

ORDINANCE NO. 890

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 93-02), dated March 12, 1993, 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:

Section 1. Amend the following entries of the Table of Contents, as follows:

16.18	R-1.5 Medium Density Residential Zone	30
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and **amend** Division V. to read Planned Unit Development and Condominium Regulations

Section 2. **Add to Chapter 16.02, under portion entitled "Sections:"**

Section 16.02.020 - Severability

Add Section 16.02.020.

Invalidity of a section or part of a section of this Ordinance shall not affect the validity of the remaining sections or parts of sections.

Section 3. **Amend Section 16.04.030 Abutting-Adjoining-Adjacent, to read as follows:**

"Abutting," "adjoining" or "adjacent" means physically touching, having at least one common point or lots separated only by a public street, public right-of way, or railroad right-of-way.

Section 4. **Add to Section 16.04, under portion entitled "Sections:"**

Section 16.04.065 Bed and Breakfast.

Add Section 16.04.065 Bed and Breakfast:

"Bed and Breakfast" means any single-family residential dwelling having rooms for rent to travelers or transients for a charge or fee paid, or to be paid, for rental or use for a period of less than thirty (30) days. Additionally, such establishment serving only one meal per day prior to the noon hour.

Section 5. **Add to Section 16.04, under portion entitled "Sections:"**

Section 16.04.125 City Planner.

Add Section 16.04.125 City Planner:

"City Planner" means the person appointed by the City Administrator as supervisor of the day-to-day operations of Canby's city planning functions. Also referred to as "Director of Planning".

Section 6. **Add to Section 16.04, under portion entitled "Sections:"**

Section 16.04.155 Day Care Facility

Add Section 16.04.155 Day Care Facility:

"Day care facility" means any facility that provides day care to children, including a day nursery, nursery school group, home of a family day care provider or similar unit operating under any name, but not including any:

- (a) Facility providing care that is primarily educational, unless provided to a pre-school child for more than four hours a day.
- (b) Facility providing care that is primarily supervised training in a specific subject, including but not limited to dancing, drama, music or religion.
- (c) Facility providing care that is primarily an incident of group athletic or social activities sponsored by or under the supervision of an organized club or hobby group.
- (d) Facility operated by a school district, political subdivision of this state or a governmental agency.
- (e) Residential facility licensed under ORS 443.400 to 443.455.
- (f) Baby-sitters.

Section 7. **Amend Section 16.04.240 Home Occupation, to read as follows:**

"Home occupation" means a lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with not more than one non-resident employee being engaged, provided that:

- A. The residential character of the building is maintained;
- B. The activity occupies less than one-quarter of the ground floor area of the building;

- C. The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the rights of neighboring residents to enjoy the peaceful occupancy of their homes. Business visitors to the premises shall not exceed eight (8) per day and delivery trucks shall not exceed one (1) per day;
- D. The occupation shall not be carried on in an accessory building of the residence where the building is larger than six hundred (600) square feet;
- E. No signs are permitted, except for a single unilluminated nameplate not to exceed two (2) square feet in area;
- F. All home occupations require a city business license.

Section 8. Amend the following portions of 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 sight-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, M-2, or Planned Unit Development zones.

Section 9. Amend the following portions of Section 16.10.010 Off-Street Parking Required-Exceptions, to read as follow:

- 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 and objective findings that a greater number of spaces are necessary at that location for protection of public health, safety and welfare. A lesser number of spaces may be permitted by the Planning Commission based on clear and objective findings that a lesser number of parking 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.

Section 10. Amend the following portions of Section 16.10.030 General Requirements, to read as follows:

- D. Off-street parking spaces for dwellings shall be located on the same lot, or adjacent 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.
- G. Parking facilities may be shared by users on adjacent parcels if all of the following standards are met, or the Planning Commission determines a lesser combination meets the intent of the Ordinance;
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. Excess parking spaces can be determined by considering when the uses need the parking spaces, such as time of day or day of week.
 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 11. Add the following entries to TABLE 16.10.050:

USE	PARKING REQUIREMENT
Residential Uses:	
e. Residential Day Care Facility and Home Occupation	1.00 spaces per employee
Commercial:	
l. Residential hotel, rooming house, boarding house, or bed and breakfast	Spaces equal to 80 percent of the number of guest accommodations
o. Day Care Facility;	2.00 spaces per 6 children under care, plus 1.00 space per employee.
p. All others	
Industrial:	
a. Manufacturing	3.50 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office manufacturing space Minimum of 5 parking spaces overall
b. Warehousing	3.50 spaces per 1,000 gross square feet of office space, plus 1.00 space per 1,000 gross square feet of non-office warehousing space Minimum of 5 parking spaces overall
c. Wholesale establishments	3.50 spaces per 1,000 gross square feet of office space, plus 1.50 spaces per 1,000 gross square feet of non-office wholesale space Minimum of 5 parking spaces overall

Section 12. Amend the following portions of Section 16.10.070 Parking Lots and Access, to read as follows:

A. Parking Lots

2. 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 (30%) percent of the total number parking stalls.

B. Access

13. Distance Between Driveways and Intersections

- 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 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.

Section 13. Amend FIGURE 1: PARKING TABLE, as follows:

Where 'A' equals 30, 'C' equals 16'4" and 'E' equals 17'0"

Where 'A' equals 45, 'E' equals 12'0"

Where 'A' equals 60, 'E' equals 9'10"

Section 14. Amend the following entries to Section 16.12.010 Zones Designated, to read as follows:

Base Zones	Abbreviation
Medium Density Residential	R-1.5
High Density Residential	R-2

Section 15. Amend the following portions of Section 16.16.010 Uses permitted outright, to read as follows:

- D. Day Care Facility in a residential home, with twelve (12) or fewer children;
- E. Manufactured and mobile home subdivisions where developed as planned unit developments, subject to the requirements of Divisions IV and V;

Add to Section 16.16.010 Uses permitted outright, the following:

- H. Home occupations which meet the strict definition of Section 16.04.240.

Section 16. Amend the following portions of Section 16.16.020 Conditional uses, to read as follows:

- C. Day Care Facility, other than a residence or caring for more than twelve (12) children;
- K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;
- L. One two-family dwelling where the lot contains a minimum of twelve thousand square feet or, if a corner lot on other than arterial streets, ten thousand square feet. Any duplex constructed on a corner lot of less than twelve thousand square feet shall be designed such that access to the different units is taken from different streets;
- M. Bed and Breakfast
- N. Other developments customarily found within a residential zone, as determined by the Planning Commission.

Section 17. Amend the following portions of Section 16.16.030 Development standards, to read as follows:

- C. Minimum yard requirements:
 - 3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures not exceeding one hundred twenty square feet and not placed on a permanent foundation, and erected sixty feet or more from any street other than an alley.

Section 18. Amend the title to Chapter 16.18, to read as follows:

R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

Section 19. Amend the following portions of Section 16.18.030 Development standards, to read as follows:

C. Minimum yard requirements:

3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures not exceeding one-hundred and twenty square feet and not placed on a permanent foundation, and erected sixty feet or more from any street other than an alley.

Section 20. Amend the title to Chapter 16.20, to read as follows:

R-2 HIGH DENSITY RESIDENTIAL ZONE

Section 21. Amend the following portions of Section 16.20.010 Uses permitted outright, to read as follows:

- D. Manufactured and mobile home subdivision of eight or fewer lots per acre, subject to the requirements of Chapter 16.80.

Add the following portions to Section 16.20.010 Uses permitted outright, as follows:

- E. Manufactured and mobile home or trailer parks, subject to the criteria of Chapter 16.44;
- F. Bed and Breakfast.

Section 22. Amend Section 16.20.020 Conditional uses, to read as follows:

- A. A use listed as conditional in the R-1 zone and not listed as permitted outright in Section 16.20.010;
- B. Single-family dwellings having common wall construction and located on lots of not less than four thousand square feet each.

