

ORDINANCE 1296

AN ORDINANCE ADOPTING FINDINGS OF FACT, CONCLUSIONS AND FINAL ORDER IN LAND USE APPLICATION TA 08-01; AMENDING TITLES 12 AND 16 OF THE CANBY MUNICIPAL CODE (CMC) REGARDING DESIGN STANDARDS FOR DOWNTOWN AND HIGHWAY 99E COMMERCIAL DEVELOPMENT IN CANBY, OREGON BY AMENDING CMC CHAPTERS 12.12, 16.04, 16.10 AND 16.49; ADDING CHAPTER 16.41 TO THE CMC; AND AMENDING THE ZONING MAP TO APPLY A NEW OVERLAY ZONE TO SPECIFIC PROPERTIES IN CANBY.

WHEREAS, the City of Canby encourages economic vitality and revitalization of Canby's commercial center through consistent and compatible building design, landscaping, and signage, which will help keep businesses competitive in the commercial marketplace; and

WHEREAS, the City of Canby, the Chamber of Commerce, Canby Livability Coalition and property owners worked together to develop new development standards that guide how new sites can be developed, including the overall size and location of buildings and other site elements and their relationship to each other and new design standards that describe how buildings will look, function and feel, with an emphasis on the exterior of the building or building "façade"; and

WHEREAS, the Planning Commission, after providing appropriate public notice, conducted a public hearing on a set of amendments, Application TA 08-01, during which the citizens of Canby were given the opportunity to present testimony on these proposed changes; and

WHEREAS, the Planning Commission found that the standards and criteria of section 16.88.160 of the Land Development and Planning Ordinance, concerning Text Amendments, were met, and unanimously recommended approval to the City Council after making certain modifications; and

WHEREAS, the City Council, on September 17, 2008, after reviewing the Planning Commission's recommendations and holding a public hearing to discuss the adoption of the Planning Commission's recommendation, ordered that the staff return with proposed Findings, Conclusions and Final Order and an appropriate implementing Ordinance; and

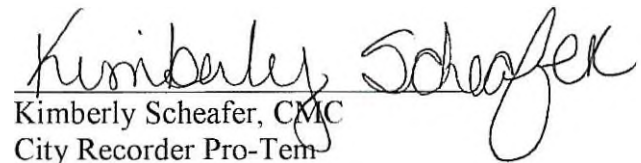
WHEREAS, the City Council at its meeting on October 1, 2008, has reviewed the proposed Findings, Conclusions and Final Order staff has prepared for Application No. TA 08-01, now therefore

THE CITY OF CANBY ORDAINS AS FOLLOWS:

- 1) The City Council hereby adopts the staff's proposed Findings, Conclusions and Final Order as detailed in this Ordinance as Exhibit "A", and further approves Text Amendment 08-01; and
- 2) Titles 12 and 16 of the Canby Municipal Code of the City of Canby are modified as detailed in Exhibit "B".

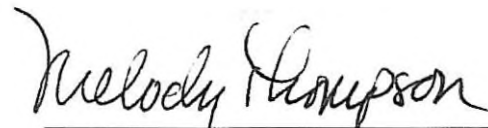
- 3) Amending the Zoning Map of the City of Canby to apply a new overlay Zone affecting certain properties in the Downtown Core Commercial (CC), Transitional Commercial (TC) and Outer Highway Commercial (OHC) and more specifically depicted in the *Downtown Canby Overlay Zone* as detailed in Exhibit "C".

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, October 1, 2008 and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, October 15, 2008, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue in Canby, Oregon.

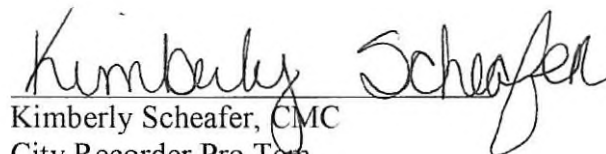

Kimberly Scheafer, CMC
City Recorder Pro-Tem

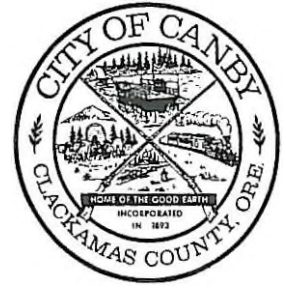
PASSED on the second and final reading by the Canby City Council at a regular meeting thereof on October 15, 2008 by the following vote:

YEAS 6 NAYS 0


Melody Thompson, Mayor

ATTEST:


Kimberly Scheafer, CMC
City Recorder Pro Tem



**BEFORE THE CITY COUNCIL
OF THE
CITY OF CANBY**

**A REQUEST FOR APPROVAL OF THE)
DOWNTOWN CANBY / HIGHWAY 99E)
DESIGN STANDARDS TEXT AMEND-)
MENT AND ZONING MAP AMENDMENT)**

**FINDINGS, CONCLUSION & ORDER
TA 08-01
(City of Canby)**

NATURE OF APPLICATION

Application TA-08-01 is a City-initiated Municipal Code text amendment and Zoning Map amendment, for the purpose of amending Title 12 concerning sidewalk displays; and amending Title 16 and the Zoning Map of the City of Canby to create a new overlay zone with specific site design, architectural design, and landscaping requirements; to modify parking standards; to create a Type II design review application process; and to create an expanded design review board and a new design review advisory board.

HEARINGS

The Planning Commission held a public hearing to consider this application at its meetings of April 28, 2008, May 27, 2008 and August 25, 2008. The City Council held a public hearing to consider this application at its meeting of September 17, 2008. At that hearing the Council recommended approval of the proposed action and directed staff to prepare findings of consistency with approval criteria.

CRITERIA AND STANDARDS

- A Title 12 Municipal Code text amendment is a legislative amendment, but is not a land use amendment. Therefore, there are no land use approval criteria to consider in amending Title 12.
- A Title 16 Municipal Code text amendment is a legislative land use amendment. Therefore, in judging whether or not Title 16 should be amended, the Planning Commission and City Council shall consider:
 1. The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development;

**Findings, Conclusions & Order
TA 08-01
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2. A public need for the change;
 3. Whether the proposed change will serve the public need better than any other change which might be expected to be made;
 4. Whether the change will preserve and protect the health, safety and general welfare of the residents in the community;
 5. Statewide planning goals.
- An amendment to the Zoning Map of the City of Canby is a legislative land use amendment. In judging whether or not the Zoning Map should be amended, the Planning Commission and City Council shall consider:
 1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;
 2. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

FINDINGS AND REASONS

The Planning Commission, after holding a public hearing on April 28, 2008, May 27, 2008, and August 25, 2008; and after considering the April 08, 2008, staff report, the May 27, 2008, memorandum, and the August 25, 2008, memorandum, including all addendums and attachments thereto; and after considering all public testimony received during the public hearing; deliberated and reached a decision to recommend approval of the TA 08-01 amendments as presented in the May 27, 2008, memorandum, based on the findings in the April 08, 2008, staff report, the May 27, 2008, memorandum, the August 25, 2008, memorandum, and all additional findings from the public hearing that support approval.

Findings in Support of Comprehensive Plan Text Amendment

1. *The Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, in order to preserve functions and local aspects of land conservation and development; and*

Comprehensive Plan policies

The City Council finds that the following Comprehensive Plan policies are applicable to the proposed action.

Policy no. 2: Canby shall encourage a general increase in the intensity and density of permitted development as a means of minimizing urban sprawl.

The proposed amendments are consistent with this policy in the following ways:

Reductions in parking ratios for commercial establishments will help result in less land used for parking and an increase overall densities of development. Most uses would only require 3 spaces per 1,000 square feet of floor area, as opposed to 5 spaces. This is a 40% reduction in the amount of land needed for parking which typically represents a significant portion of the land need. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction.

Establishing new minimum floor area ratios (FARs) in each commercial area will encourage denser commercial development, particularly in the commercial core area. Floor area ratios are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that new development will generally be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

Policy no. 6-r: Canby shall preserve and, where possible, encourage restoration of historic sites and buildings.

Proposed design standards are intended in part to help encourage development that is consistent with Canby's historic character. They do so in the following ways:

Standards for building materials encourage use of materials that evoke a sense of timelessness, permanence, quality, strength and creativity. These standards will help reflect and enhance the community's values and quality of life.

Standards that require use of cohesive and repeating design elements, clear distinctions between the base, middle and top of a building, and a certain degree of ornamentation, promote the use of historic design features and character in new buildings.

Policy no. 7-r: Canby shall seek to improve the overall scenic and aesthetic qualities of the city.

Improving the overall sense of aesthetic quality of Canby's commercial areas is a primary objective of adopting the new commercial design standards. The proposed new standards will improve aesthetic qualities in the following ways.

Providing clear distinctions between different portions of a building is important for the building's appearance, consistency of design within a larger area, and the ability of people to read or understand how the building functions.

Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural "bays" along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street.

Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians "read" and understand city blocks by creating recognizable and memorable design elements at the corner of each block.

Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

Goal: to develop and maintain a transportation system which is safe, convenient and economical.

The proposed design and development standards, as well as proposed amendments to parking standards meet this goal in the following ways.

Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes.

Reductions in parking ratios will allow for more economic development of the parking system by reducing overall land and transportation facility needs. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction in land need. Devoting less land to parking will help reduce public costs associated with service provision for roads, sewer and water on a per capita or per square foot of development basis.

Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will enhance the buffer area between cars and pedestrians.

Policy no. 3: Canby shall coordinate the location of higher density housing with the ability of the city to provide utilities, public facilities, and a functional transportation network.

The new proposed standards allow for additional residential development in the transitional commercial area of the C-1 zone, consistent with the city's R2 requirements. This will promote location of denser residential development along the fringe of the core commercial area which will in turn support the market for commercial businesses downtown. This part of the city has an existing high quality base of utilities, public facilities, and a functional transportation network to serve new development and residents in this area.

Policy no. 2: Canby shall encourage further commercial development and redevelopment at appropriate locations.

Implementation Measure A) The Canby Downtown Plan shall guide the revitalization and redevelopment of the Downtown Commercial zone, and includes standards and policies that address:

- Streetscape design*
- Building design*
- Marketing and promotion*
- Business retention and recruitment*
- Prioritized lists of public and private projects*
- Implementation and funding strategies*

The proposed standards will meet this policy objective and be consistent with this Implementation Measure in the following ways:

New requirements limit the size of the building footprints in each commercial area, consistent with the size and scale of development appropriate for those areas. For example, developments in the core commercial area are limited to buildings with a footprint of 40,000 square feet. This proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans) but not for larger buildings which would be out of scale with surrounding businesses and uses. The proposed maximum footprint in this area differentiates developments from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

As stated previously, standards for building design also are intended to improve the overall aesthetics of Canby's commercial area through principles related to cohesive design, unified building design, pedestrian-oriented design and use of materials that support the city's character and values.

The proposed standards also are also consistent with the following objectives and opportunities identified in the City's Downtown Plan:

There is a need to create a stronger connection to downtown from Highway 99E.

The proposed standards meet this objective in the following ways:

- They create similar design standards for new and renovated buildings on both sides of Highway 99E in the downtown area, creating a stronger future visual connection between the two areas.
- Corners of buildings, including those located at intersections along Highway 99E in the downtown, are required to have distinguishing design features. These requirements will help these area better serve as gateways into the downtown.
- They identify connecting Highway 99E and the downtown as key gateway areas where new development should be designed and oriented to draw people towards the downtown.

The quality of the streetscape is mixed, with some attractive areas of historic buildings mixed with buildings in poor condition and lacking street level appeal.

The proposed design standards will address this condition by improving the appearance and overall consistency of future developments within the downtown area through standards related to pedestrian-oriented design, unified building design, accentuating corners and using specific materials as described under previous approval criteria. These changes will support existing historic buildings and improve the overall street level appeal of the downtown and other commercial areas.

Opportunities to change land use patterns to improve the downtown focus on infill and redevelopment of vacant or underdeveloped lots with buildings constructed to the front property line and parking provided on the street or behind the building.

The proposed design and development standards include minimum setback and frontage requirements to construct buildings at the front property line in the downtown. They also include requirements to place parking on the street, next to or behind the building consistent with this objective.

County plans and policies: The City Council finds that county plans and policies are generally not applicable to the proposed action because the proposed standards only affect land within the city limits and specifically within the city's commercial areas.

Local districts: The City Council finds that plans and policies of local districts are generally not applicable to the proposed action.

State policies: These policies are addressed under Criteria #5, Statewide Planning Goals.

2. A public need for the change.

The City has previously determined a public need for development of commercial design and development standards through adoption of the City's Downtown Plan, and in previous planning studies and city resolutions.

The adopted Canby Downtown Plan includes the following two recommended actions:

- Create a standard awning treatment
- Develop design standards for redevelopment and new buildings

In approving funding to complete the new commercial design standards, the Canby Urban Renewal Agency reaffirmed this public need. In addition, this need was articulated by members of the City's Planning Commission, City Council and Commercial Design Standards Task Force members throughout the planning process.

3. *Whether the proposed change will serve the public need better than any other change which might be expected to be made.*

Creating design standards is one way to address objectives related to establishing an attractive downtown and enhancing the viability of the city's commercial areas. Other alternatives can include working directly with property and business owners to achieve the same objectives, providing financial support for façade or other building improvements, or simply letting market forces guide the appearance of new buildings. However, these approaches are not mutually exclusive and in fact the City actively pursues several of them. For example, the City administers a façade improvement grant program through its urban renewal district and regularly works directly with business owners to encourage them to locate in the city and provide them with information about the city's regulatory procedures. Creating a clear set of design standards will provide more clarification for prospective business and property owners and complement these efforts.

Developing and administering design guidelines or standards will help reinforce other economic development activities and will provide a level of certainty which other strategies cannot provide by themselves. Providing an alternative, administrative procedure for design review along with the option of going through a more flexible design review process also was deemed a more effective alternative than the current design review process.

4. *Whether the change will preserve and protect the health, safety and general welfare of the residents in the community.*

The proposed standards and amendments will help protect the health and safety of community residents in the following ways.

- Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will improve the buffer between cars and pedestrians.
- Standards for modest increases in landscaping areas required in parking areas will contribute to the physical health of residents by increasing the amount of oxygen generated by plants in the downtown area.

The proposed standards will promote and protect the general welfare of residents by enhancing the attractiveness, economic viability and livability of the downtown. The physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

5. *Statewide planning goals.*

Goal 1. Citizen Involvement

The process used to develop the design standards and other proposed zoning ordinance amendments was consistent with statewide goals of providing adequate opportunities for citizen involvement in the planning process. The process included the following activities:

- Meetings of a citizens Task Force to review and guide every aspect of the design standards and amendments. The Task Force included members of the City Council and Planning Commission, local business and property owners and other interested citizens. The Task Force met five times and all meetings were open to the general public.
- Property owners meeting. The city conducted a meeting for affected business and property owners and notified all property owners in areas directly affected by the proposed standards. This meeting, which also was open to the general public, provided an additional opportunity for public comment on the proposed standards.
- Planning Commission work sessions and hearings. City staff and members of the consulting team conducted multiple work sessions and hearings with the Planning Commission to review and discuss the proposed standards and amendments. All meetings were open to the public and provided opportunities for public comment.

Goal 2. Land Use

The proposed standards and other ordinance amendments are consistent with statewide planning Goal 2 and related requirements in the following ways:

- They are consistent with and support the city's current land use designations and planning framework. The standards recognize differences in development conditions and characteristics in different commercial areas (e.g., core commercial, transitional commercial and outer highway commercial areas) and provide varying standards for these different areas accordingly. As described previously, the standards support the goals of previous planning processes and other city and statewide planning goals.
- The proposed new development standards support more efficient patterns of development by establishing new floor area ratio requirements in affected commercial areas, reducing minimum parking requirements and allowing for both mixed use and more intensive residential development in the transitional commercial area.
- Requirements for massing and form in the transitional commercial area will help ensure compatibility as uses in this area increase and intensify over time, while allowing for a broader range of building sizes than currently exists and supporting the commercial land use designation in this area.

