees and other plant materials to be retained shall be identified on the landscape plan.
3. During the construction process:
 - A. The owner or the owner's agent shall provide above and below ground protection for existing trees and plant materials identified to remain.
 - B. Trees and plant materials identified for preservation shall be protected by chain link or other sturdy fencing placed around the tree at the drip line.
 - C. If it is necessary to fence within the drip line, such fencing shall be specified by a qualified arborist, nurseryman or landscape architect.
 - D. Neither top soil storage nor construction material storage shall be located within the drip line of trees designated to be preserved.
 - E. Where site conditions make necessary grading, building, paving, trenching, boring, digging, or other similar encroachment upon a preserved tree's drip line area, such grading, paving, trenching, boring, digging or similar encroachment shall only be permitted under the direction of a qualified arborist, nurseryman or landscape architect. Such direction must assure that the health needs of trees within the preserved area can be met.
 - F. Tree root ends shall not remain exposed.
4. Landscaping under preserved trees shall be compatible with the retention and health of said trees.
5. When it is necessary for a preserved tree to be removed in accordance with the Tree Ordinance, the landscaped area surrounding said tree or trees shall be maintained and replanted with trees which relate to the present landscape plan, or if there is no landscaping plan, then trees which are complimentary with existing, nearby landscape materials.
6. 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 30% of the landscaped

area may be covered with bark chips, rock, stone, walkways or other similar materials acceptable to the Board.

7. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
8. Landscaping shall be installed in accordance with the provisions of Sunset New Western Garden Book, 1979 edition, Lane Publishing Company, Menlo Park, California.
9. The following guidelines are suggested to insure the longevity and continued vigor of plant materials:
 - A. Select and site permanent landscape materials in such a manner as to produce a hardy and drought-resistant landscaped area.
 - B. Consider soil type and depth, spacing, exposure to sun and wind, slope and contours of the site, building walls and overhangs, and compatibility with existing native vegetation preserved on the site or in the vicinity.
10. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise, so that:
 - A. It will not interfere with designated pedestrian or vehicular access; and
 - B. It will not constitute a traffic hazard because of reduced visibility.
 - C. It will not hinder solar access considerations.
11. After completion of site grading, topsoil is to be restored to exposed cut and fill areas to provide a suitable base for seeding and planting.
12. All planting areas shall be graded to provide positive drainage.
13. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

Section 3. Specifications for Tree and Plant Materials

1. **Deciduous Trees** - Deciduous shade and ornamental trees shall be a minimum one and one-half inch (1-1/2") caliper, measured six inches (6") above ground, balled and burlapped. Bare root trees will be acceptable to plant during their dormant season. Trees shall be characteristically shaped specimen.

2. **Coniferous Trees** - Coniferous trees shall be a minimum five feet (5') in height above ground, balled and burlapped. Trees shall be well branched and characteristically shaped specimen.
3. **Evergreen and Deciduous Shrubs** - Evergreen and deciduous shrubs shall be at least one (1) to five (5) gallon size. Shrubs shall be characteristically branched. Side of shrub with best foliage shall be oriented to public view.
4. **Groundcovers** - Groundcovers shall be fully rooted and shall be well branched or leafed.
5. **Lawns** - Lawns shall consist of grasses, including sod, or seeds of acceptable mix within the local landscape industry. Lawns shall be 100% coverage and weed free.