Section 23. Amend the following portions of Section 16.20.030 Development Standards, to read as follows:

- C. Minimum yard requirements:
 - 3. Interior yard: One side seven feet, other side(s) ten feet. Interior yards may be reduced to three feet for detached accessory structures not exceeding one hundred twenty square feet and not placed on a permanent foundation, and erected sixty feet or more from any street other than an alley.
- F. Other regulations:
 - 1. Vision clearance distance shall be ten feet from an alley and thirty feet from any other street.
 - 2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.
 - 3. Required setbacks on southern and western exposures may be reduced by not more than five feet for eaves or canopies to provide shade.
 - 4. Multiple-family developments exceeding fifteen units shall provide 100 square feet of recreation space per dwelling unit. Recreation spaces shall be no less than 1500 square feet in size.

Section 24. Amend the following portions of Section 16.22.010 Uses permitted outright, to read as follows:

1. Dwelling units.
 - a. Dwelling units that are incidental (less than 25% of the ground floor gross area) and attached to any use allowed in a C-1 zone. The maximum number of incidental and attached dwelling units allowed on a parcel in the C-1 zone shall conform to 16.20.030.A.
 - b. Existing dwelling units which are not incidental and attached to a use allowed in the C-1 zone may be altered, expanded, or rebuilt within one year of a fire or other act of nature, provided that any such additions or rebuilding comply with the development standards for dwelling units in the R-2 zone;

Add "Bed and Breakfast, in an existing residence" and "Day Care Facility" in alphabetical sequence, amending the numbers 3 - 35 to 3 - 37.

Section 25. Delete the following portion of Section 16.22.020 Conditional Uses:

- C. Dwelling units other than those which are incidental and attached to a use listed in the C-1 zone

Section 26. Amend the following portions of Section 16.24.010 Uses permitted outright, as follows:

- A. Uses permitted outright in the R-1.5 zone, conforming to the development standards of the R-1.5 zone.

Add to Section 16.24.010 Uses permitted outright, the following:

- R. Dwelling units attached to any use allowed in the C-R zone.

Section 27. Amend the following portions of Section 16.24.020 Conditional uses, as follows.

- A. Uses listed as conditional in R-1 or R-1.5 zones, and not listed as permitted in Section 16.24.010; residential development shall conform to the development standards of the R-2 zone.
- B. Uses listed as permitted outright in R-2 zones, and not listed as permitted in Section 16.24.010, conforming to the development standards of the R-2 zone.

Section 28. Amend the following portions of Section 16.28.010 Uses permitted outright, to read as follows:

- A. A use permitted outright in a C-1 zone;

Section 29. Amend Section 16.28.020 Conditional uses, to read as follows:

- A. A use permitted outright in an M-1 zone;
- B. A use listed as conditional in a C-1 zone and not listed in Section 16.28.010.

Section 30. Amend the following portions of Section 16.30.010 Uses permitted outright, to read as follows:

- A. A use permitted outright in a C-2 zone, other than dwelling units;

Section 31. Amend the following portions of Section 16.32.010 Uses permitted outright, to read as follows:

- B. Automobile body shop, or heavy repair shop;
- R. Utility storage or service yard;

Section 32. Add the following to Section 16.32.020 Conditional Uses:

- C. Waste and/or recycling transfer operations.

Section 33. Amend the following portions of Section 16.32.030 Development standards, to read as follows:

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight-blocking fence or berm. The fence or berm 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.
3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet.

Section 34. Amend the following portions of Section 16.34.030 Development standards, to read as follows:

F. Other regulations:

1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad.
2. Outside storage abutting or facing a lot in a residential zone shall be enclosed by a sight-blocking fence or berm. The fence or berm 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.

Section 35. Add to Chapter 16.36, under portion entitled "Sections:"

16.36.040 Development standards.

Add Section 16.36.040 Development standards.

Development regulations for the Planned Unit Development overlay zone are as provided in Chapters 16.70 through 16.76 of this title.