- As noted previously and below, reduced parking ratio requirements will reduce overall land needs. Allowing adjacent on-street spaces to count towards these ratios will represent a further reduction in land need.
- New landscaping requirements will not increase land consumption overall. The overall increase from 5% to 10% landscaping for interior parking areas only affects the parking area design, not the overall landscaping requirement and only applies to the Commercial Core area. It will not necessarily impact the total amount of land devoted to landscaping but might shift the location of landscaping within a given site.

Goals 3 and 4. Farm and Forest Lands Not applicable

The City Council finds that these goals are not applicable to the proposed actions.

Goal 5. Natural Resource Protection

The proposed actions will promote protection and preservation of natural resources by reducing overall land needs and impacts through new floor area ratio and parking requirements as described previously.

Goal 6. Air Land and Water

Increased landscaping requirements for parking areas will help create opportunities for natural stormwater drainage techniques. Use of these techniques will reduce impacts of stormwater runoff and drainage to natural water bodies. Increased vegetation in parking areas will have a positive impact on air quality. In addition, larger setbacks in the Outer Highway Commercial area also allow for more landscaping between buildings and the street which also will have positive impacts on air quality.

Goal 7. Natural Hazards

The City Council finds that this goal is not applicable to the proposed actions.

Goal 8. Parks and Recreation Opportunities

The City Council finds that this goal is not applicable to the proposed actions.

Goal 9. Economic development

The primary objective of implementing the new commercial design and development standards is to support the city's economic development goals. As noted previously, the physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas

Improving the pedestrian environment in the city's commercial areas will make them more attractive to residents and visitors and promote economic activity. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging

Findings, Conclusions & Order

TA 08-01

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pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a “threshold” between the sidewalk and the building.

Standards will foster well-designed, repetitive building elements that tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural “bays” along the street-facing ground floor of a building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street. These elements will help encourage people to return to the downtown to meet their shopping needs.

Reducing required minimum parking ratios will reduce land and development costs for developers, businesses and property owners in Canby. This will enhance their ability to develop land and start businesses in Canby and may allow for some businesses to locate there that otherwise could not have done so. For example, the reduced ratios have been beneficial in attracting a new movie theater to locate in the downtown area.

Adoption of the proposed standards also will provide both clarity and flexibility for future developers and business owners. Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards. This two-track approach will also promote economic activity in the affected commercial areas.

Goal 10. Housing

The proposed standards support local and statewide housing goals in the following ways:

- New standards will create additional opportunities for housing in the transitional commercial area. They allow for a certain amount of purely residential use in this area which is on the fringe of the existing commercial area. This will create opportunities for denser housing in this area in close proximity to shopping, recreation and other community activities.
- New standards in the commercial core area also will promote development of upper story housing in this area. Proposed standards for the design of upper floor windows and other features reflect this potential use.

Goal 11. Public facilities and Services

Amendments to parking requirements will help reduce overall land needs and increase potential cost-effectiveness of providing public facilities. Historically, cities have based parking requirements on the amount of parking needed on the very busiest days of the year. As a result, on the vast majority of days and times, a substantial number of parking spaces go unused. More recent planning practice has favored lower parking ratios which accommodate needs in most situations but don't necessarily plan for the worst case. While this may lead to some crowded conditions on a few of the very busiest days of the year, these changes also will result in more efficient land use and development, lower development costs, less impervious surface and lower costs for stormwater management for the city. Devoting less land to parking also will generally reduce public costs associated with service provision for roads, sewer and water on a per capita or per square foot of development basis.

Proposed increases in landscaping within parking areas also will create opportunities to use natural systems to treat and manage stormwater runoff. This will further reduce the need for off-site stormwater management facilities.

Goal 12. Transportation

The proposed design, development and other standards support local and statewide transportation planning goals in the following ways:

- Improve pedestrian connectivity and safety. Standards that require parking to be located on the sides and rear of buildings will reduce pedestrian and vehicle conflicts and improve pedestrian safety. Similarly, increasing the size of landscaping areas between the parking area and sidewalk will improve the buffer between cars and pedestrians.
- Support statewide guidelines related to parking requirements. The proposed new parking ratio standards are primarily based on those found in the *Model Code for Small Cities* prepared by the Department of Land Conservation and Development. Many cities in Oregon have revised their parking standards to be consistent with those recommended in the *Model Code*.
- Improve visual cues for drivers entering Canby. Standards for the Outer Highway Commercial area that require a certain percentage of development to be closer to the road will help to provide a visual connection and signal that drivers are entering an urban area. At the same time, relatively larger setbacks in this area (compared to the core commercial area downtown) will enhance buffers between pedestrians and faster-moving traffic.
- Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. New parking standards for automobiles and bicycles will allow for ready access to commercial uses by all modes and create attractive areas that enhance human and environmental health. Screening requirements and updated landscaping requirements will improve the appearance of parking areas and reduce visual clutter.

Goal 13. Energy Conservation

The City Council finds that this goal is not applicable to the proposed actions.

Goal 14. Urbanization

This goal is addressed in findings related to goals 2, 9 and 10.

Findings in Support of Zoning Map Amendment

- 1. The Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and the plans and policies of the county, state and local districts in order to preserve functions and local aspects of land conservation and development;***

Policy 6 of the Land Use element of the Comprehensive Plan states “*Canby shall recognize the unique character of certain areas and will utilize the following special requirements, in conjunction with the requirements of the land development and planning ordinance, in guiding the use and development of these unique areas.*” Implementation measures listed

under this policy describe specific areas of concern within Canby and provide policy direction related to future zoning decisions within them.

None of the areas of special concern listed under Policy 6 and its implementation actions coincide with the area proposed for application of the commercial design standards overlay zone. Therefore the City Council finds that this policy is not applicable to the proposed adoption of the overlay zone. As a result, the proposed action is consistent with this approval criterion.

2. Whether all required public facilities and services exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new zoning designation.

The proposed zoning change would apply a new design standards overlay zone to areas currently zoned as C1, C2 and M1 (one parcel). The new overlay zone would apply specific standards for the design of buildings and properties within the overlay zone area. These standards would guide the architectural design of buildings and development of sites (e.g., allowable setbacks, heights, parking ratios, landscaping requirements, etc.). However, no changes in use for the area are proposed, with the exception of allowing for a limited amount of residential use in a portion of the new zone. This change is not expected to impact the need for public facilities in this area. As a result no changes to current public facility needs in this area are proposed. Most of this area is substantially built out and currently served by roads, water, sewer and other public facilities. Any additional needed public facilities associated with uses in this area have generally been identified and considered in the City's transportation system plan and other facility master plans. Site specific facility needs will be met by developers or property owners as part of the City's development review process. As a result, the City Council finds that the proposed action is consistent with this approval criterion.

CONCLUSION

The City Council of the City of Canby concludes that:

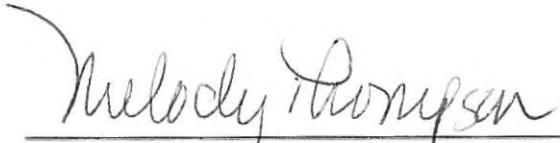
1. The proposed amendment complies with the Comprehensive Plan of the city, and the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development.
2. There is a public need for the change.
3. The proposed change will serve the public need better than any other change which might be expected to be made.
4. The proposed change will preserve and protect the health, safety, and general welfare of the residents in the community.

5. The proposed amendment complies with the Statewide Planning Goals.
6. The proposed amendment to the Zoning Map of the City of Canby complies with the Comprehensive Plan of the city, giving special attention to Policy 6 of the land use element and implementation measures therefore, and complies with the plans and policies of the county, state, and local districts, and preserves functions and local aspects of land conservation and development.
7. All required public facilities and services either exist or will be provided concurrent with development to adequately meet the needs of any use or development which would be permitted by the new Downtown Canby Overlay Zone.

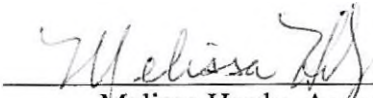
ORDER

IT IS ORDERED BY THE City Council that **Application No. TA 08-01** is approved; that the text amendments shall be made to the Canby Planning Code as proposed in the enabling Ordinance No. 1296; that the Zoning Map for the City of Canby shall now include the Downtown Canby Overlay Zone.

DATED this 15th day of October, 2008.



Melody Thompson, Mayor



Melissa Hardy, Associate Planner

ATTEST:

ORAL DECISION – September 17, 2008

AYES: Carson, Daniels, Helbling, Oliver

NOES: None

ABSTAIN: None

ABSENT: Blackwell, Carlson

WRITTEN DECISION – October 15, 2008

AYES: Carlson, Blackwell, Oliver, Daniels, Carson, Helbling

NOES: None

ABSTAIN: None

ABSENT: None

EXHIBIT B
TO ORDINANCE 1296

EXPLANATION OF PROPOSED CODE CHANGES

Proposed Amendments

Deleted text is illustrated in ~~strikeout font~~, added text is illustrated in red underlined font.

EXPLANATION OF PROPOSED CODE CHANGES

12.12.010 – Space for displays. This code amendment limits the height of a sidewalk display to no more than three feet when in front of a window.

Chapter 12.12

SIDEWALK DISPLAYS

- 12.12.010 Spaces for displays.**
- 12.12.020 Shelves to be removed during nighttime.**
- 12.12.030 Obstructions prohibited.**
- 12.12.035 Exemptions.**
- 12.12.040 Penalty.**

12.12.010 Space for displays.

It shall be unlawful for any person or persons in business or otherwise within the corporate limits of the city to cause or permit any display of groceries, vegetables or merchandise of any character whatsoever to occupy a space of more than 14 inches on the inside of the sidewalks, ~~and the same to be displayed on a shelf~~A display shall be not less than 2 feet in height, as measured from the sidewalk surface, so as not to create a tripping hazard above the level of the sidewalks. Where a display is placed in front of a window, such display shall be no greater than three feet in height, as measured from the sidewalk surface, to ensure that windows are not blocked above that height.

12.12.020 Shelves to be removed during nighttime.

It shall be unlawful for any person to allow display shelves to remain upon the sidewalks after the displays are removed within the places of business, during the night, unless the shelves are on hinges and can be dropped against the sides of the buildings when not used without extending or protruding so as to make them dangerous.

12.12.030 Obstructions prohibited.

It shall be unlawful for any person to wholly or partially obstruct the sidewalks with displays, boxes, tables and the like which interfere with pedestrians passing along the sidewalks, except in the case of temporary construction authorized pursuant to a building permit or as otherwise provided in this chapter.

12.12.035 Exemptions.

A. Businesses selling food and/or nonalcoholic beverages may place tables and chairs on the sidewalk in front of the buildings housing the business, provided there remains at least 4 feet of unobstructed passage available for pedestrian passage. Umbrellas used in connection with tables must be at least 7 feet in height so as not to create clearance problems.

B. Businesses wishing to utilize tables and chairs as provided in division A. above shall be required to apply to City Hall for a permit authorizing the use. No fee is required for the permit, but applicant must provide liability insurance coverage with the city named as additional insured. This coverage shall be Comprehensive Personal or General Liability with a coverage amount of not less than \$500,000 Combined Single Limit covering Bodily Injury and Property Damage. Permits must be renewed annually.

12.12.040 Penalty.

Any person or persons violating or failing to comply with any of the provisions of this chapter shall be deemed guilty of an infraction and upon conviction thereof may be fined up to \$100 per each day of the violation.

EXPLANATION OF PROPOSED CODE CHANGES

16.04.218 – Façade. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “façade”, which is a term used in the new design review standards for the new Downtown Canby Overlay zone.

16.04.222 – Floor area ratio. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “floor area ratio”, which is a new development standard in the new Downtown Canby Overlay zone.

16.04.228 – Grade plane. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “grade plane” in the definition of “floor area ratio”.

16.04.567 – Story above grade plane. This code amendment adds a new definition to the Definitions Chapter of Title 16 in order to explain what is meant by the term “story above grade plane” in the definition of “Floor area ratio”.

16.04.690 – Yard, interior. This code amendment corrects a previous scrivener's error in the definition for an interior yard.

Chapter 16.04

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16.04.010 Grammatical interpretation.

As used in this title, the masculine includes the feminine and the neuter, and the singular includes the plural with no preference or prejudice intended or implied.

16.04.020 Generally.

Unless the context requires otherwise, the words and phrases set out in this chapter shall mean as follows.

16.04.030 Abutting-adjoining-adjacent.

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.

16.04.035 Acceptable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Highway commercial or Commercial-Manufacturing.

16.04.036 Access.

Access means a way or means of approach to provide pedestrian, bicycle, or motor vehicle entrance or exit to a property.

16.04.037 Access classification.

Access classification means a ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

16.04.038 Access connection.

Access connection means any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

16.04.039 Access management.

Access management means the process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.

16.04.040 Accessory structure or use.

Accessory structure or use means a detached structure or use not intended for human habitation, incidental and subordinate to the main use of the property and which is located on the same lot with the main use such as, but not limited to, garage, carport, tool shed, private greenhouse or utility building.

16.04.045 Accessway.

Accessway means a walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses. Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting. Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

16.04.050 Agriculture.

Agriculture means the tilling of the soil, the raising of crops, silviculture and horticulture.

16.04.060 Alley.

Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting another street.

16.04.061 Antenna.

The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other

transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

16.04.063 Application.

Application for a land use permit (site and design review, conditional use permit, annexation, zone change, subdivision, etc.) means a package of information that includes:

- A. The application form filled out and signed by the owner;
- B. Site plan and/or narrative describing the proposal;
- C. List of property owners on mailing labels (1" x 2 5/8"); and
- D. The application fee.

16.04.064 Attached WTS facility.

An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not.

16.04.065 Backhaul network.

The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network.

16.04.066 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, 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.

16.04.068 Bicycle facilities.

Bicycle facilities is a general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

16.04.070 Billboard.

Billboard means a sign which has a surface space upon which advertising may be posted, painted, or affixed, and which is generally, although not necessarily, designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

16.04.080 Boarding, lodging or rooming house.

Boardinghouse, lodging house or rooming-house means a building where lodging with or without meals is provided for compensation for at least four, but not more than ten guests. Board and care, foster care and similar accommodations are considered boardinghouses for the purposes of this title.

16.04.090 Building.

Building means a structure built for the shelter or enclosure of persons, animals, chattels or property of any kind.

16.04.100 Building line.

Building line means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

16.04.105 Cell.

A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located.

16.04.110 Central business district (CBD).

Central business district (CBD) means the downtown area of Canby, defined generally by zoning or designation on the Land Use Map of the Comprehensive Plan for downtown commercial development.

16.04.120 City.

City means the City of Canby, Oregon.

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, or another staff person he or she designates for a particular function. Also referred to as "Planning Director."

16.04.127 Collocation.

Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters.

16.04.128 Commercial Recreation Uses.

Commercial recreation uses means uses intended to provide for gymnastics, tennis, racquetball and other sport-related centers that require oversized indoor space and facilities.

16.04.130 Commission.

Commission means the Planning Commission of the city.

16.04.135 Conditionally suitable site.

For purposes of siting wireless telecommunications systems facilities, any land planned and zoned Residential/ Commercial, Convenience Commercial, or Downtown Commercial.

16.04.137 Corner clearance.

Corner clearance means the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.

16.04.140 Council.

Council means the City Council of Canby, Oregon.

16.04.145 Cross access.

Cross access means a service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.

16.04.150 Curb line.

Curb line means a line along the edge of the curb nearest the street lot line, not necessarily the right-of-way line.

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 preschool 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. Babysitters.

16.04.158 Detached WTS facility.

A pole, tower or other structure designed and intended to support WTS facility antennas.

16.04.160 Development plan.

Development plan means any plan adopted by the Planning Commission for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.

16.04.170 Dwelling, duplex-dwelling, two-family.

Duplex dwelling or two-family dwelling means a building containing two dwelling units.

16.04.180 Dwelling, multi-family.

Multi-family dwelling means a building containing three or more dwelling units.