Section 4. Landscaping Installation and Maintenance

1. Except as allowed by subsection (2), all landscaping and exterior improvements required as part of the Site and Design Review approval shall be completed prior to the issuance of any certificate of occupancy.
2. A temporary certificate of occupancy may be issued prior to the complete installation of all required landscaping and exterior improvements if security equal to 110 percent of the cost of the landscaping and exterior improvements, as determined by the Site and Design Review Board, is filed with the City, assuring such installation within a time specified by the Board, but not to exceed six (6) months after occupancy. The applicant shall provide the cost estimates of landscaping materials and installation to the satisfaction of the Site and Design Review Board prior to approval of the security. "Security" may consist of a faithful performance bond payable to the City of Canby, cash, certified check, time certificate of deposit, or assignment of a savings account; and the form shall meet with the approval of the City Attorney. If the installation of the landscaping or other exterior improvements is not completed within the period specified by the Board, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned. The final landscape and exterior improvement inspection shall be made prior to any security's being returned. Any portion of the plan not installed, not installed properly, or not properly maintained shall cause the inspection to be postponed until the project is completed, or shall cause the security to be used by the City.
3. All landscaping approved through the Site and Design Review process shall be continually maintained, including necessary watering, weeding, pruning and replacement, in a manner substantially similar to that originally approved by the Site and Design Review Board, unless later altered with Board approval.

Section 5. Landscape Area Credit for Preservation of Existing Trees

1. **Policy** - It being the policy of the City of Canby to preserve existing trees wherever possible within its City limits, a system of landscape area credits is hereby established as an incentive for property owners and developers to preserve existing trees and to include them in the landscape plan for a proposed development.
2. **Landscape Credit**
 - A. **Program for Landscape Credit** - One hundred percent (100%) of the area preserved under any tree or group of trees retained in the landscape (as approved by the Site and Design Review Board) may apply directly to the percentage of landscaping required for a development.
 - B. **Limit to Landscape Area Credit** - Landscape credit for preserved trees shall not eliminate or reduce the landscaping requirements pertaining to parking lots, buffering and screening. Furthermore, such credits shall not reduce the total landscaping requirements more than 2.5% (i.e., Districts requiring 15% landscaping shall not be reduced to less than 12.5%).
 - C. **Trees Near a Property Line:**
 1. When the drip line of a tree extends beyond the owner's property line, credit can be granted for that portion of the drip line within the property line if that area exceeds 75% of the total drip line area. Trees so close the property line that their drip line area is less than 75% of the total, can only be given credit if a qualified arborist, nurseryman or landscape architect can assure the survival of the tree and its long term health if root damage is sustained by future development on the adjacent property.
 2. Where trees have been preserved near a property line, such that the drip line of the tree spreads onto adjacent property, credit can be obtained by the adjacent property owner for protection of the drip line area that extends onto that adjacent property.

Section 6. Parking Lot Landscaping Standards

1. **General Provisions** - In addition to the objectives stated in Section 2 of this ordinance, goals of parking lot standards are to create shaded areas in parking lots to reduce glare and to enhance the visual environment. The design of the parking area shall be the responsibility of the developer and

should consider visibility of signage, traffic circulation, comfortable pedestrian access, and aesthetics. Trees shall not be cited as a reason for applying for or granting a variance on placement of signs.

2. **Application** - Parking lot landscaping standards shall apply to any surface passenger vehicle parking area of ten (10) spaces or more, or to any paved vehicular use area 3,500 square feet or larger on the same tax lot or on contiguous tax lots under common ownership. Any paved vehicular area which is used specifically as a utility storage lot or a truck loading area shall be exempt from landscaping requirements within a parking lot.
3. **Landscaping Within a Parking Lot** - Area within a parking lot shall include the paved parking and maneuvering area, as well as any area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area, excluding setback and buffer areas.
4. **Computing Minimum Area Required to be Landscaped Within a Parking Lot** - Minimum area required to be landscaped within a parking lot shall be no less than five (5) percent of the total area within the parking lot. Area landscaped to meet minimum parking lot interior landscaping requirements shall be within the parking lot area not in buffer areas or the required setback for parking lots.
5. **Trees Required Within Parking Lots** - Deciduous, evergreen and/or shade trees shall be planted within all parking lots and shall be distributed on the basis of one (1) tree for each eight (8) parking spaces or 2,800 square feet of paved vehicular-use area, whichever is greater.
6. **Criteria for Trees in Parking Lots** - Deciduous, evergreen and/or shade trees shall meet the following criteria:
 - A. Reach a mature height of twenty (20) to thirty (30) feet.
 - B. Cast moderate to dense shade in summer.
 - C. Long lived, i.e., over sixty (60) years.
 - D. Do well in an urban environment:
 - i. pollution tolerant; and
 - ii. tolerant of direct and reflected heat.
 - E. Require little maintenance:
 - i. mechanically strong;