Section 36. Amend the following portions of Section 16.42.040 Temporary signs, to read as follows:

- A. Political campaign signs, real estate or land development signs and temporary signs advertising such things as social events, garage sales, rental vacancies or farm products are all permitted provided that they do not exceed the total square footage of allowed signed area per lot by more than fifty percent and provided that they meet all other ordinance requirements, including vision clearance. Except, however, that such temporary signs in residentially zoned areas shall not exceed eight square feet per dwelling unit. This section is not intended to authorize the use of temporary signs for commercial retail business advertising. Further, this section does not authorize placement of real estate or land development signs off of the site which they are intended to advertise, except for the placement of temporary "open house" directional signs which may be used between the hours of 8:00 a.m. and 8:00 p.m. daily. Such "open house" signs may be placed within City right-of-way, but off of the street, on Saturdays and Sundays. However, such "open house" signs may not be placed, even temporarily, within County or State right-of-way.

Section 37. Amend the following sections of Section 16.42.110 Sign enforcement procedures, to read as follows:

- E. Signs Located Within City, County, or State Right-of-Way. Except for directional "open house" real estate signs referred to in 16.42.040, any sign located completely or partially within a public right-of-way, or real estate or land development signs located off the site which they are intended to advertise, is in violation of this title, and may be immediately removed and impounded by the City, with or without notice to the owner or resident of the adjacent property. The chief of police shall give notice within forty-eight (48) hours after the removal of the sign to the legal owner and residents of the property that such sign has been removed and impounded for storage for violation of this chapter and that such sign shall be deemed to have been abandoned and will thereafter be discarded as junk, or may, at the discretion of the chief of police, be sold as surplus property if not claimed within thirty (30) days from the date of such notice. The owner shall be given the right to reclaim such sign by paying all the costs and expenses incurred by the City in the removal and storage of such sign. No sign shall be released, however, until costs and expenses are paid in full to the City.

Section 38. Amend the title of Chapter 16.44, to read as follows:

MANUFACTURED AND MOBILE HOMES AND TRAILER PARKS

Section 39. Amend Section 16.44.010 Regulations generally, to read as follows:

The following regulations shall be applied to manufactured and mobile home parks or trailer parks, temporary permits for the location of trailers, mobile homes or motor homes, and other regulations applying to such units. These regulations shall guide the staff in the process of conducting site plan reviews, and shall guide the Planning Commission in the process of considering conditional use permits.

Section 40. Amend the following portions of Section 16.44.030 Standards and criteria, to read as follows:

In reviewing applications for manufactured and mobile home parks or trailer parks the following standards and criteria shall apply:

- E. Paved pedestrian paths or walkways shall be provided along at least one side of each private road and between each unit and any outbuilding provided to serve that unit. Such paths are to be a minimum of three feet in width and designed to prevent drainage water from passing over such walkways.
- F. A minimum of fourteen feet of separation shall be maintained between individual units, as well as between units and permanent buildings.
- G. A concrete patio area or wood deck of at least one hundred and fifty square feet, and no more than five hundred square feet, shall be provided for each unit.
- H. Recreation and open space areas shall be provided and specified on the plan, and suitable equipment for such purposes shall be specified. Such areas shall be protected from streets, drives, and parking areas. A minimum of one hundred and fifty square feet of recreation and open space areas for each mobile home space shall be provided in one or more locations within the mobile home park. The minimum size of each such recreation and open space shall be three thousand seven hundred and fifty (3,750) square feet; except, however, that those requirements may be reduced by as much as fifty percent if the Planning Commission finds that such reduction is justified because of indoor recreation facilities which are provided.
- J. A sight-blocking fence which is not less than four nor more than six feet in height shall be provided along the perimeter of the development, except where reduced fence height is required for vision clearance along street frontage. The requirement for a fence may be modified by the Planning Commission based on clear findings that the modification will be sufficient to carry out the objectives of this section.

Section 41. Amend Section 16.44.070 Time limits, to read as follows:

No camper, trailer, motor home, or mobile home may be used or inhabited on a lot, or an adjacent lot, for more than seven consecutive days, or a total of fourteen days, within a sixty-day period unless such placement, use or habitation conforms with the requirements of this title.

Section 42. Amend the following portions of Section 16.46.010 Number of units in residential development, to read as follows:

- A. The maximum number of units to take access to a given private road or driveway shall be:
1. Sixteen for any one-way drive, or twenty for any one-way drive with a parking strip;
 2. Twenty-four if the traveled portion of the road or driveway is less than twenty-four feet in width;
 3. Thirty-six if the width of the traveled portion of the road or driveway is between twenty-four and thirty feet, inclusive;
 4. Forty if the traveled portion of the road or driveway exceeds thirty feet in width.