16.04.190 Dwelling, single-family.

Single-family dwelling means a detached building containing one dwelling unit. Attached or common wall single-family dwellings may also exist provided that each is situated on a

separate lot and provided that each such unit shall not contain a common wall with more than one other dwelling unit. Mobile homes shall not be considered to be single-family dwellings for the purposes of this chapter unless found to meet all city building, mechanical, electrical and other construction codes applicable to conventional units built on the site.

16.04.200 Dwelling unit.

Dwelling unit means one or more rooms designed for occupancy by one family and not having more than one cooking facility.

16.04.210 Easement.

Easement means a grant of the right to use an area of land for specific purposes.

16.04.215 Equipment shelters.

For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be included in this definition of equipment shelters.

16.04.218 Façade.

Façade means an exterior face of a building.

16.04.220 Family.

Family means an individual or two or more individuals related by blood, marriage, adoption, or legal guardianship living together in a dwelling unit in which meals or lodging may also be provided for not more than two additional individuals excluding servants; or a group of not more than five individuals, excluding servants, who need not be related by blood, marriage, adoption or legal guardianship living together in a dwelling unit. Five or fewer handicapped persons, along with those individuals charged with caring for such persons and sharing a common dwelling unit, shall be considered to be a family for purposes of this title.

16.04.222 Floor area ratio.

Floor area ratio means a method of calculating structural massing on a lot. Floor Area Ratio is expressed as a ratio of x divided by y, where x is equal to the sum of the gross floor area of all stories above grade plane, as measured to the outside surface of exterior walls, and y is equal to the lot area net of any publicly dedicated right-of-way or land. Detached accessory structures and detached or attached parking structures above grade plane are not included in the gross floor area calculation.

16.04.223 Frontage road.

Frontage road means a public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street (see also service roads).

16.04.225 FCC.

The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable.

16.04.228 Grade plane.

Grade plane means the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.

16.04.230 Height of building.

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

16.04.240 Home occupation.

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.

16.04.250 Hotel.

Hotel means a building in which lodging is provided for more than ten guests for compensation and in which no provision is made for cooking in the rooms.

16.04.255 Infill homes.

Infill homes mean existing and new single family dwellings, manufactured homes, two-family dwellings, duplexes and triplexes on lots that have existing homes on two adjacent sides. Each adjacent home must be within 25 feet of the common lot line with the infill homes and have pre-existed for at least 5 years (dated from the existing homes final building permit approval).

16.04.260 Intersection.

Intersection means the place where two streets meet or cross.

16.04.265 Joint access (or shared access).

Joint access (or shared access) means a driveway connecting two or more contiguous sites to the public street system.

16.04.270 Kennel.

Kennel means a place where four or more dogs more than four months of age are kept on one lot or contiguous lots under one ownership.

16.04.275 Lattice tower.

For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider.

16.04.280 Loading space.

Loading space means an off-street space for the temporary parking of a commercial vehicle or truck while loading or unloading merchandise or materials and which space has access to a street.

16.04.290 Lot.

Lot means a single parcel or tract of land for which a legal description has been filed in the office of the county recorder or the boundaries of which are shown on a recorded subdivision plat.

16.04.300 Lot area.

Lot area means the total horizontal area within the boundary lines of a lot, excluding the access strip servicing a flag lot.

16.04.310 Lot, corner.

Corner lot means a lot abutting two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees.

16.04.315 Lot depth.

Lot depth means the average distance from the front lot line to the rear lot line.

16.04.318 Lot, flag.

A flag lot is a lot that does not meet minimum frontage requirements and where access to the public road is by a narrow, private right-of-way.

16.04.320 Lot front.

Lot front means the street lot line on a corner lot which the principal use or structure is facing. If no such use or structure exists, it means the street side having the shorter length. If the sides are of approximately equal length, the City Planner may designate the lot front.

16.04.321 Lot frontage.

Lot frontage means that portion of a lot extending along a street right-of-way line.

16.04.330 Lot, interior.

Interior lot means a lot other than a corner lot.

16.04.340 Lot line.

Lot line means the property line bounding a lot.

16.04.350 Lot line, interior.

Lot line, interior means all lot lines which separate one parcel from another, other than street lot lines.

16.04.360 Lot line, street.

Street lot line means a lot line that separates the lot from a street other than an alley. The street lot line is not generally the same as the curb line.

16.04.370 Lot, through.

Through lot means a lot having frontage on two parallel or approximately parallel streets other than alleys.

16.04.380 Lot width.

Lot width means the average width of a lot when measured at the front and rear setback lines for a principal use.

16.04.385 Lowest floor.

Lowest floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title found in Chapter 16.40 (Hazard Overlay Zone).

16.04.387 Manufactured home - manufactured housing unit.

Manufactured home and manufactured housing unit mean a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes only, the term manufactured home also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes and for Chapter 16.16, the term manufactured home does not include park trailers, travel trailers and other similar vehicles. For purposes of Chapter 16.16, a manufactured home shall be certified to meet the 1976 HUD Standards, as amended.

16.04.390 Mobile home.

Sidewalk means a pedestrian walkway with permanent surfacing to city standards.

16.04.561 Sign, Freestanding.

Freestanding sign means a sign wholly supported by a sign structure in the ground. Freestanding signs include monument signs and pole signs.

16.04.562 Sign, Monument.

Monument sign means any sign affixed to a base which has a width that is equal to or greater than 1/3 of the width of the sign face.

16.04.563 Sign, Pole.

Pole sign means any sign affixed to a base which has a width that is less than 1/3 of the width of the sign face.

16.04.565 Stealth design.

A variety of techniques used to disguise or mitigate the visual presence of WTS support structures, including, but not limited to screening by mature trees (75 percent or more of the pole beneath the tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets.

16.04.567 Story above grade plane.

Story above grade plane means any story having its finished floor surface entirely above grade plane, except that a basement shall be considered as a story above grade plane where the finished surface of the floor above the basement is either (1) more than 6 feet above grade plane, or (2) more than 12 feet above the finished ground level at any point.

16.04.570 Street.

Street means the entire width between the right-of-way line of every way which provides for public use for the purpose of vehicular and pedestrian traffic, and the placement of utilities and including the terms road, highway, lane, place, avenue, alley, or other similar designations.

A. Alley means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

B. Arterial means a street of considerable continuity which is primarily a traffic artery for intercommunication between large areas.

C. Collector means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas used to some extent for through traffic and to some extent for access to abutting properties.

D. Neighborhood connector means a street supplementary to the collector street system providing local access to adjacent properties as well as movement into or out of a neighborhood or between neighborhoods.

E. Cul-de-sac (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turnaround.

F. Half-street means a portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

G. Marginal access or frontage street means a minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

H. Minor street means a street intended exclusively for access to abutting properties.

16.04.580 Structural alteration.

Structural alteration means any change in the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.

16.04.590 Structure.

Structure means that which is built or constructed. Structure means an edifice or building of any kind or any piece of work artificially built up or composed of parts joined in some manner and which requires a location on the ground.

16.04.595 Stub-out (or stub street).

Stub-out (or stub street) means a portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

16.04.600 Subdivide land.

Subdivide land means to divide a parcel of land into four or more lots in a given calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership.

16.04.610 Subdivision.

Subdivision means either an act of subdividing land or tract of land subdivided as defined in this chapter.

16.04.615 Traffic Impact Analysis.

Traffic Impact Analysis A comprehensive traffic analysis of a development proposal which includes trip generation, analysis of access/egress, accident analysis, intersection analysis, and traffic flow analysis.

16.04.620 Trailer coach.

Trailer coach means a trailer or motor home not certified as meeting the HUD 1976 standards or as may be amended for design and construction of a mobile home.

16.04.630 Trailer park.

Trailer park means a tax lot or lots where space is rented or leased for the location of two or more trailer coaches, or some combination of mobile homes and trailer coaches for human habitation.

16.04.635 Trip generation study.

Trip Generation Study means an analysis of the number of vehicle trips generated by a development proposal. Trip generation for commercial/industrial/residential/ institutional projects are estimated through the Institute of Transportation Engineers' manual. The results of the trip generation study will determine the need for a Traffic Impact Analysis. If the trip generation study determines the use will generate more than 100 vehicle trips per day, the City Traffic Engineer may require a Traffic Impact Analysis.

16.04.640 Urban Growth Boundary (UGB)

Urban Growth Boundary (UGB) means the area specifically delineated in the city's comprehensive plan as being already urbanized or available for urban development.

16.04.650 Urbanizable.

Urbanizable is the term applied to property which is within the city's Urban Growth Boundary and which is planned for eventual urban development.

16.04.660 Use.

Use means the purpose for which land or a structure is designed, arranged, or for which it is occupied or maintained.

16.04.666 Vicinity.

Vicinity means nearby; within the same neighborhood. It should be noted that in applying the criteria of this chapter, the term vicinity will be applied to a larger area when warranted by a large project or a project which is expected to have an impact on a large area.

16.04.670 Vision clearance area.

Vision clearance area means the triangle area at the intersection of two streets, a driveway and a street, or a street and a railroad, two sides of which are measured from the corner intersection of the existing or proposed curb lines to a distance specified in this title. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the curb lines at intersections have rounded corners, the curb lines will be extended in a straight line to their points of intersection. No plantings, structures, or temporary or permanent obstructions shall be located within a vision clearance area, extending from two and one-half to ten feet above the curb or street elevation. Except, however, that one tree trunk not greater than eighteen inches in diameter shall be permitted within a vision clearance area.

16.04.672 Walkway.

Walkway means a hard-surfaced area intended and suitable for pedestrians, including sidewalks and the surfaced portions of accessways.

16.04.672 Wireless telecommunications facilities.

The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment.

16.04.676 Wireless telecommunications systems (WTS).

The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/specialized mobile radio, and commercial paging services.

16.04.680 Yard.

Yard means an open space on a lot which is unobstructed from a point two and one-half feet above the general ground level of the graded lot upward, except as otherwise provided in this title.

16.04.690 Yard, interior.

Interior yard means a yard lying between the nearest point of a building and ~~the street and~~ measured horizontally to ~~the~~an interior lot line.

16.04.700 Yard, rear.

Rear yard means a yard lying to the rear of the principal building on the lot and generally opposite the lot front.

16.04.710 Yard, street.

Street yard means a yard lying between the nearest point of a building and the street and measured horizontally to the street lot line.

16.04.715 Zero-lot line development.

Zero-lot line development means detached dwellings required to have a side yard setback on only one side.

EXPLANATION OF PROPOSED CODE CHANGES

16.10.050 – Off-street parking provisions. This code amendment changes the minimum off-street parking space requirements for several commercial and amusement uses, based on the State's *Model Code for Small Cities*. This serves to reduce the amount of land dedicated to vehicle parking, while still assuring that adequate facilities for off-street parking are provided. The code amendment also clarifies that the requirements set forth in Table 16.10.050 are for vehicle parking spaces.

16.10.100 – Bicycle Parking. This code amendment eliminates the requirement that, where there are 10 or more bicycle parking spaces, at least 50 percent of the bicycle parking spaces must be covered.

Chapter 16.10

OFF-STREET PARKING AND LOADING

Sections

- 16.10.010 Off-street parking required – exceptions.
- 16.10.020 Definitions.
- 16.10.030 General requirements.
- 16.10.040 Prohibited near intersections.
- 16.10.050 Parking standards designated.
- 16.10.060 Off-street loading facilities.
- 16.10.070 Parking lots and access.
- 16.10.080 Streets.
- 16.10.090 Drive-up uses.
- 16.10.100 Bicycle parking.

16.10.010 Off-street parking required – exceptions.

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.

B. 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, NW First Avenue on the south, N. Fir Street on the west, and NW Third Avenue on the north.

C. 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.

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.

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 requirements, 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. 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.

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, and 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 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.

H. The number of vehicular spaces required in Table 16.10.050 may be reduced by up to 10% if one of the following is demonstrated to the satisfaction of the Planning Director or Planning Commission:

1. Residential densities greater than nine units per gross acre (limit parking to no less than one space per unit for multi-family structures); or

2. The proposed development is pedestrian-oriented by virtue of a location which is within convenient walking distance of existing or planned neighborhood activities (such as schools, parks, shopping, etc.) and the development provides additional pedestrian amenities not required by the code which, when taken together, significantly contribute to making walking convenient (e.g., wider sidewalks, pedestrian plazas, pedestrian scale lighting, benches, etc.).

16.10.040 Prohibited near intersections.

In no case will off-street parking be allowed within a vision clearance area of an intersection.

16.10.050 Parking standards designated.

The parking standards set out in Table 16.10.050 shall be observed.

TABLE 16.10.050

Off-street Parking Provisions - The following are the minimum standards for off-street vehicle parking in the City of Canby:

USE	PARKING REQUIREMENT
<i>Residential Uses:</i>	
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.
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	1.5 spaces per unit
e. Residential day care facility and home occupation	1.00 space per employee
<i>Institutions:</i>	
a. Convalescent home, nursing home or sanitarium	1.00 spaces per two beds for patients or residents, plus 1.00 space per employee
b. Hospital	4.00 spaces per two beds
<i>Places of Public Assembly:</i>	
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
<i>Commercial Amusement:</i>	
a. Theater	1.00 per two six 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
<i>Commercial</i>	
a. Retail shops (under 100,000 sq. ft. gross leasable area)	4 2.00 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 1,000 square feet of sales floor area plus 1.00 space per 2 employees
c. Shopping center (over 100,000 square feet of gross leasable area)	5.3 .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 <u>2.00</u> spaces per 1,000 gross square feet of floor area
g. Real estate offices	3.50 <u>2.00</u> spaces per 1,000 gross square feet of floor area
h. Government offices	3.50 spaces per 1,000 gross square feet of floor area
i. Restaurant	10 <u>8</u> .00 spaces per 1,000 gross square feet of floor area
j. Take-out restaurant	10 <u>8</u> .00 spaces per 1,000 gross square feet of floor area
k. Motel	1.50 <u>.75</u> spaces per room
<u>l. Residential hotel, rooming house, boarding house, or bed and breakfast</u>	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 <u>200</u> square feet of floor area plus 1.00 space per manager
o. Day care facility, <u>adult or child care; does not include Family Daycare (12 or fewer children) under ORS 657A.250</u>	2.00 spaces per 6 children under care, plus 1.00 space per employee <u>1.00 space per 500 square feet of floor area</u>
p. All others	1.00 space per 550 square feet
q. Wireless telecommunication systems	1.00 space per site
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.

16.10.060 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
5000 – 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 – 13' 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-site 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.

G. The Planning Commission may exempt a building from the loading berth requirement, or delay the requirement, based on findings that loading berths are not needed for a particular building or business.

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 and sixteen (16) feet in length for compact vehicles may comprise up to a maximum of thirty (30) percent of the total

number of parking stalls. Such parking stalls shall be marked "Compact Parking only" either on the parking surface or on a sign in front of the parking stalls.

3. Areas used for standing or maneuvering of vehicles shall have paved asphalt, concrete, solid concrete paver surfaces, or paved "tire track" strips maintained adequately for all weather use and so drained as to avoid the flow of water across sidewalks or into public streets, with the following exception:

a. The Planning Commission may approve the use of an engineered aggregate system for outdoor storage and/or non-required parking areas as part of a Conditional Use Permit provided that the applicant can demonstrate that City Standards related to:

i. minimizing dust generation,

ii. minimizing transportation of aggregate to city streets, and

iii. minimizing infiltration of environmental contaminants including, but not limited to, motor oils, fuels, volatile organic compounds (e.g. benzene, toluene, ethylbenzene, xylene), and ethylene glycol are met.

The Planning Commission may impose conditions as necessary to meet City Standards.

4. The full width of driveways to single family homes or their accessory structures must be paved:

a. For a minimum of 20 feet from the right-of-way line back into the private property to prevent debris from entering public streets, and

b. To within 150 feet of all portions of the exterior wall of the first story of any structure(s) served by the driveway to ensure fire and emergency service provision.

5. 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. 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. Off-street parking areas, and the accesses to them, shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrian and vehicular traffic on the site

and in adjacent roadways. The Planning Director or Planning Commission may require engineering analysis and/or truck turning diagrams to ensure safe and efficient traffic flow based on the number and type of vehicles using the site, the classification of the public roadway, and the design of the parking lot and access drives.