- ii. insect and disease resistant; and
 - iii. require little pruning.
 - F. Be resistant to drought conditions.
 - G. Be barren of fruit production.
- 7. **Size of Landscape Planter Islands:**
 - A. Landscape planter islands containing trees shall have a minimum planting area of twenty-five (25) square feet; shall have a minimum width of forty-eight (48) inches measured from back of curb; and shall be designed so as to prevent vehicular damage to trees. (Curb height to be six (6) inches minimum.)
 - B. Sidewalks shall not encroach upon the minimum planting width.
- 8. **Perimeter of Parking and Loading Areas:**
 - A. Screening of parking and loading areas is required. Within three (3) years of planting, screening shall be of such height and density as to shield vehicle headlights from head-on visibility.
 - B. In addition, one (1) deciduous, evergreen and/or shade tree shall be planted every forty (40') feet, minimum, along the required setback of the vehicular use area.
- 9. **Irrigation System or Available Water Supply Required** - Landscaped areas shall be provided with automatic irrigation systems or a readily available water supply with at least one (1) outlet located within 150 feet of all plant materials to be maintained.

Section 7. Revegetation in Unlandscaped Areas - The purpose of this section is to ensure erosion protection for those areas which are not included within the landscape percentage requirements so that eventually native plants will re-establish themselves, and so that trees will not be lost due to uncontrolled erosion.

- A. **Replanting** - Where natural vegetation has been removed or damaged through grading in areas not affected by the landscaping requirement and that are not to be occupied by structures or other improvements, such areas shall be replanted with materials approved by the Site and Design Review Board.
- B. Plant materials shall be watered at intervals sufficient to assure survival and growth for a minimum of two (2) growing seasons.

PART V

Chapter 16.10 is amended to read as follows:

Section 1. Off-Street Parking and Loading

Section 16.10.10 is amended to read as follows:

- A. At the time of establishment of a new structure or use, change in use, or change in use of an existing structure, within any planning district of the City, off-street parking spaces and off-street loading berths shall be as provided in this and following sections, unless greater requirements are otherwise established by the conditional use permit or the Site and Design Review process, based upon clear findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare or that a lesser number of spaces will be sufficient to carry out the objective of this section. However, 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.
- B. At the time of enlargement of an existing structure or use, the provisions of this section shall apply to the enlarged structure or use only.

Section 16.10.020 is amended to read as follows:

- C. Except where otherwise specified, the floor area measured shall be the gross floor area of the building primary to the function of the particular use of the property other than space devoted to off-street parking or loading.
- D. Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.
- E. Should the owner or occupant of a structure change the use to which the building is put, thereby increasing parking or loading requirement, the increased parking/loading area shall be provided prior to commencement of the new use.
- F. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.
- G. In the event several uses occupy a single structure, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

- H. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces may be located on a separate parcel, provided the parcel is not greater than five hundred (500) feet from the entrance to the building to be served, measured along the shortest pedestrian route to the building. The applicant must prove that the parking located on another parcel is functionally located and that there is safe vehicular and pedestrian access to and from the site. The parcel upon which parking facilities are located shall be in the same ownership as the structure.
- I. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business.
- J. Institution of on-street parking shall not be allowed for off street parking, where none is previously provided, shall not be done solely for the purpose of relieving crowded parking lots in commercial or industrial planning districts.
- K. Parking facilities may be shared by users on adjacent parcels if the following standards are met:
 - 1. One of the parcels has excess parking spaces, considering the present use of the property; and the other parcel lacks sufficient area for required parking spaces.
 - 2. The total number of parking spaces meets the standards for the sum of the number of spaces which would be separately required for each use.
 - 3. Legal documentation, to the satisfaction of the City Attorney, shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking areas.
 - 4. Physical access between adjoining lots shall be such that functional and reasonable access is actually provided to uses on the parcel deficient in parking spaces.
 - 5. Adequate directional signs shall be installed specifying the joint parking arrangement.