Section 43. Amend 16.49.030 Site and Design Review Plan Approval Required, to read as follows:

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, or more than 5,000 square feet of additional gross floor area in a one year period, or construction activity which causes a decrease in pervious area in excess of 2,500 square feet, shall occur, and no building permit for such activity shall be issued, 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. The following are exempt from Site and Design Review:
 - a. Signs that are not a part of a reviewable development project.
 - b. Alterations or remodeling that do not change the exterior of the building.
 - c. Temporary public structures which will be removed within two (2) years of placement.
 - d. Accessory structures under 500 square feet.
3. 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 44. Amend the following portions of Section 16.49.050 Conditions Placed on Site and Design Review Approvals, to read as follows:

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 construed as a limitation of the authority granted by this section.

Section 45. Amend the following portions of Section 16.49.080 General Provisions for Landscaping, to read as follows:

2. The minimum area requirement for landscaping for developments coming under design review shall be the percentage of the total land area to be developed as follows:
 - a. Fifteen percent (15%) for all industrial and commercial zones (except the Downtown Commercial zone, but including the Commercial-Residential zone).
 - b. Seven and one-half percent (7.5%) for the Downtown Commercial zone.
 - c. Thirty percent (30%) for all Residential zones.
3. Trees and other plant materials to be retained shall be identified on the landscape plan. The Site and Design Review Board encourages the retention, to the extent practicable, of existing healthy trees.
4. B. Trees and plant materials identified for preservation shall be protected by chain link fencing placed around the tree at the drip line.
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.

Section 46. Amend the following portions of Section 16.49.090 Specifications for Tree and Plant Materials, to read as follows:

1. Deciduous Trees - Deciduous shade and ornamental trees shall be a minimum two inch (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 well branched and characteristically shaped specimen.

Section 47. Amend the following portions of Section 16.49.100 Landscaping Installation and Maintenance, to read as follows:

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 or City Planner, 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, City Planner, or City Forester, 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 or City Planner, 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 landscaped and exterior improvement inspection shall be made prior to any security 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.

Section 48. Amend the following portions of Section 16.49.110 Landscape Area Credit for Preservation of Existing Trees, to read as follows:

2. 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 40% (i.e., Districts requiring 15% landscaping shall not be reduced to less than 9%).

Section 49. Amend the following portions of Section 16.49.120 Parking Lot Landscaping Standards, to read as follows:

3. Landscaping Within a Parking Lot - Area within a parking lot shall include the paved parking and maneuvering area, as well as any paved area within ten (10) feet of any exterior face of curb surrounding the paved parking and maneuvering area.
4. Computing Minimum Area Required to be Landscaped Within a Parking Lot - Minimum area required to be landscaped within a parking lot shall be as follows:
 - a. Fifteen percent (15%) for all residential, industrial and commercial zones (except the Downtown Commercial zone, but including the Commercial-Residential zone).
 - b. Five percent (5%) for the Downtown Commercial zone for any off-street parking spaces provided.

The area landscaped to meet minimum parking lot interior landscaping requirements shall be located within ten (10) feet of the parking lot area.

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. The Site and Design Review Board explicitly encourages the use of planter islands with trees for landscaping parking lots.

Section 50. Add to Chapter 16.49, under Sections:

16.49.140 Minor Revisions to Approved Landscaped Plans.

Add Section 16.49.140 Minor Revisions to Approved Landscaped Plans.

Minor revisions (less than 10% of the landscaped area) to the approved landscaped plans shall be reviewed and approved by the City Planner. The City Planner shall report any minor revisions to the Site and Design Review Board at the next available Board meeting.

Section 51. Amend Section 16.60.020 Standards and criteria, to read as follows:

The same improvements shall be installed to serve each building site of a partition as is required of a subdivision, and the same basic design standards shall apply. If the improvements are not constructed or installed prior to the filing of the signed partition plat with the County, they shall be guaranteed in a manner approved by the City Attorney.