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. Accessible parking shall be provided, constructed, striped, signed and maintained as required by ORS 447.233 and all Oregon Structural Specialty Code requirements.

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. The City of Canby encourages joint/shared access. Owners of two (2) or more uses, structures, or parcels of land may agree to, or may be required by the City to, utilized 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 shall be placed on permanent files 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 a 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 frontages, 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 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 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.

Minimum Access Requirements

16.10.070(B)(8): Minimum access requirements for residential uses - ingress and egress for residential uses shall not be less than the following (except that in the case of flag lots, section 16.64.0400) shall apply):

<i>Dwelling units</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & Curbs (in addition to driveways)</i>
1 or 2	1	12 feet	none required
3-19	1	20 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
20-49	Option A: 1 access OR Option B: 2 accesses	20 feet 12 feet	Minimum of one sidewalk connection to residences and parking areas; curb required if sidewalk adjacent to driveway.
50-499	Option A: 1 access OR Option B: 2 accesses	30 feet 20 feet	Curbs required; Minimum of one sidewalk connection to residences and parking areas
Over 500	As required by Site and Design Review Board		As required by Public Works Director

16.10.070(B)(9): Minimum access requirements for commercial or institutional uses - ingress and egress for commercial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-4	1	12 feet	None required
5-99	1	20 feet	Curbs required; sidewalk on one side minimum
100-249	2	20 feet	Curbs required; sidewalk on one side minimum
Over 250	As required by Site and Design Review Board	As required by Public Works Director	

16.10.070(B)(10): Minimum access requirements for industrial uses - ingress and egress for industrial uses shall not be less than the following:

<i>Parking spaces required</i>	<i>Minimum number of accesses required</i>	<i>Minimum access width</i>	<i>Sidewalks & curbs (in addition to driveways)</i>
1-250	1	24 feet	Curbs required; sidewalks on one side minimum
Over 250	As required by Public Works Director		

11. One-Way Ingress or Egress – 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 subsection (H), (I) and (J). However, the hard surfaced pavement of one-way drives shall not be less than twelve (12) feet for multi-family residential, commercial or industrial uses.

12. Maximum driveway widths and other requirements except for single-family dwellings [see subsection (d) below]:

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.

d. The minimum distance between two driveways on one single-family residential lot shall be thirty (30) feet. There is no minimum setback distance between a driveway and the property line for driveways on single-family residential lots.

13. Distance Between Driveways and Intersections- Except for single-family dwellings [see subsection (f) below] the minimum distance between driveways and intersections shall be as provided below. Distances listed shall be measured from the stop bar at the intersection:

a. At the intersection of any collector or arterial streets, driveways shall be located a minimum of fifty (50) feet from the intersection.

b. At the intersection of two (2) local streets, driveways shall be located a minimum of thirty (30) feet from the 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.

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 site and design review plan in accordance with this ordinance, the city Public Works Supervisor may approve the location of a driveway closer than fifty (50)

feet from the intersection of collector or arterial streets, based on written findings of fact in support of the decision. Said written approval shall be incorporated into the recommended decision of the City Planner for the site and design review plan under the process set forth.

f. The minimum distance between driveways for single-family residential houses and an intersection shall be thirty (30) feet. The distance shall be measured from the curb intersection point [as measured for vision clearance area (16.04.670)].

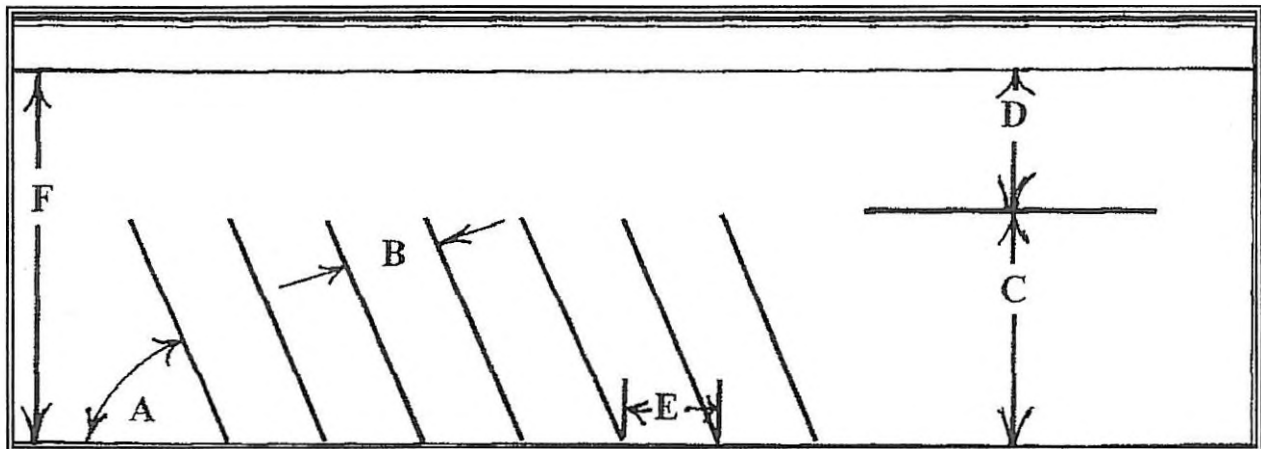
TABLE 16.10.070
Minimum dimensional Standard for Parking

This table and Figure 16.10.070 provide the minimum dimensional standards for parking areas and spaces.

A = Parking angle in degrees
B = Minimum stall width
C = Minimum stall depth

D = Minimum clear aisle width
E = Minimum clear stall distance at bay side
F = Minimum clear bay width

A	B	C	D	E	F
0 (parallel)	8'0"	-	12'0"	22'0"	20'0"
30	8'6"	16'4"	12'0"	17'0"	28'4"
45	8'6"	18'9"	12'6"	12'0"	31'3"
60	8'6"	19'10"	18'0"	9'10"	37'10"
90	8'6"	18'0"	24'0"	8'6"	42'0"



16.10.080 Streets.

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

16.10.090 Drive-up uses.

A. Drive-up uses shall provide a minimum stacking area clear of the public right-of-way or parking lot aisle from the window service to the vehicles as follows:

1. 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.
2. 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.

B. 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.

16.10.100 Bicycle Parking.

Bicycle parking shall be provided for all multi-family residential, institutional, commercial, and industrial uses.

A. Dimensions and characteristics: Bicycle parking spaces shall be a minimum of six (6) feet long and two (2) feet wide, and overhead clearance in covered spaces shall be a minimum of seven (7) feet. A minimum five (5) foot aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking. Bicycle racks located on a sidewalk shall provide a minimum of two (2) feet between the rack and a wall or other obstacle, and between the rack and curb face. Bicycle racks or lockers shall be securely anchored to the surface or a structure. Bicycle racks located in the Downtown Commercial Zone shall be of the inverted U style (a.k.a. staple racks). See Figure 20 of the Canby Downtown Plan for correct rack placement.

~~**B.** Covered parking: Where there are ten (10) or more bicycle parking spaces, at least 50% of the bicycle parking spaces shall be covered.~~

~~**B.**~~ **C.** Location: Bicycle parking shall be located in well-lit, secure locations within fifty (50) feet of the main entrance to a building, but not further from the entrance than the closest automobile parking space, and in no case further than 50 feet from an entrance when several entrances are involved.

~~**D.**~~ **C.** Number of spaces: The bicycle parking standards set out in Table 16.10.100 shall be observed.

TABLE 16.10.100 BICYCLE PARKING STANDARD

LAND USE CATEGORY	MINIMUM REQUIRED BICYCLE PARKING SPACES
Residential Multi-family residential, general Multi-family residential, seniors or with physical disabilities	1 space per unit 4, or 1 space per 5 units, whichever is greater
Institutional Schools - Elementary Schools - Jr. High/Middle School Schools - St. High College Transit Centers/Park & Ride Lots Religious Institutions Hospitals Doctor, Dentist Offices Libraries, Museums, etc.	To be determined through design review To be determined through design review To be determined through design review To be determined through design review 5% of auto spaces (or 100% of demand, depending on accessibility to bicyclists) 1 space per 40 seat capacity 1 space per 5 beds 2, or 1 space per 1000 ft ² , whichever is greater 2, or 1 space per 1000 ft ² , whichever is greater
Commercial Retail Sales Auto-oriented Services Groceries/Supermarkets Offices Restaurants Drive-in Restaurants Shopping Centers Financial Institutions Theaters, Auditoriums, etc. Downtown Commercial Zone	0.33 space per 1000 ft ² , whichever is greater 2, or 0.33 space per 1000 ft ² , whichever is greater 0.33 space per 1000 ft ² 2, or 1 space per 1000 ft ² , whichever is greater 1 space per 1000 ft ² 1 space per 1000 ft ² 0.33 space per 1000 ft ² 2, or 0.33 space per 1000 ² , whichever is greater 1 space per 30 seats 4 spaces per block
Industrial Industrial Park Warehouse Manufacturing, etc.	2, or .1 space per 1000 ft ² , whichever is greater 2, or .1 space per 1000 ft ² , whichever is greater 2, or .15 space per 1000 ft ² , whichever is greater

NOTES:

Each individual use needs to be evaluated for bicycle parking – e.g., a commercial accessory use in an industrial district may have different requirements than the industrial uses around it. Similarly, in mixed-use developments, the amount of each use and required bicycle parking needs" evaluation. Finally, within each use category one needs to consider the different user categories - residents, employees, customers, etc. - and parking requirements for each.

EXPLANATION OF PROPOSED CODE CHANGES

16.41 – Downtown Canby Overlay Zone. This code amendment creates a new Overlay Zoning District, the boundaries of which are identified on the Downtown Canby Framework Diagram (Figure 11 in the code text). The overlay district modifies uses, development standards, and site and design review standards for affected lands within the boundaries of the overlay.

Chapter 16.41

DOWNTOWN CANBY OVERLAY (DCO) ZONE

Sections:

- 16.41.010 Purpose.
- 16.41.020 Applicability.
- 16.41.030 Uses permitted outright.
- 16.41.040 Conditional uses.
- 16.41.050 Development standards.
- 16.41.060 DCO site and design review guidelines.
- 16.41.070 DCO site and design review standards.

16.41.010 Purpose.

The purpose of the Downtown Canby Overlay (DCO) zone is to:



Figure 1
Commercial development example concept



Figure 2
Cohesive architectural elements create a human-scale environment

A. Encourage more intense development in the Core Commercial area and allow for more intensive development in the Transitional Commercial area over time. Intensity of development and the relationship between setbacks, lot coverage and floor area ratio address this objective. Floor area ratios (FAR) are intended to work with building height and setback standards to control the overall bulk of the building. The proposed FAR in conjunction with the maximum lot coverage ensures that the development will be a minimum of two floors along the street in the C-1 portion of the Core Commercial area.

B. Create a pedestrian friendly environment in the Core Commercial and Transitional Commercial areas while allowing for a more auto-oriented focus in the Outer Highway Commercial area. A comfortable pedestrian-oriented environment and limited setbacks are important in the Core Commercial and Transitional Commercial areas. In the Outer Highway Commercial area, a portion of development should be closer to the road to provide visual connection and signal that drivers are entering an urban area. Larger setbacks in the Outer Highway Commercial



Figure 3

A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building



Figure 4

More auto-oriented uses in the Outer Highway Commercial area



Figure 5

Smaller-scale commercial use in the Transitional Commercial area

area also allows for more landscaping, access and other improvements between buildings and street.

C. Ensure that building sizes reflect desired uses in the Core Commercial and Transitional Commercial areas. Requirements limit the size of the building footprint to 40,000 square feet in these areas. For the purpose of understanding the scale of development, the proposed maximum allows for the creation of a high end grocery store (e.g., New Seasons, Whole Foods or Zupans). The proposed maximum differentiates developments in this area from those in the Outer Highway Commercial area. Maximum building footprints are much larger in the Outer Highway Commercial area.

D. Ensure compatibility among adjacent uses within the Transitional Commercial area as it changes over time. Requirements for massing and form will help ensure compatibility if uses in this area increase over time, while allowing for a broader range of building sizes than currently exists.

E. Maintain an attractive, visually pleasing environment that is relatively free of structures or activities that detract from it. Most buildings have areas devoted to services and equipment. These uses can be noisy, noxious and unsightly. Screening requirements reduce the impact of these structures and activities. Placement on an alley also may be an option. Furthermore, limitations on exterior storage and display will help reduce visual clutter while allowing flexibility for retail merchants and eating and drinking establishments.

F. Ensure adequate accessibility to and within sites by a variety of travel modes, along with attractively designed parking and loading areas. Parking standards for automobiles and bicycles are intended to allow for ready access to commercial uses by all modes and create attractive "green" sites that enhance human and environmental health.

16.41.020 Applicability.

A. It is the policy of the City of Canby to apply the DCO zone to all lands located within the boundaries illustrated on the Downtown Canby Framework Diagram; the boundaries of the overlay district, and boundaries of the three sub-areas, are as shown in this chapter, Figure 11. The three sub-areas are established as follows:



Figure 6
Example of high-quality screening design



Figure 7
Example of well-planned landscaping



Figure 8
These buildings in the commercial core illustrate desired design features in that area

1. Core Commercial Area. This area straddles Highway 99E and includes portions of both the C-1 and C-2 zones and forms the densest commercial area of the city, as well as the city's primary community facilities – city hall, police station, library, etc.

2. Transitional Commercial Area. This is the transitional area that lies between the more intense Downtown Core Commercial area and the established single-family neighborhoods to the north and northeast. The two Transitional Commercial nodes are tucked between 3rd and 4th and Fir and Douglas on the west side of Downtown, and 3rd and 4th and Holly and Knott on the east side.

3. Outer Highway Commercial Area. The Outer Highway Commercial area extends along Highway 99E both south of Elm Street and north of Locust Street. This area is quite different from the Core Commercial and Transitional Commercial areas, by nature of its highway access and orientation. The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible.

B. The DCO zone has the following effect with regard to other chapters of this ordinance:

1. Permits land uses which are permitted by the underlying zone districts, with some exceptions, as set forth in Sections 16.41.030 and 16.41.040.

2. Replaces selected development standards in the underlying zone districts, as set forth in Section 16.41.050.

3. Sets forth alternative design review standards and criteria tailored to implement the goals of the overlay zone, as set forth in Section 16.41.060.



Figure 9
Examples of less intensive development
in the Transitional Commercial area



Figure 10
Examples of development in the Outer
Highway Commercial area

16.41.030 Uses permitted outright.

Unless modified pursuant to the following Subsection, uses permitted outright in the underlying base zones are permitted outright in the DCO zone, subject to the respective zone district boundaries.

A. Uses permitted in the C-1 zone are permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, the following residential uses are also permitted, provided they meet all R-2 development standards in Chapter 16.20:

- 1. Single-family dwelling having common wall construction;**
- 2. Two-family dwelling;**
- 3. Multi-family dwelling;**
- 4. Accessory dwelling attached to a primary dwelling (sharing a common wall);**
- 5. Boarding, lodging or rooming house;**
- 6. Nursing home, convalescent home, home for the aged, board and care home, foster care home, etc;**
- 7. Zero-lot line development for uses otherwise allowed, provided that the minimum side yard setback shall be 7 feet when adjacent to housing with standard setbacks;**
- 8. Accessory uses.**

16.41.040 Conditional uses.

Unless modified pursuant to the following Subsection, conditional uses in the underlying base zones are conditionally permitted in the DCO zone, subject to the respective zone district boundaries.

A. Uses conditionally permitted in the C-1 zone are conditionally permitted in the DCO zone, except in the Transitional Commercial (TC) sub-area, any use listed above in 16.41.030 is permitted outright.