Section 16.10.030 shall be repealed.

Section 16.10.040 shall remain as written.

Section 16.10.050 shall be amended to read as follows:

- 2. Off-Street Parking Provisions -** The following are the minimum standards for off-street parking in the City of Canby:

USE	PARKING REQUIREMENT
Residential Uses:	
a. Multi-family dwellings in complexes with private internal driveways	2.00 spaces, in addition to one garage or carport per unit
b. Retirement/assisted living housing	1.50 spaces per unit
Institutions:	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents plus one space per employee
b. Hospital	4.00 spaces per two beds
Places of Public Assembly:	
a. Library, reading room	1.00 space per 400 square feet of public area
b. Nursery, primary, elementary or junior high school	2.00 spaces per employee
c. Senior high school	1.00 space per classroom, plus 1.00 space per six students
d. Other places of public assembly, including churches	1.00 space per four seats or eight feet of bench length
Commercial Amusement:	
a. Theater	1.00 spaces per two seats
b. Bowling alley	5.00 spaces per alley
c. Dance hall, skating rink	1.00 space per 100 square feet of floor area
d. Racquet courts, health clubs	2.00 spaces per court plus one space per 2 employees or exercise area

Commercial:

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|----|---|---|
| a. | Retail shops (under 100,000 square feet gross leasable area) | 4.00 spaces per 1,000 square feet of floor area |
| b. | Retail store handling exclusively bulky merchandise such as furniture/automobile and service repair shops | 1.00 space per 400 square feet of sales floor area plus one space per two employees |
| c. | Shopping Center (over 100,000 square feet of gross leasable area) | 5.00 spaces per 1,000 square feet of gross leasable area |
| d. | Banks/savings and loans | 5.00 spaces per 1,000 gross square feet |
| e. | Medical/dental offices | 5.00 spaces per 1,000 gross square feet |
| f. | General offices | 3.50 spaces per 1,000 gross square feet |
| g. | Real estate offices | 3.50 spaces per 1,000 gross square feet and 1 per every 2 employees |
| h. | Government offices | 3.50 spaces per 1,000 gross square feet |
| i. | Restaurant | 10.00 spaces per 1,000 gross square feet |
| j. | Take-out restaurant | 10.00 spaces per 1,000 gross square feet |
| k. | Motel | 1.50 spaces per room |
| l. | All others | 1.00 space per 550 square feet |

Industrial:

- | | | |
|----|--------------------------|---|
| a. | Manufacturing | 2.00 spaces per 1,000 gross square feet |
| b. | Warehousing | 2.00 spaces per 1,000 gross square feet |
| c. | Wholesale establishments | 3.00 spaces per 1,000 gross square feet |

3. **Parking Lots** - A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:
- A. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.
 - B. Parking stalls for subcompact vehicles may comprise up to a maximum of thirty (30%) percent of the total number of parking stalls.
 - C. Areas used for standing or maneuvering of vehicles shall have paved asphalt or concrete surfaces maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks.

- D. Except for parking to serve residential uses, parking areas adjacent to or within residential planning districts or adjacent to residential uses shall be designed to minimize disturbance of residents.
- E. Artificial lighting, which may be provided, shall be so deflected as not to shine or create glare in any residential planning district or on any adjacent dwelling, or any street right-of-way in such a manner as to impair the use of such way.
- F. Groups of more than four (4) parking spaces shall be so located and served by driveways that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- G. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrian and vehicular traffic on the site.
- H. Parking bumpers or wheel stops shall be provided to prevent cars from encroaching on the street right-of-way, adjacent landscaped areas, or adjacent pedestrian walkways.
- I. Handicap parking is required per ORS 455.101 and shall be at least nine (9) feet wide and shall have adjacent aisle that is at least six (6) feet wide. The aisle shall be located on the passenger side of the parking space.