However, if the commission finds that the nature of development in the vicinity of the partition makes installation of some improvements unreasonable, the commission shall except those improvements. In lieu of excepting an improvement, the commission may recommend to the council that the improvement be installed in the area under special assessment financing or other facility extension policies of the city.

Section 52. Amend the following portions of Section 16.60.040 Major Partitions, to read as follows:

- E. In no case shall the use of a private road be approved for partitioning unless it is found that adequate assurance has been provided for year-round maintenance sufficient to allow for unhindered use by emergency vehicles, and unless it is found that the construction of a street to city standards is not necessary to insure safe and efficient access to the parcels.

Section 53. Amend the following portions of Section 16.62.020 Standards and criteria, to read as follows:

- D. 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 land division.

Section 54. Amend the following portions of Section 16.64.040 Lots, to read as follows:

- I.
 - 2. The access strip is to be a minimum of twenty feet in width and shall be paved for its full width from its connection with the public street to the main body of the lot. Except, however, that the width requirement may be reduced to twelve feet, for accessing a single flag lot, where the total length of the access strip does not exceed one hundred feet. Access strips not less than ten feet in width may be permitted where two such drives abut and are provided with reciprocal easements for use. For drives accessing more than two flag lots, the access strip shall be a minimum of twenty feet with reciprocal access and maintenance agreements for all lots.

Section 55. Amend the title of Division V, to read as follows:

Division V. Planned Unit Development and Condominium Regulations

Section 56. Amend Section 16.70.010 General provisions, to read as follows:

Planned unit developments may constitute a subdivision involving unique design methods or the development of a single tract without property divisions. Where proposed as a subdivision, the regulations of Division IV as well as the requirements of this division shall apply. Where proposed as an overall development of a single tract without property division, a planned unit development shall be considered a conditional use in any zoning district. Planned Unit Development regulations shall not be used for, or apply to partitions.

Section 57. Amend the following portions of Section 16.76.010 Minimum requirements, to read as follows:

- A. A minimum of ten percent of the gross area of the development shall be devoted to park and recreational purposes, and shall be located in a "common" area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.

Add to Section 16.76.010 Minimum requirements, the following:

- C. The size of the original tract under application shall not be less than one acre, except as specified in Chapter 16.78.

Section 58. Amend the title to Chapter 16.80, to read as follows:

MANUFACTURED OR MOBILE HOME SUBDIVISIONS

Section 59. Amend the following portions of Section 16.80.010 Treatment as planned unit development application, to read as follows:

All manufactured or mobile home subdivisions, as defined in this title, are treated as planned unit development applications. This insures an adequate design review process for this type of development which may occur in any residential zone.

Section 60. Amend the following portions of Section 16.80.020 Surrounding development, to read as follows:

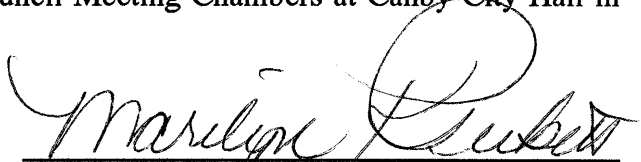
Although it may warrant special conditions of approval in terms of exterior appearance, the nature or value of surrounding development shall not be the basis of denial of an application for a manufactured or mobile home subdivision.

Section 61. Amend the following portions of Section 16.80.030 Minimum standards, to read as follows:

The following minimum standards shall be applied to all manufactured or mobile home subdivisions:

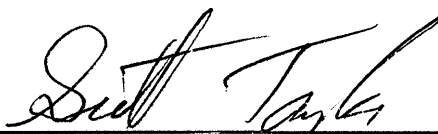
- B. Any conventional residential units (i.e., not manufactured or mobile homes) to be constructed within the subdivision are to located on lots of at least seven thousand square feet.
- J. 2. Requiring all units to have pitched roofs, lapped siding, composition shingle or shake roofs, double-wide construction or similar requirements to assure compatibility with nearby developments which may or may not include manufactured or mobile homes.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, June 2, 1993, 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, June 16, 1993, 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 June, 1993, by the following vote:

YEAS 4 NAYS 0



Scott Taylor, Mayor

ATTEST:



Marilyn K. Perkett
City Recorder