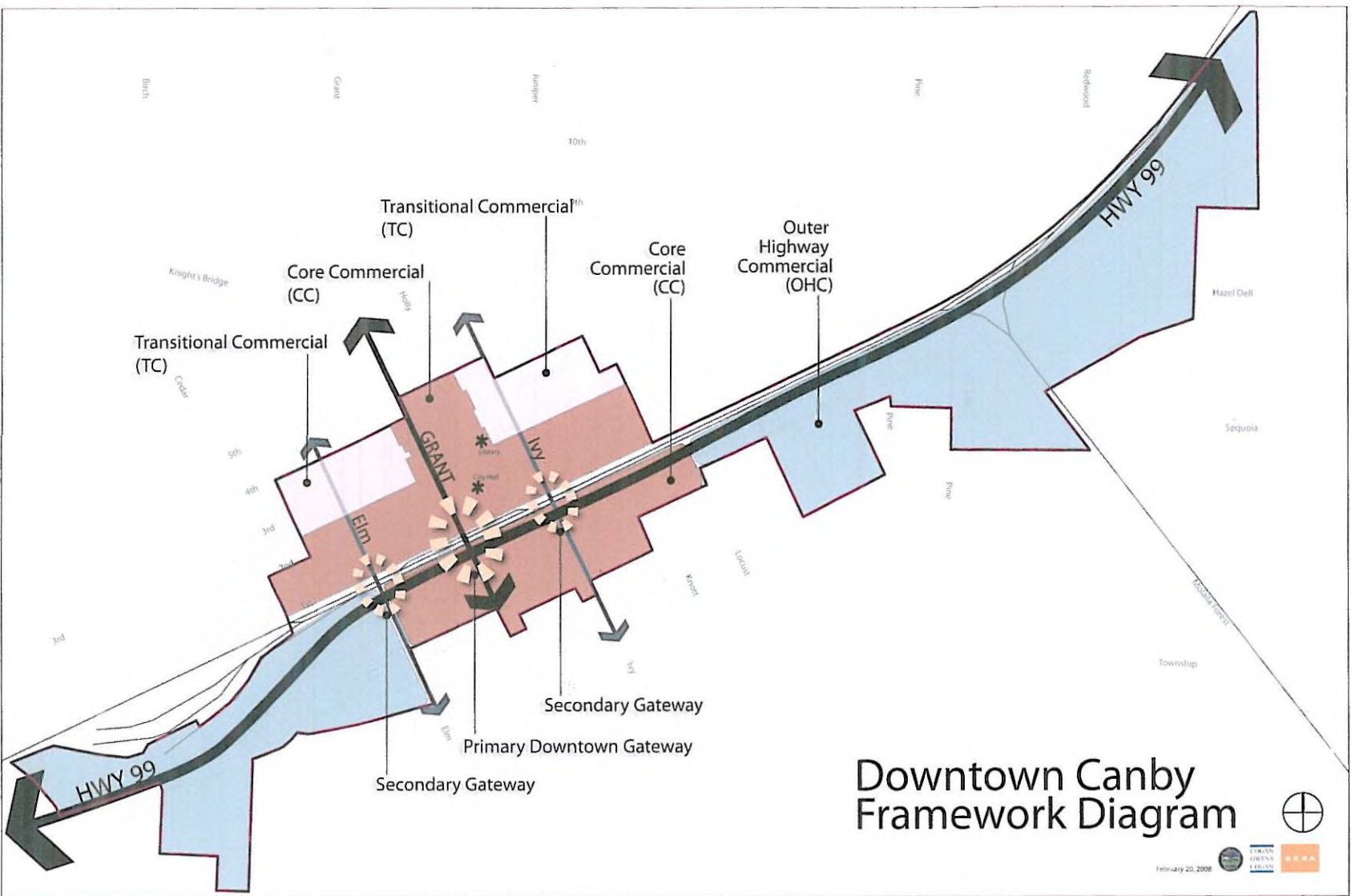


Figure 11 Downtown Canby Overlay Zone

16.41.050 Development standards.

The following subsections indicate development standards required in the DCO zone. These standards supplement, and in some cases replace, the development standards in the underlying base zones. Where the standards set forth in the following subsections conflict with standards in the underlying base zone, the DCO development standards set forth below supersede the base zone standards.

A. Setbacks, Floor Area Ratio, Building Footprint and Height Requirements.

1. Setbacks. Minimum and maximum setbacks for each DCO subarea are described in Table 1 and must meet the following requirements:

- a. Mechanical units used for the heating/cooling of dwelling units are exempt from interior yard and rear yard setback requirements.
- b. At least x% of the length of each lot frontage shall be developed with a building(s) built at the minimum setback from the street lot line (see Table 2 and Figure 12).
- c. Where feasible, buildings should be located at one or both street-facing corners of a lot.
- d. At the street intersections identified as gateways in Figure 11 (Downtown Canby Overlay Zone Map), any new building shall be located at the corner of the lot facing the intersection.

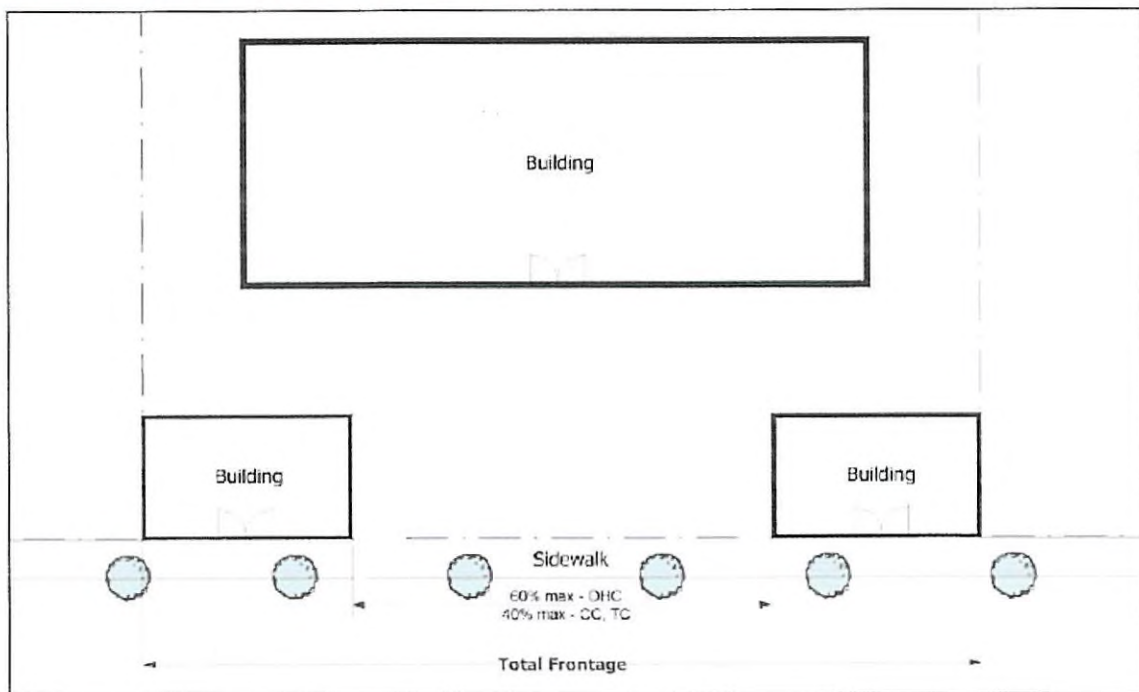
Table 1. Setback Requirements

<u>Standards</u>	<u>CC subarea</u>	<u>TC subarea</u>	<u>OHC subarea</u>
<u>Minimum setback</u>	<u>0 feet</u>	<u>0 feet</u>	<u>10 feet</u>
<u>Maximum setback from street lot lines</u>	<u>10 feet</u>	<u>15 feet</u>	<u>--</u>

Table 2. Street Lot Minimum Setback Requirements

<u>Standards</u>	<u>CC subarea</u>	<u>TC subarea</u>	<u>OHC subarea</u>
<u>Minimum percentage (x)</u>	<u>60%</u>	<u>60%</u>	<u>40%</u>

Figure 12 Illustration of Building Façade Requirements



2. Floor area ratio, building footprint, and building height. Minimum floor area ratio, maximum building footprint, and maximum building height requirements for each DCO subarea are described in Table 3 and illustrated in Figures 13, 14, and 15. Footprints are exclusive of exterior displays or merchandise (e.g., garden centers).

Table 3. Floor Area Ratio Requirements

Standards	CC subarea	TC subarea	OHC subarea
<u>Minimum floor area ratio</u>	<u>0.8, C-1 zone only</u>	<u>0.4</u>	<u>0.25</u>
<u>Maximum building footprint (square feet)</u>	<u>30,000 total</u>	<u>20,000 total</u>	<u>80,000 per use</u> <u>100,000 all uses within footprint if more than 1 use (see Figure 13)</u>
<u>Maximum building height (see Figure 14)</u>	<u>60 feet</u>	<u>45 feet</u>	<u>45 feet</u>

Figure 13 Building Footprint for Multi-Use Structure

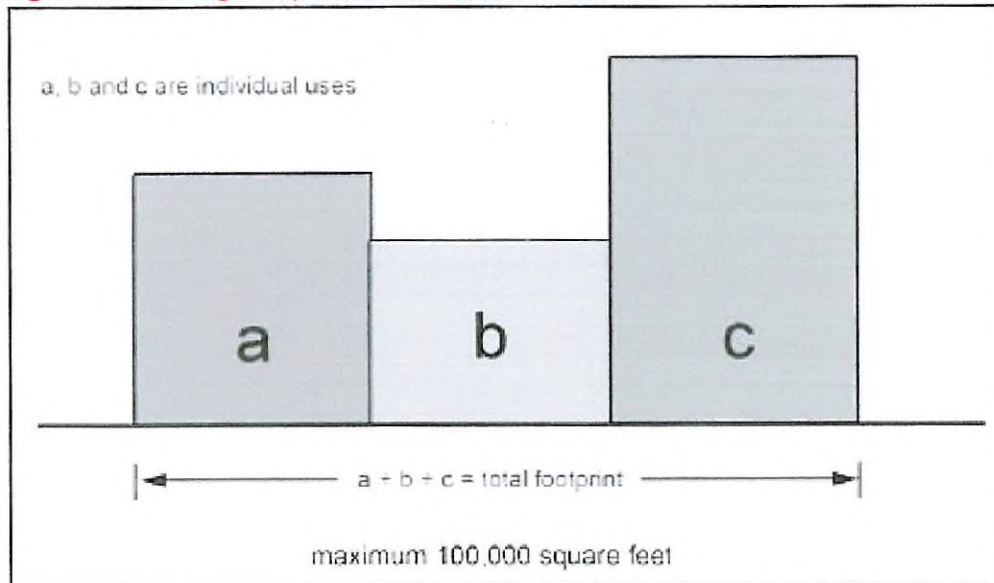


Figure 14 Building Height Limitations

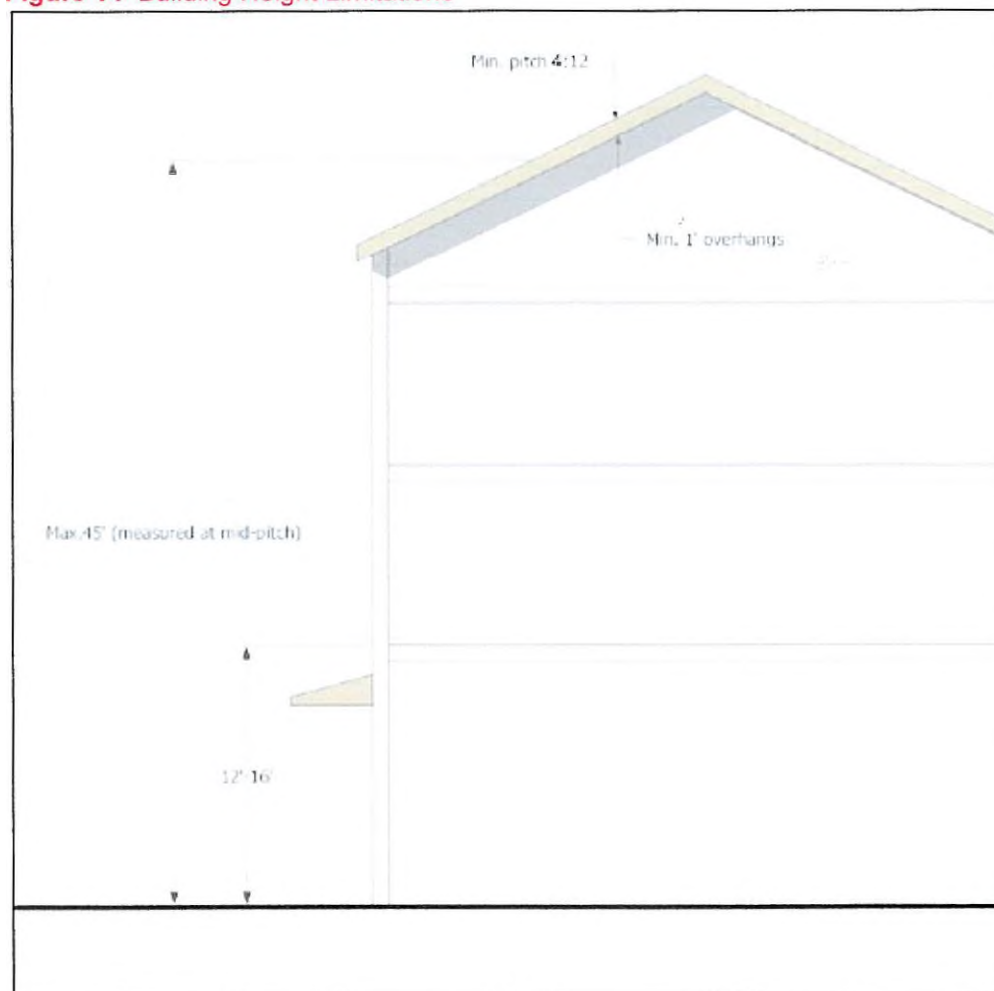
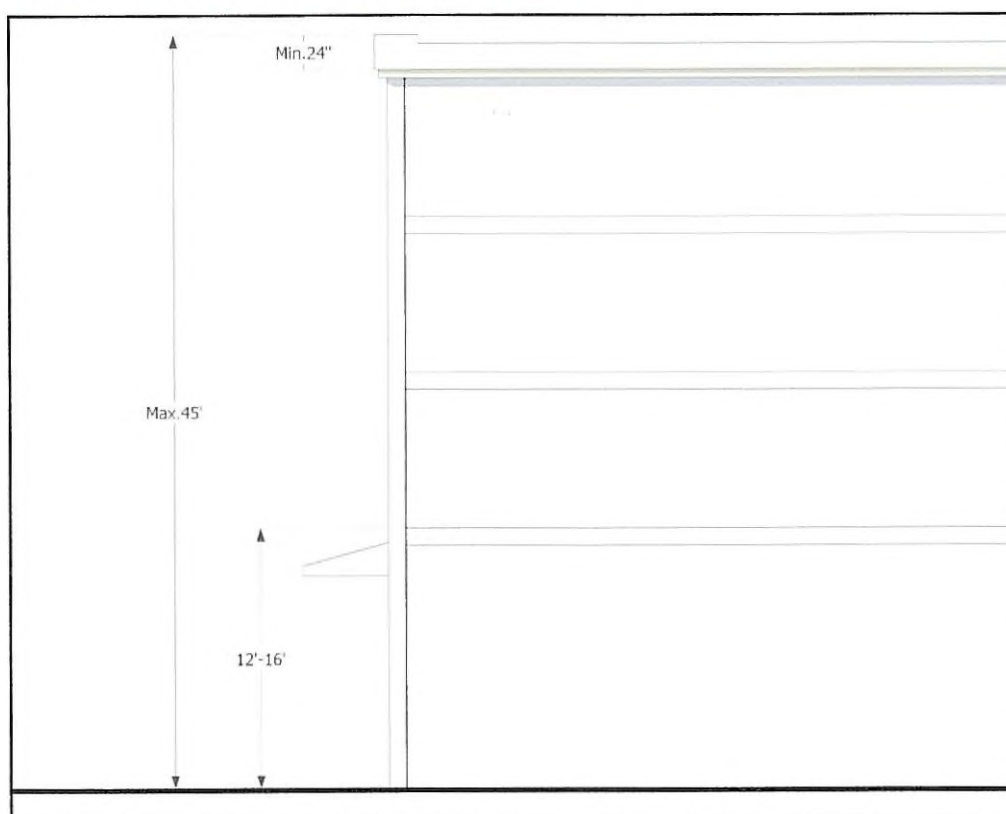


Figure 15 Building Height Limitations (continued)



3. Screening. All exterior garbage collection areas, recycling collection areas and mechanical equipment shall be screened with a site obscuring fence, landscaping on all sides, wall, other enclosure, or architectural element per the requirements below (see Figure 16 for examples of good screening design).

a. Location. Wherever possible, locate screened areas away from the street.

b. Materials. Materials used to construct screening structures shall be consistent and compatible with the exterior materials on adjacent buildings located on the same lot as the screened area or located on a contiguously-owned abutting lot, and shall be consistent with the material requirements of Section 16.41.070.E and 16.41.070.F.

c. Buffering. Screening structures shall be buffered from surrounding areas on all sides with landscaping or other buffering elements.

d. Rooftop structures. Rooftop mechanical structures shall be screened and not visible from any visible public right-of-way at the same elevation as, or lower than, the base of the building. Screening structures should be compatible with the overall building design and may include the following elements or approaches:

Figure 16
Screening examples



(1) By providing parapets as tall as the tallest part of the equipment with a minimum height of 3 feet and 6 inches;

(2) By incorporating an architectural screen around all sides of the equipment;

(3) By setting the equipment back from the building edge with a setback of at least 3 feet for every 1 foot of building height.