4. Off-Street Loading Facilities

- A. The minimum number of off-street loading berths for commercial and industrial uses is as follows:

SQUARE FEET OF FLOOR AREA	NUMBER OF BERTHS
Less than 5,000	0
5,000 - 25,000	1
25,000 - 60,000	2
60,000 and over	3

- B. Loading berths shall conform to the following minimum size specifications:
 1. Commercial uses - 12' x 35'
 2. Industrial uses - 12' x 60'
 3. Berths shall have an unobstructed minimum height of 14'.

- C. Required loading areas shall be screened from public view, from public streets, and adjacent properties by means of sight-obscuring landscaping, walls or other means, as approved through the Site and Design Review process.
- D. Required loading facilities shall be installed prior to final building inspection and shall be permanently maintained as a condition of use.
- E. A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of a school or day care center having a capacity greater than twenty-five (25) students.
- F. The off-street loading facilities shall, in all cases, be on the same lot or parcel as the structure they are intended to serve. In no case shall the required off-street loading spaces be part of the area used to satisfy the off-street parking requirement.

5. Access

- A. The provision and maintenance of vehicular and pedestrian ingress and egress from private property to the public streets, as stipulated in this ordinance, are continuing requirements for the use of any structure or parcel of real property in the City of Canby. No building permit or other permits shall be issued until scale plans are presented that show how the ingress and egress requirement is to be fulfilled. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing ingress and egress requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in ingress and egress is provided.
- B. Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same ingress and egress when the combined ingress and egress of both uses, structures, or parcels of land satisfies their combined requirements as designed in this ordinance, provided that satisfactory legal evidence is presented to the City Attorney in the form of deeds, easements, leases or contracts to establish joint use. Copies of said deeds, easements, leases or contracts shall be placed on permanent file with the City Recorder.
- C. All ingress and egress shall connect directly with public streets.
- D. Vehicular access for residential uses shall be brought to within fifty (50) feet of the ground floor entrances or the ground floor landing of a stairway, ramp or elevator leading to dwelling units.

- E. Required sidewalks shall extend from the ground floor entrances or the ground floor landing of stairs, ramps or elevators to the sidewalk or curb of the public street or streets that provide the required access and egress.

- F. To afford safe pedestrian access and egress for properties within the City, a sidewalk shall be constructed along all street frontage, prior to use or occupancy of the building or structure proposed for said property. The sidewalks required by this section shall be constructed to City standards, except in the case of streets with inadequate right-of-way width or where the final street design and grade have not been established, in which case the sidewalks shall be constructed to a design and in a manner approved by the Site and Design Review Board. Sidewalks approved by the Board may include temporary sidewalks and sidewalks constructed on private property; provided, however, that such sidewalks shall provide continuity with sidewalks of adjoining commercial developments existing or proposed. When a sidewalk is to adjoin a future street improvement, the sidewalk construction shall include construction of the curb and gutter section to grade and alignment established by the Site and Design Review Board.

- G. The standards set forth in this ordinance are minimum standards for access and egress, and may be increased through the Site and Design Review process in any particular instance where the standards provided herein are deemed insufficient to protect the public health, safety and general welfare.

