

**ORDINANCE NO. 854**

**AN ORDINANCE FOR THE CITY OF CANBY, COUNTY OF CLACKAMAS, OREGON, AMENDING ORDINANCE NO. 848 REGARDING STANDARDS FOR SITE AND DESIGN REVIEW, AND DECLARING AN EMERGENCY.**

**THE CITY OF CANBY ORDAINS AS FOLLOWS:**

**Section 1.**

Park IV, Section 2 shall be amended to add the following subsection and the remaining subsections renumbered as follows:

1. The standards set forth in this section are minimum standards for landscaping.
2. The minimum area requirement for landscaping in all zoning districts for developments coming under design review shall be fifteen (15) percent of the total land area to be developed. Developments within C-1 Downtown Commercial Zone shall be exempt from this requirement unless the site is adjacent to a residential zoning district.
3. Trees and other plant materials to be retained shall be identified on the landscape plan.
4. 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

ar ect. Such direction must assure th he health needs of trees within the preserved area can be met.

- F. Tree root ends shall not remain exposed.
5. Landscaping under preserved trees shall be compatible with the retention and health of said trees.
  6. 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.
  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 30% of the landscaped area may be covered with bark chips, rock, stone, walkways or other similar materials acceptable to the Board.
  8. All trees and plant materials shall be healthy, disease-free, damage-free, well-branched stock, characteristic of the species.
  9. Landscaping shall be installed in accordance with the provisions of Sunset New Western Garden Book, 1979 edition, Lane Publishing Company, Menlo Park California.
  10. 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.
  11. 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.

12. 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.
13. All planting areas shall be graded to provide positive drainage.
14. Neither soil, water, plant materials nor mulching materials shall be allowed to wash across roadways or walkways.

## Section 2.

Part V, Section 1. Off-Street Parking and Loading is amended as follows:

1. Section 16.10.10 is corrected to read Section 16.10.010 Off-Street Parking Required--Exceptions.

2. Section 16.10.020 is amended to read as follows:

Section 16.10.020--Definitions.

- A. "Floor Area." 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.
- B. "Employees." Where employees are specified, the term shall apply to all persons, including proprietors, working on the premises during the peak shift.

3. Section 16.10.020 E, F, G, H, I, J, K is corrected and renumbered to read as follows:

Section 16.10.030--General Requirements.

- A. 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.
- B. Parking and loading requirements for structures not specifically listed herein shall be determined by the City Planner, based upon requirements of comparable uses listed.
- C. 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.

- D. On-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.
- E. 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.
- F. 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.
- G. 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.

4. Section 16.10.040 shall remain as written.

5. Section 16.10.050 shall be amended to read as follows: Section 16.10.050--  
Parking Standards Designated. The parking standards set out in Table 16.10.050 shall be observed.

6. Except as provided in Section 5 immediately above, the remainder of Section 16.10.050 is hereby repealed.

7. Table 16.10.050 is amended to read as follows:

TABLE 16.10.050

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. Single-family dwellings	2.00 spaces per dwelling unit for new construction. (Existing single-family dwellings having only a single parking space shall not be considered to be nonconforming.)
b. Two-family dwellings	2.00 spaces per dwelling unit, however, no parking will be allowed within a street yard setback.
c. Multi-family dwellings in complexes with private internal driveways	2.00 spaces per unit. One additional guest parking space shall be provided for every five units for each development of ten or more units.
d. 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:

- 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 of floor area
- e. Medical/dental offices 5.00 spaces per 1,000 gross square feet of floor area
- f. General offices 3.50 spaces per 1,000 gross square feet of floor area
- g. Real estate offices 3.50 spaces per 1,000 gross square feet of floor area and 1 per every 2 employees
- h. Government offices 3.50 spaces per 1,000 gross square feet of floor area
- i. Restaurant 10.00 spaces per 1,000 gross square feet of floor area
- j. Take-out restaurant 10.00 spaces per 1,000 gross square feet of floor area
- k. Motel 1.50 spaces per room
- l. Residential hotel, rooming house or boarding house Spaces equal to 80 percent of the number of guest accommodations
- m. Hotel Spaces equal to 50 percent of the number of guest accommodations.
- n. Club or lodge One space per 150 square feet of floor area plus one space per manager
- o. 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

8. Facilities. Section 16.10.060 is amended to read as follows: 16.10.060--Off-Street Loading

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.

9. Section 16.10.070 is amended to read as follows:

Section 16.10.070--Parking Lots and Access:

A. Parking Lots.

A parking lot, whether as accessory or principal use, intended for the parking of automobiles or trucks, shall comply with the following:

1. Parking lot design shall comply with the dimensional standards set forth in Figure 1 of this section.
2. Parking stalls of eight (8) feet in width for compact vehicles may comprise up to a maximum of thirty (30%) percent of the total number of parking stalls.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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.
8. 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.
9. 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.



B. Access.

1. 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.
2. 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.
3. All ingress and egress shall connect directly with public streets.
4. 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.
5. 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.
6. 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.

7. The standards set forth in this ordinance are the 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.
8. Minimum access requirements for residential uses - 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

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

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

10. 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

11. 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.
12. Maximum Driveway Widths and Other Requirements
  - a. Unless otherwise herein provided, maximum driveway widths shall not exceed forty (40) feet.
  - b. 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.
  - c. There shall be a minimum distance of forty (40) feet between any two (2) adjacent driveways on a single property.
13. 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:
  - a. At the intersection of any collector or arterial streets, driveways shall be located a minimum of 50 feet from the intersection.
  - b. At the intersection of two (2) local streets, driveways shall be located a minimum of thirty (30) 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 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 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.

**Section 3. Emergency.**

In order to protect the health, safety and welfare of the citizens of Canby by amending the former ordinance, an emergency is hereby declared to exist requiring the immediate implementation of the above ordinance.

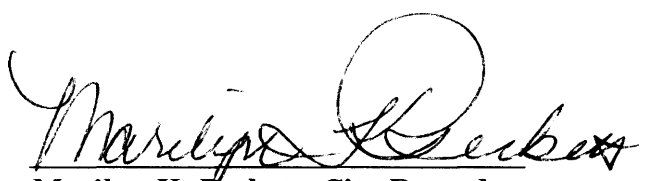
**SUBMITTED to the Canby City Council and read the first time at a regular meeting therefor on Wednesday, Jan 2, 1991; ordered posted as required by the Canby City Charter and scheduled for second reading on Wednesday, Jan 16, 1991; commencing after the hour of 7:30 P.M., at the Council Chambers at the 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 January 16, 1991, by the following vote:**

YEAS 6 NAYS 0

  
Shawn Carroll, Mayor

  
Marilyn K. Perkett, City Recorder