4. Parking. Parking areas shall meet the following standards in addition to all other applicable requirements.

a. Location. In the CC and TC subareas, parking and vehicle maneuvering areas shall not be located between a building and the street. This standard applies to primary street facing facades and secondary street facing facades, as defined in Sections 16.41.060.C.

b. Side of building parking areas. In the CC, TC, and OHC subareas, parking shall be permitted between a building and an interior lot line that is not a rear lot line, provided the following standards are met:

(1) Parking and maneuvering areas shall be set back a minimum of 15 feet from the front lot line;

(2) A minimum 5 foot wide landscaped strip shall surround and abut the perimeter of the parking and maneuvering area, except where vehicular driveways and pedestrian accessways are permitted to interrupt the landscaped strip, and except where the parking and maneuvering area is part of a larger parking area in which case a perimeter landscaping strip is not required between the side of building parking area and the remainder of the parking area;

(3) Parking and maneuvering areas, including accessways and driveways, must not exceed 40 percent of a lot frontage in the TC and CC subareas, or 60 percent of a lot frontage in the OHC subarea;

(4) On lots greater than 120,000 square feet, side parking areas shall be broken up into multiple smaller parking areas rather than concentrated in one portion of the lot. This may be done through the use of landscaping or the location of multiple buildings on a lot.

c. Off-street vehicle parking space reduction. The minimum number of off-street vehicle parking spaces required for all uses located on a lot, as set forth in Chapter 16.10, may be reduced by the total number of on-street vehicle parking spaces located within the width of the frontage of the lot on which the use or uses are located. Such reduction shall be calculated on a one-for-one basis, and shall include only parking spaces located on the same side of the street as the lot frontage. Where an on-street parking space is located adjacent the frontage of two abutting lots, only the lot adjacent the larger portion of the

parking space may count the entirety of the parking space towards its off-street parking requirement.

16.41.060 DCO site and design review guidelines.

A. Findings and objectives.

1. The City Council finds that physical appearance and design of buildings in the city's primary commercial areas has a strong impact on the community's economic well-being, quality of life and sense of character and identity. High-quality design of these buildings, with special attention to the relationship between buildings, people and the surrounding physical space will help spur investment in the city; enhance use and value of land and improvements; improve the stability and value of property; and generally improve the experience of residents and visitors who use these commercial areas.

2. Administration of design standards should be efficient and effective and provide a level of certainty for property and business owners, as well as other community members. It is important to provide a set of clear and objective standards that may be administered relatively quickly and easily for most applicants. At the same time, it is important to provide an alternative path that provides flexibility for applicants that may want to take a more innovative approach which meeting the intent of the clear and objective standards.

3. The objectives of the design standards in this section include the following:



Figure 17

A high degree of transparency (windows) helps create a sense of interaction between activities inside and outside the building

a. Create a pedestrian-oriented environment through design of ground floors. Fostering interaction between activities within buildings and activities within the public realm (the sidewalk and street) is crucial to creating a vibrant and interesting built environment. A high degree of transparency between the two realms creates visual interest for the pedestrian on the sidewalk, and promotes a more active, engaging pedestrian experience. Design of ground floor windows and building entries is important to achieving this goal. In addition, courtyards, arcades and special paving enhance the pedestrian environment by providing pleasing, semi-public transitions between the public and private realms, effectively creating a "threshold" between the sidewalk and the building (see Figure 17).

b. Establish cohesive architectural elements. Well-designed, repetitive building elements tend to create a strong sense of place and leave a lasting physical memory. Cohesive and repetitive architectural "bays" along the street-facing ground floor of a



Figure 18
Cohesive visual elements like columns and lighting improve the pedestrian experience



Figure 19
Design details such as a recessed entry, columns and decorative transom windows help articulate the ground floor and distinguish it from the upper floors



Figure 20
Upper stories on these uses allow for non-retail uses which are reflected in differing window treatments and other design

building create a pleasing sense of rhythm for the pedestrian, and help to scale and order the built environment as it is experienced from the sidewalk and street (see Figure 18).

c. Ensure that buildings have a unified design. Providing clear distinctions between different portions of a building is important for the building's appearance, consistency of design within a larger area and the ability of people to read or understand how the building functions. Building facades should have a clear and distinct base, middle, and top (Figure 19), utilizing horizontal bands and changes in color and / or material / or building massing and form to differentiate these breaks. The base of the building typically extends from the sidewalk to the bottom of the second story or the belt course / string course that separates the ground floor from the middle of the building (see Figure 19).

Given Canby's desire to create a thriving pedestrian and business district, it is important that uses above the ground floor encourage housing and allow for commercial uses. Upper floor windows should reflect this change in use (see Figure 20). The middle of the building often contains smaller, vertically-oriented windows to reflect changes in use on upper floors. Finally, the top of the building contains a "capping" element which visually terminates the façade and creates visual interest at the top of the building.

d. Reinforce the appearance and function of corners within core commercial area. Incorporating strong architectural elements where streets intersect not only results in a more visually interesting built environment, but enhances the way pedestrians "read" and understand city blocks by creating recognizable and memorable design elements at the corner of each block. For this reason, buildings on corner lots should be designed to not only address, but celebrate the corner (see Figure 21).

e. Use materials that reflect the character and values of Canby. Materials evoke emotions among visitors and residents and help define the character of the community. On the positive side, they can evoke a sense of timelessness, permanence,



Figure 21
The chamfered entry on this building reinforces the corner



Figure 22
Use of materials such as stone and stucco add to a feeling of permanence



Figure 23
These buildings in the commercial core illustrate desired design features in that area

quality, strength and creativity. On the negative side, they may connote feelings of transience, incongruity or inconsistency, weakness or tedium. Standards for materials are important to reflect and enhance the community's values and quality of life (see Figure 22).

B. Applicability.

1. General applicability.

a. Subsection 16.41.060.C and section 16.41.070 define how and where different types of standards apply.

b. Design standards apply only to the following: (1) new developments; (2) remodels which represent 60 percent tax assessed or more of the value of the existing building; (3) façade improvements that would alter the exterior structure of the building.

c. Design standards do not apply to the following:

- (1) Interior remodels not combined with exterior changes and valued at less than 60 percent of the total improvement value of the property;
- (2) Repair and maintenance of buildings, accessory structures, parking lots and pedestrian areas that present an immediate or potential risk of public safety;
- (3) Normal or routine maintenance and repair of existing structures;
- (4) Any type of construction that does not require a building permit;
- (5) Temporary structures and emergency structures permitted pursuant to applicable code standards.

2. Sub-Areas. Site and design review standards are applied differently within the three sub-areas described below (see Figure 11).

a. Core Commercial Sub-Area (CC). The "downtown" portion of this area extends primarily along 1st and 2nd Avenues between Cedar and Knott Streets, and extends northward, away from Highway 99E along Grant and Holly, past Wait Park to 4th Avenue. This area is the "heart" of Canby. Here one will find the City's more historic, traditional



Figure 24

The Canby Herald Building in the commercial core incorporates many good design elements including a recessed entry, sign frieze, engaged columns and decorative lighting



Figure 25

Example of "cottage commercial" design in the Transitional Commercial sub-area



Figure 26

Example of commercial development in the Transitional Commercial sub-area

commercial structures. The built environment is characterized by one to two story buildings with commercial storefronts, built up to the sidewalk, and containing a more or less solid "building wall." The result is a more active and vibrant street life than may be found elsewhere in the City. Future development in this area should continue this trend, designing commercial and mixed-use buildings that adequately address the sidewalk and create an engaging experience for pedestrians (see Figures 23 and 24).

The inner highway portion of the Core Commercial area spans the length of Highway 99E between Elm and Locust. In many ways, it serves as an extension of the Downtown Core, just across the highway. Because this area serves as a "gateway" from Highway 99E into the traditional downtown and serves many of the same purposes and types of uses, buildings here should be appropriately scaled, inviting to pedestrians, and demonstrate high-quality architectural design. As a result, architectural standards for this area and the downtown are identical, although some development standards differ as described in section 16.41.050.

b. Transitional Commercial Sub-Area (TC). This area is characterized by a mix of single-family homes and smaller-scaled commercial developments, which often take the form of conversions of existing single-family homes. Larger front setbacks and landscaping (including front yards) characterize the area. The future of this area will likely include commercial storefronts that address the sidewalk, albeit less intense than those in the Core, and residential developments. The overall result will be a truly mixed-use neighborhood, less intense than the Commercial Core, and with more greenscape and residential uses. Over time, commercial uses in portions of the Transitional Commercial district may transition to more intensive uses similar to the core downtown area and over time the relative boundaries between the two zones may shift somewhat. Requirements within the Transitional Commercial zone allow for this flexibility, while ensuring appropriate transitions between this area and the Core Commercial sub-area, as well as between buildings within the



Figure 27
Examples of development in the Outer Highway Commercial sub-area

Transitional Commercial sub-area (see Figures 25 and 26).

c. Outer Highway Commercial Sub-Area (OHC).

The design focus in this area is less about creating a high-quality pedestrian experience, and more about ensuring that automobile-oriented design is built to the highest standard possible. While this goal will be largely accomplished through the development standards (i.e., locating parking lots next to and behind building and the street, requiring high quality landscaping, particularly in front setbacks and around parking areas, and requiring that buildings orient to walkways), architectural design standards will also aid in this effort. The result will be automobile-oriented highway uses that demonstrate high-quality design and that evoke a sense of permanence (see Figure 27).

C. Definitions.

1. Arcade – An exterior covered passageway along a building façade that is open to the street frontage (see Figure 28).



Figure 28
Arcade example

2. Awning – An overhead cover extending above the sidewalk (usually above windows and doors) as a shelter and/or sunshade.

3. Band – Any horizontal flat member or molding or group of moldings projecting slightly from a wall plane and usually marking a division in the wall.

4. Bay – (a) Within a structure, a regularly repeated spatial element defined by beams or ribs and their supports (see Figure 29). (b) A protruded structure with a bay window.

5. Belt Course – A horizontal band or molding set in the face of a building as a design element (also called a string course).

6. Bulkhead – The section of a building between the sidewalk and first story window sill.



Figure 29
Repeating bays with a continuous awning



Figure 30
Chamfered corner entry



Figure 31
Cornice details near the top of building

7. Canopy – A covered area which extends from the wall of a building, protecting an entrance or loading dock.

8. Cap – Usually the topmost member of any vertical architectural element, often projecting with a drip as protection from the weather. The upper member of a column, pilaster, cornice, molding, or the like.

9. Chamfer – To cut off the edge or corner of (see Figure 30).

10. Clerestory – The upper level of a room that extends beyond the single-story height; often penetrated by windows.

11. Column – In structures, a relatively long, slender structural compression member such as a post, pillar, or strut; usually vertical, supporting a load which acts in (or near) the direction of its longitudinal axis.

12. Cornice – Decorative projection or crown along the top of a wall or roof (see Figure 31).

13. Eaves – The lower edge of a sloping roof; that part of a roof of a building which projects beyond the wall.

14. Entry – The space comprising a door and any flanking or transom windows associated with a building.

15. Frieze – A decorative horizontal band, as along the upper part of a wall in a room; often used for signage in modern buildings, but derived from classical architectural principles.

16. Marquee – A permanent roof-like shelter over an entrance to a building.

17. Medallion – A decorative element set into the upper portion of a building façade periodically, typically aligning with columns or pilaster.

18. Mullion – A vertical post or upright element dividing a window or other opening into two or more sections.



Figure 32
Top of building features a parapet



Figure 33
Building entry features a transom window above the door

19. Parapet – A low, solid, protective screening or decorative wall as an extension of exterior building walls beyond the roof or deck level (see Figure 32).

20. Primary Street Facing Façade – The façade of the building facing the primary (east-west) adjacent street. These streets include Highway 99E, and North and South 1st, 2nd, 3rd, and 4th Avenues.

21. Secondary Street Facing Façade – The façade of the building facing the secondary (north-south) adjacent street. These streets include Birch, Cedar, Douglas, Elm, Fir, Grant, Holly, Ivy, Juniper, Knott, and Locust Streets.

22. String Course – A horizontal band or molding set in the face of a building as a design element (also called a belt course).

23. Transom – A horizontal glass plane, typically encased in a wood or metal frame that separates the storefront from the upper façade (see Figure 33).

24. Turret – A very small and slender tower attached to a larger building.

25. Visible Transmittance – A measure of the amount of visible light transmitted through a material (typically glass). Information about visible transmittance typically is or can be provided by window manufacturers.

16.41.070 DCO site and design review standards.

The following design standards provide a framework for how a building should look, function, and feel. The standards are organized by topic and consist of the following elements:

- Intent Statement - the big idea or the goal to be accomplished (ex. "protect pedestrians from sun, wind, and rain"). In addition to providing context for specific standards, these statements are used to evaluate applications as part of an alternative review process administered by the City's Design Review Board (see Section 16.49.035).
- Standards which provide clear, objective guidance related to specific design elements, in many cases providing options for how to meet a specific goal, and varying by sub-area.
- Illustrative graphics, including photos and diagrams, with an emphasis on examples of good design found in Canby and other communities.