- H. **Minimum access requirements for residential uses:**

- 1. Ingress and egress for multi-family residential uses shall not be less than the following:

DWELLING UNITS	MINIMUM NUMBER REQUIRED	MINIMUM WIDTH	SIDEWALK, ETC.
2	1	16 feet	5 foot sidewalk
3 - 19	1	24 feet	1 side only; curb required
20 - 49 or	1 2	24 feet 16 feet	5 foot sidewalk; 1 side only
50 - 499 or	1 2	32 feet 24 feet	5 foot sidewalk, 1 side only; curbs required
Over 500	As required by Site and Design Review Board	As required by Public Works Director	As required by Public Works Director

I. Minimum Access Requirements for Commercial Uses - Ingress and egress for commercial uses shall not be less than the following:

PARKING PARKING SPACES	MINIMUM NUMBER REQUIRED	MINIMUM PAVEMENT WIDTH	MINIMUM PAVEMENT SIDEWALKS, ETC.
1 - 99	1	32' for first 50' from R-O-W, 24' thereafter	Curbs required; sidewalks one side only
100-249	2	32' for first 50' from R-O-W,	Curbs required; sidewalk one side only
Over 250	As required by Site and Design Review Board	As required by Public Works Director	As required by Public Works Director

J. Minimum Access Requirements for Industrial Uses - Ingress and egress for industrial uses shall not be less than the following:

REQUIRED PARKING SPACES	MINIMUM NUMBER REQUIRED	MINIMUM PAVEMENT WIDTH	MINIMUM PAVEMENT SIDEWALKS, ETC.
1 - 250	1	36' for first 50' from R-O-W, 24' thereafter	Curbs required with sidewalk one side only
Over 250	As required by Public Works Director	As required by Public Works Director	As required by Public Works Director

K. One-Way Ingress or Egress - When approved through the Site and Design Review Process, one-way ingress or egress may be used to satisfy the requirements of subsections (H), (I) and (J). However, the hard surfaced pavement of one-way drives shall not be less than sixteen (16) feet for multi-family residential, commercial, or industrial uses.

L. Maximum Driveway Widths and Other Requirements

1. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.
2. No driveways shall be constructed within five (5) feet of an adjacent property line, except when two (2) adjacent property owners elect to provide joint access to their respective properties, as provided by subsection 2.
3. There shall be a minimum distance of forty (40) feet between any two (2) adjacent driveways on a single property.

- M. Distance Between Driveways and Intersections** - Except for single-family dwellings, the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:
1. At the intersection of any collector or arterial streets, driveways shall be located a minimum of 50 feet from the intersection.
 2. At the intersection of two (2) local streets, driveways shall be located a minimum of thirty (30) feet from the intersection.
 3. 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 property line.
 4. 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.
 5. 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 Director may approve the location of a driveway closer than 150 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.

PART VI

Section 1. Streets

To be established. Street Tree Plan should be incorporated into this section.


PART VII

Section 1. Drive-Up Uses

1. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service the vehicles as follows:
 - A. All drive-up uses - each lane shall provide a minimum capacity for two (2) to eight (8) automobiles, as determined by the Site and Design Review Board.

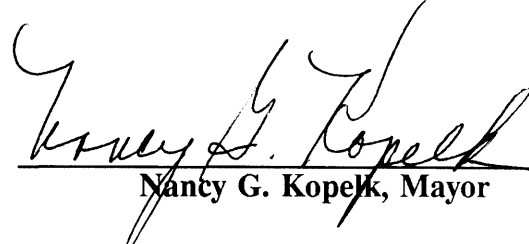
- B. For purposes of this section, an automobile shall be considered no less than twenty (20) feet in length. The width and turning radius of drive-up aisles shall be approved by the City Public Works Director.
2. The stacking area shall not interfere with safe and efficient access to other parking areas on the property. Traffic aisles shall be wide enough to accommodate backing movements where adjacent to parking stalls. Parking maneuvers shall not occur in the stacking area.

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefor on Wednesday, September 5, 1990; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, September 19, 1990; commencing after the hour of 7:30 P.M., at the Council Chambers at the Canby City Hall, 182 N. Holly, Canby, Oregon.


Marilyn K. Perkett, City Recorder

ENACTED by the Canby City Council at a regular meeting thereof on September 19, 1990, by the following vote:

YEAS 5 NAYS 0


Nancy G. Kopelk, Mayor


Marilyn K. Perkett, City Recorder