A. Pedestrian oriented ground floor design standards.

1. Intent. Design standards in this section are intended to help create an active, inviting street and sidewalk-facing storefronts and entryways that are friendly and easily accessible to passersby. They also will help ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Ground floor windows</u>	
<u>a. Visible transmittance. All commercial ground floor windows must have a Visible Transmittance (VT) of 0.6 or higher, with the exception of medical and dental offices which may have tinted windows.</u>	<u>CC, TC, OHC</u>
<u>b. Primary Street facing façade – primary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level primary street-facing façade, and along x% ground-level primary street-facing wall area (See Figure 34). Ground level walls include all exterior wall areas up to 10 feet above the finished grade. Primary and secondary street facing facades are defined in section 16.41.060.</u>	<u>CC: x=60%</u> <u>TC: x=50%</u> <u>OHC: x=50% for buildings with less than 6,000 square feet of floor area and 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.</u>
<u>c. Secondary Street facing façade – secondary façade coverage. Transparent windows shall be used along a minimum of x% of the length of the ground-level secondary street-facing façade, and along x% of the overall secondary street-facing wall area (See Figure 35). Ground level walls include all exterior wall areas up to 10 feet above the finished grade.</u>	<u>CC: x=50%</u> <u>TC: x=45%</u> <u>OHC: x=40% for buildings with less than 6,000 square feet of floor area; 25% for buildings with more than 6,000 square feet of floor area or located more than 75 feet from a lot line.</u>
<u>d. Alley facing façade coverage. Facades facing alleys shall provide windows along x% of the length of the alley-facing façade and along y% of the overall wall area of the alley-facing façade. Wall area shall be measured to a height of 10'-0" above the finished grade.</u>	<u>CC, TC: x=50%; y=25%</u> <u>OHC: x=30%; y=20%</u>

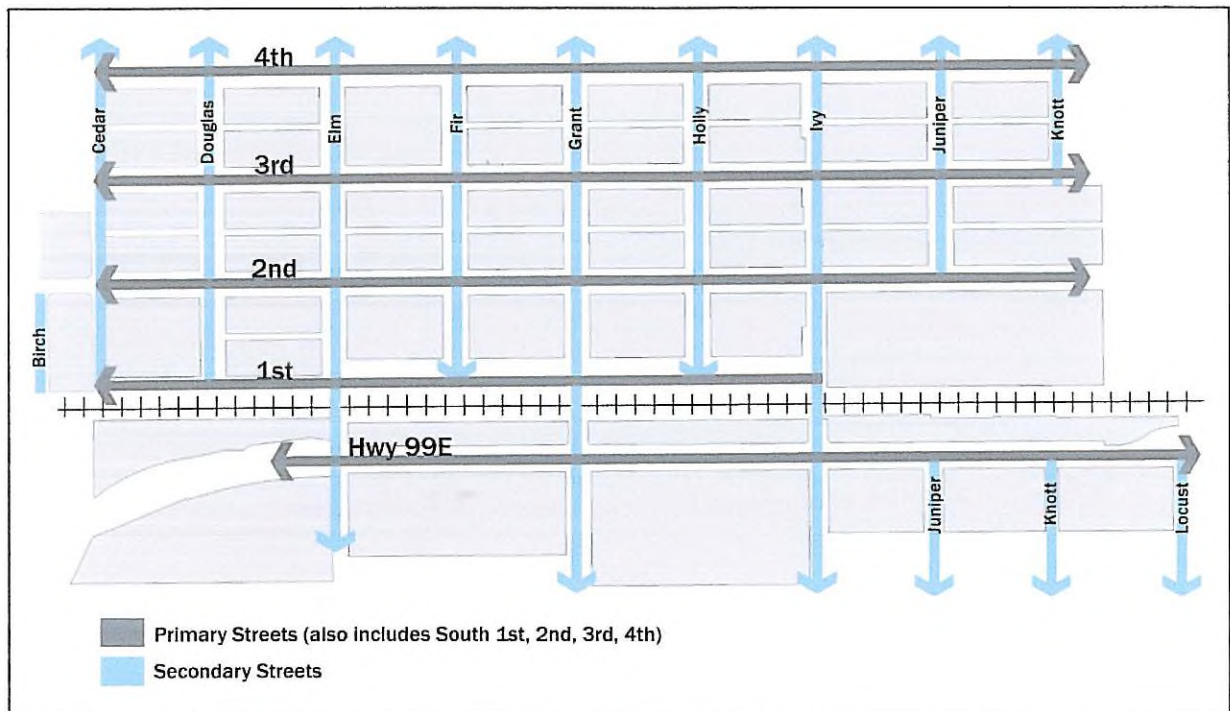


Figure 34 Primary and secondary street façade definition

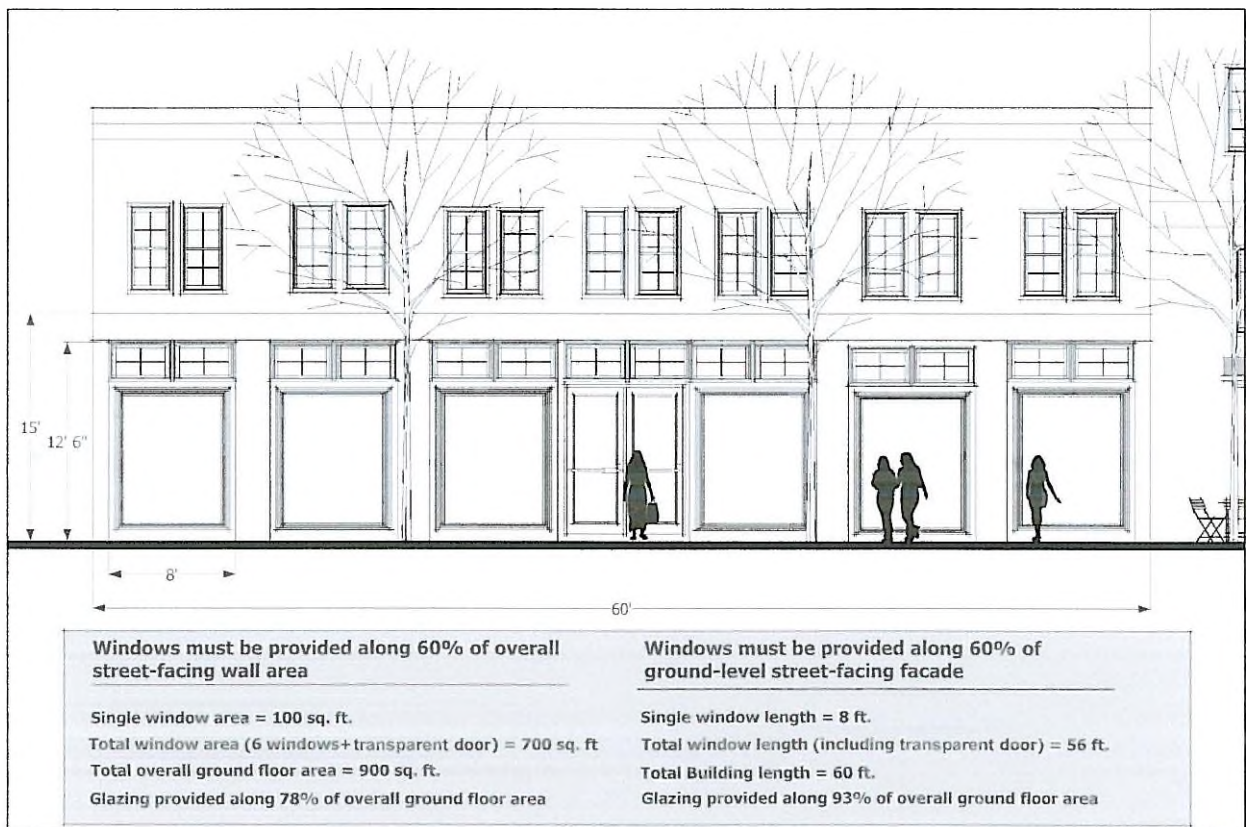


Figure 35 Illustration of percent transparency requirement

Standards	Applicability
<u>2. Building entries and doors</u>	
<u>a. Orientation. All buildings shall have a prominent entry oriented to and directly connected to the sidewalk. When buildings are set back from the sidewalk, a direct, perpendicular connection between the building and the sidewalk is required. Additional entries may be provided and serve as principal entries (e.g., oriented to parking areas to the side or rear of buildings). (See Figure 36)</u>	<u>CC, TC</u>
<u>b. Transparency. The street-facing building entry door on all buildings should be comprised of at least 40% transparent glass. The entry door includes any flanking or transom windows. (See Figure 37)</u>	<u>CC, TC, OHC</u>
<u>c. Flanking or transom windows. Commercial and mixed-use building doors shall include flanking glass windows on either side of the principal door and/or clerestory/transom windows. (See Figure 38).</u>	<u>CC, TC, OHC</u>
<u>d. Design features. Commercial and mixed-use building entries must comply with at least x of the following:</u> <ul style="list-style-type: none"> <u>(1) Recessed entries. If recessed, principal entries shall be recessed a minimum of 3 feet into the building façade (see Figure 39).</u> <u>(2) Awnings or canopies. These may be used to provide weather protection and a visual element and meet standards (see Figure 40).</u> <u>(3) Architectural features. Principal entries may be reinforced with prominent architectural features such as towers, turrets, increased heights, articulated parapets, large storefront windows and doors, or entry awnings (see Figure 41).</u> <u>(4) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or decorative features (see Figure 42).</u> <u>(5) Engaged columns or piers may be used to reinforce and highlight entries (see Figure 43).</u> 	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>

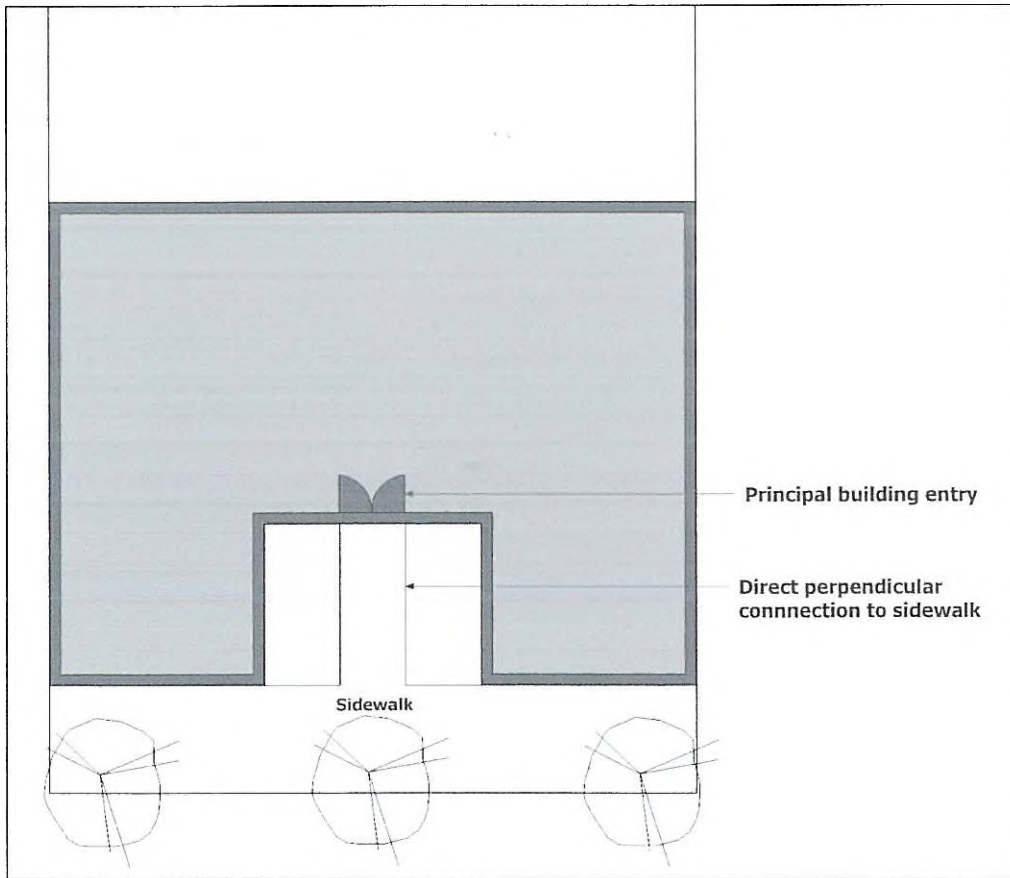


Figure 36 Example of principal entry with direct sidewalk connection



Figure 37 Example of entry that meets transparency standards

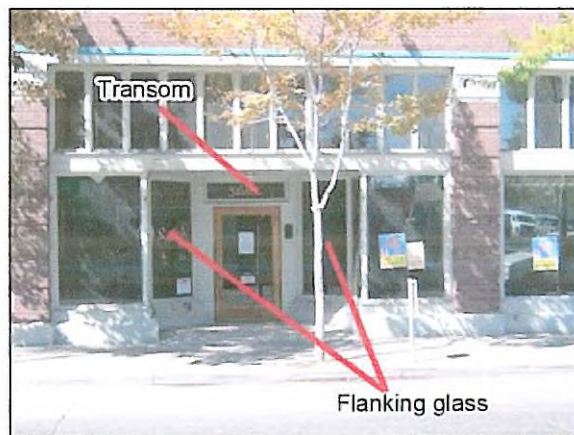


Figure 38 Example of entry with transom and flanking glass



Figure 39 Recessed entry

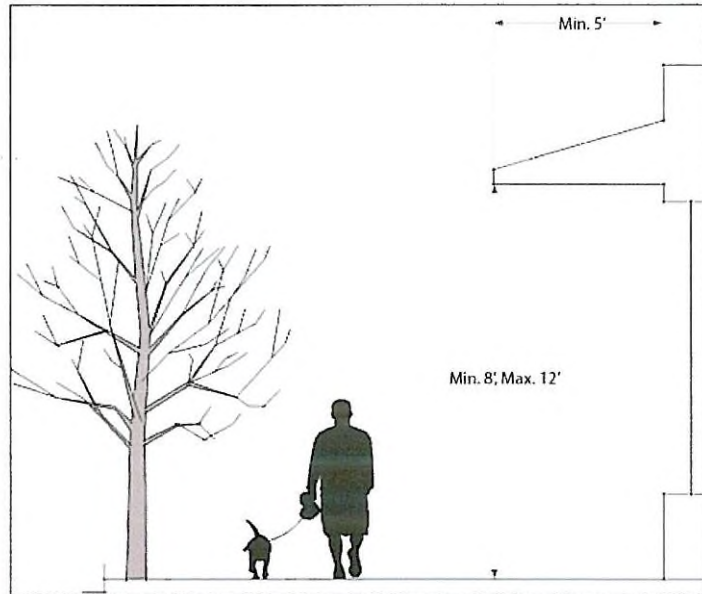


Figure 40 Awning or canopy



Figure 41 Entry with awning and increased mass/decorative features



Figure 42 Recessed entry with lighting and accent material



Figure 43 Entry flanked by engaged columns and lighting

Standards	Applicability
<p>3. <u>Transition areas. One of the following design elements (a or b) is required for buildings that span more than 75% of a city block or 350 feet. The City encourages smaller property owners to work together to collaboratively provide similar features in other areas.</u></p>	<p><u>CC only;</u> <u>Encouraged but not required in the TC or OHC</u></p>
<p><u>a. Arcades as defined in section 16.41.060 and that meet all of the following standards:</u></p> <ul style="list-style-type: none"> <u>(1) Front entries must be set back a minimum of 6' (clear) behind an arcade that is located at the front property line or the adjusted property line.</u> <u>(2) Spacing between columns and/or posts along building be a minimum of 10' (clear) and a maximum of 25' (clear). (See Figure 44)</u> 	
<p><u>b. Courtyards or plazas that meet all of the following standards (see Figure 45):</u></p> <ul style="list-style-type: none"> <u>(1) Courtyards or plazas shall be located along the sidewalk-facing façade of the building within the front setback. Internal courtyards may be provided but will not satisfy these requirements.</u> <u>(2) Courtyard-facing facades shall include windows along a minimum of 50% of the length of the ground level courtyard-facing façade, and along 25% of the overall courtyard-facing wall area.</u> <u>(3) Courtyards/ plazas shall incorporate special paving (see Figure 46) and/or landscaping.</u> <u>(4) Courtyards/plazas shall provide seating, including but not limited to benches, tables, planter boxes, and other design elements.</u> 	



Figure 44 Arcades create a semi-public transition from the sidewalk to the building



Figure 45 Courtyards or plazas



Figure 46 Entry with special paving

Standards	Applicability
<p>4. Additional standards for residential-only buildings.</p> <p>a. Weather protected entries. Residential only buildings with ground floor units must provide covered, weather-protected front entries for individual units on the ground floor. Weather-protected entries may take the form of awnings, canopies, or building overhangs such as eaves extending over front doors, covered front porches, or inset front doors (see Figure 47). Awnings or canopies must be a minimum of 5 feet deep.</p>	<p>TC</p>

<u>b. Entries or porches. Ground floor units in residential buildings shall include individual entry or porches for each unit which are oriented to the sidewalk.</u>	
<u>c. Connection to sidewalk. Ground floor residential units must include a direct, perpendicular pedestrian connection to the sidewalk.</u>	
<u>d. Lobby entrances. All lobbies leading to residential units must orient the principal lobby entrance to the sidewalk, and maintain a direct perpendicular connection to the sidewalk.</u>	
<u>e. Window coverage. Transparent windows shall be used along a minimum of 50% of the length of the ground-level primary and secondary street-facing façades, and along 50% of the overall street-facing wall area. Ground level walls include all exterior wall areas up to 10 feet above the finished grade.</u>	



Figure 47 Residential development that conforms to design standards

B. Cohesive architectural elements standards.

1. Intent. Build upon downtown Canby's traditional architectural vernacular by incorporating cohesive and repetitive architectural elements into the ground floor of street facing facades.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Architectural bays</u>	
<u>a. Bay divisions. Ground floors of commercial and mixed-use buildings shall be divided into distinct street-facing architectural bays that are no more than x feet on center. (See Figure 48). For the purpose of this standard, an architectural bay is defined as the zone between the centerlines of two columns. Applicants are</u>	<u>CC, TC: x=30;</u> <u>OHC: x=50</u>

<u>encouraged (but not required) to divide the ground floor into an odd (rather than even) number of architectural bays.</u>	
<u>b. Height of bays. For large single-story buildings (greater than 6,000 square feet), taller than 16 feet, design and decorative elements required in sections 3, 4 and 5 will extend to the top of the ground floor (i.e., just below the roof, cornice or parapet).</u>	<u>OHC</u>
<u>c. Design elements. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (see Figure 49):</u> <u>(1) Engaged columns or piers.</u> <u>(2) Transom windows over doorways.</u> <u>(3) Storefront cornice or beltcourse</u> <u>(4) Canopies, awnings, or overhangs provided along a minimum of 50 percent of the overall street-facing building length.</u> <u>(5) Storefront frieze or sign band.</u> <u>(6) Bulkheads.</u>	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>
<u>d. Decorative accents. Each architectural bay within a commercial or mixed-use building shall incorporate at least x of the following elements (See Figure 50):</u> <u>(1) Projecting window sills (12 to 24 feet above grade).</u> <u>(2) Horizontal and vertical window mullions.</u> <u>(3) Building lighting (minimum of 2 lights), including wall sconces, pendants, gooseneck fixtures, or lighting recessed into awnings. Wall-mounted fluorescent lights and internally lit awnings are not permitted.</u> <u>(4) Medallions (minimum of 2).</u> <u>(5) Projecting or blade signs (8 to 12 foot clearance from bottom of sidewalk).</u>	<u>CC: x=3;</u> <u>TC: x=2;</u> <u>OHC: x=2</u>



Figure 48 Illustration of replicating bays



Figure 49 Design elements for bays



Figure 50 Decorative accents in bays

C. Integrated building façade standards.

1. Intent. Build upon Canby's traditional downtown architecture by creating an attractive and unified building façade that celebrates ground floor activities, the top of the building (where the edifice meets the sky), and everything in between.

2. Design standards and applicability.

<u>Standards</u>	<u>Applicability</u>
<u>1. Distinct base, middle, and top of building</u> <u>a. All buildings (regardless of height or number of stories) shall have a clear and distinct base, middle and top to break up vertical mass. (See Figure 51). Buildings must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building subject to the following requirements. These elements are required on all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u>	<u>CC, TC, OHC</u>

<p><u>(1) Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 to one inch from the building face.</u></p> <p><u>(2) Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches (see Figure 52).</u></p>	
<u>2. Ground floor design elements</u>	
<p><u>a. The ground floor of the building shall range from 12 feet to 16 feet in height and shall be broken up into three distinct areas – a base/bulkhead, middle, and top (See Figure 53). This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p>	<p><u>CC, TC;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>b. Ground floor "bulkhead/base". The "base" of the ground floor facade extends from the top of the finished grade or sidewalk to the bottom of the window sill. It shall contain at least x of the following elements (See Figure 54): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) Projected window sills, 12 to 24 inches above.</u></p> <p><u>(2) Bulkhead (the area directly below the projected window sill) should typically be constructed of concrete, brick, or stone. This element serves to anchor the facade to the ground, and with the exception of the entry door, this element usually extends the length of the elevation.</u></p>	<p><u>CC: x=2;</u> <u>TC: X=1;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>c. Ground floor "middle". The middle of the ground floor is typically comprised of storefront windows and shall contain at least x of the following elements (see Figure 55): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) Integrated horizontal and vertical window mullions.</u></p> <p><u>(2) Window plant box (minimum of one pair).</u></p> <p><u>(3) Decorative building light fixtures, sconces, or medallion (minimum of one pair).</u></p>	<p><u>CC: x=2;</u> <u>TC: x=1;</u> <u>(commercial and mixed use buildings only)</u></p>
<p><u>d. Ground floor "top". For a multi-story building, the "top" of the ground floor facade is the area between the storefront and the upper stories of the building and shall contain at least x of the following elements (See</u></p>	<p><u>CC: x=3;</u> <u>TC: x=2;</u> <u>(commercial and mixed use buildings only)</u></p>

<p><u>Figure 56): This requirement applies to all street facing facades and the side of the building on which the primary entrance is located if it does not face a street.</u></p> <p><u>(1) A marquee or projecting or blade sign that extends in a minimum of 5 feet perpendicular manner from the building façade (the bottom of the marquee or sign shall be 8 to 12 feet above grade).</u></p> <p><u>(2) Sign frieze.</u></p> <p><u>(3) Storefront awning or canopy. The bottom of the awning or canopy shall be 8 to 12 feet above grade.</u></p> <p><u>(4) Storefront cornice or belt course.</u></p> <p><u>(5) Transom window(s).</u></p>	
<p><u>3. Middle of building design elements</u></p>	
<p><u>a. The middle of the building should be differentiated from the bottom and top by at least x of the following design elements (see Figure 57):</u></p> <p><u>(1) Residential windows, which are smaller than ground floor windows, and oriented vertically at a ratio of approximately 2:1. Individual vertical windows may be organized into larger window assemblies.</u></p> <p><u>(2) Balcony.</u></p> <p><u>(3) Step back.</u></p> <p><u>(4) Signage band.</u></p>	<p><u>CC: x=2;</u> <u>TC: x=1;</u> <u>(buildings of 2 or more stories only)</u></p>
<p><u>4. Top of building design elements.</u></p>	
<p><u>a. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows:</u></p>	<p><u>CC, TC, OHC</u></p>
<p><u>b. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements:</u></p> <p><u>(1) Cornices shall project horizontally a maximum of 3 feet (see Figure 58).</u></p> <p><u>(2) Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing (see Figure 59).</u></p> <p><u>(3) Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area.</u></p>	<p><u>CC; TC; OHC</u></p>
<p><u>c. Sloped roofs must meet all of the following requirements:</u></p> <p><u>(1) All sloped roofs shall provide a minimum 1-foot overhang.</u></p> <p><u>(2) All sloped roofs must have a minimum slope of 4:12 (see Figures 14 and 60).</u></p>	<p><u>CC; TC; OHC</u></p>
<p><u>d. Roof top gardens are encouraged on flat roofs, as they help to manage stormwater run-off that would</u></p>	<p><u>CC; TC; OHC</u></p>

otherwise go into storm sewers, and eventually rivers and streams. Roof gardens with plant materials that are visible from the sidewalk and the street are particularly encouraged. (See Figure 61).



Figure 51 Example of distinct bottom, middle & top of building



Figure 52 Example of change in height of roofline or top of building



Figure 53 Elements of the bottom of the building

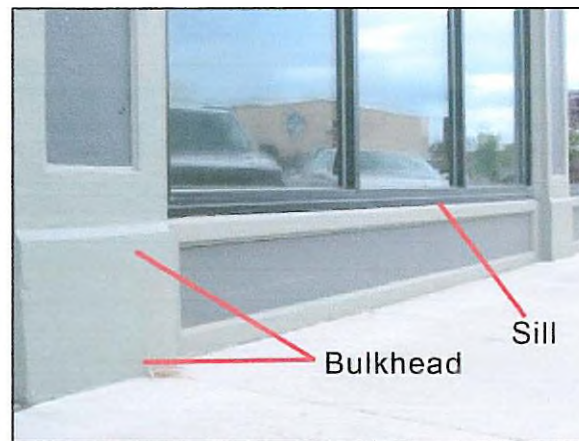


Figure 54 Building base elements

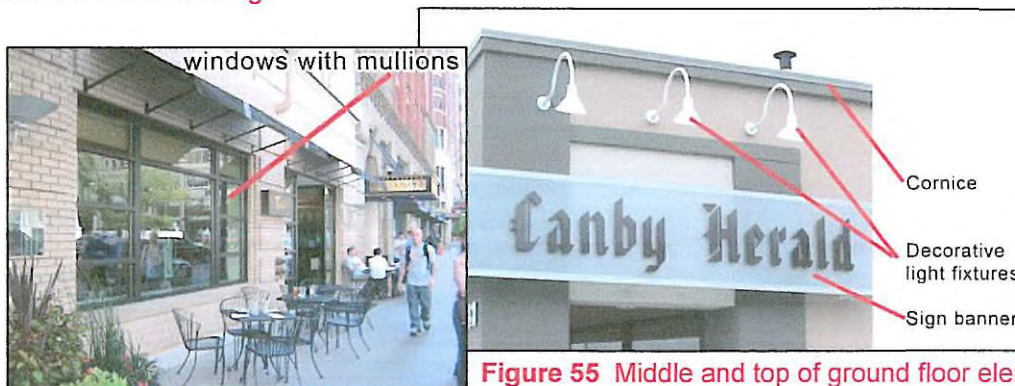


Figure 55 Middle and top of ground floor elements

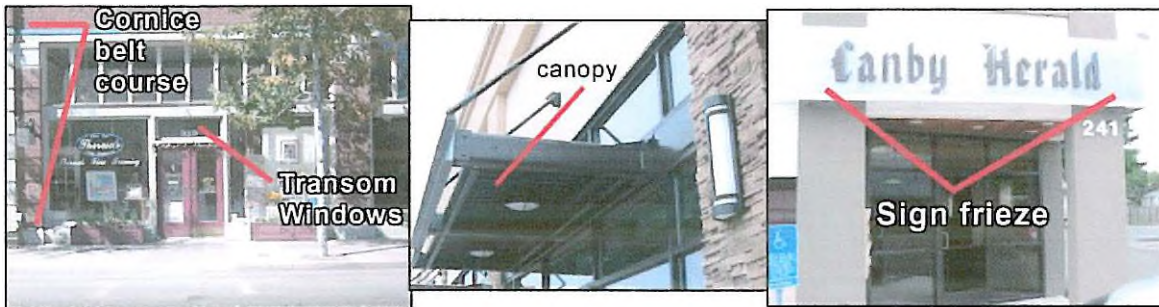


Figure 56 Top of building elements and treatments



Figure 57 Middle of building elements

Figure 58 Cornice used on flat roof



Figure 59 Parapet used on flat roof



Figure 60 Varying sloped rooflines are used on this building



Figure 61 Examples of rooftop gardens

D. Corner intersection standards.

1. Intent. Create a strong architectural statement at street corners to create a strong identity. Establish visual landmarks and enhance visual variety.

2. Design standards and applicability.

Standards	Applicability
<u>1. Corners</u> <u>a. Commercial and mixed-use buildings located on corner lots must address the corner by employing one of the following:</u> <u>(1) Chamfer the corner of the building (i.e., cut the building at a 45 degree angle for a minimum of 10 feet) (see Figure 62).</u> <u>(2) Incorporate an arcade at the corner as a way of creating a semi-public zone (see Figure 62).</u> <u>(3) Using special paving, plantings, or lighting, create a formal gathering space at the corner by notching the building so it operates as an extension of the sidewalk (see Figure 63).</u> <u>(4) Employ prominent architectural elements within 25 feet of the corner to highlight the corner of the building, such as increased building height or massing, turrets, cupolas, a pitched roof, or other prominent features (see Figure 63).</u>	<u>CC</u>

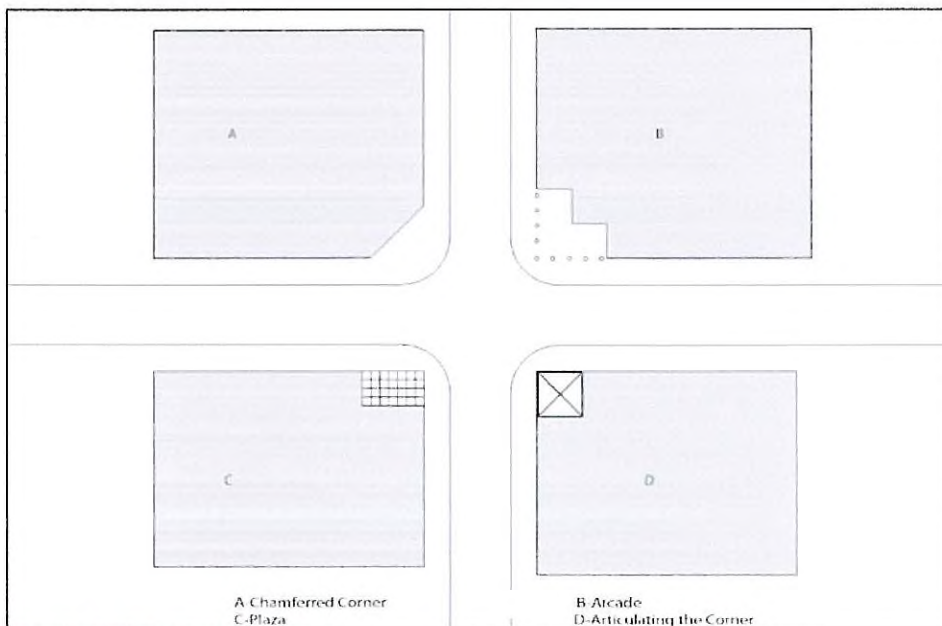


Figure 62 Corner options



Figure 63 Corner of building elements

E. Materials standards.

1. Intent. Use building materials that evoke a sense of permanence and are compatible with Canby's business areas and the surrounding built environment.

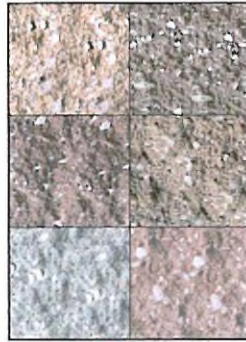
2. Design standards and applicability. Materials allowed in the CC, TC and OHC sub-areas are summarized in the following table in terms of primary, secondary and accent materials. Other materials may be permitted through the design review process described in Chapter 16.49.

<u>Standards</u>	<u>CC</u>	<u>TC</u>	<u>OHC</u>
<u>Primary materials – 70% or more of building façade, excluding windows and transparent doors.</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>Wood siding</u> <u>Hardy Plank</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Split-face CMU</u> <u>Tilt-up concrete</u> <u>Spandrel glass curtain walls</u>
<u>Secondary materials – up to 25% of building façade, excluding windows and transparent doors.</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain walls</u>

<u>Accent materials</u> – up to 10% of building façade, excluding windows and transparent doors.	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and</u> <u>ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass</u> <u>curtain walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl</u> <u>and/or metal for</u> <u>trim</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and ground</u> <u>face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass curtain</u> <u>walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl and/or</u> <u>metal for trim</u>	<u>Brick</u> <u>Stone</u> <u>Stucco/EIFS</u> <u>CMU (split and</u> <u>ground face)</u> <u>Concrete</u> <u>Wood siding</u> <u>Hardy Plank</u> <u>Spandrel glass</u> <u>curtain walls</u> <u>Metal</u> <u>Ceramic tile</u> <u>Wood, vinyl and/or</u> <u>metal for trim</u>
<u>Roof materials</u> <u>(sloped roofs</u> <u>only)</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u> <u>Asphalt shingles</u>	<u>Metal</u> <u>Wood shingles</u> <u>Tile</u>



Brick



Tinted CMU



Concrete



HardiPlank



Metal siding



Stone



Stucco



Wood siding

F. Color palette

1. Intent. Use colors on buildings that are generally compatible with Canby's business areas and the surrounding built environment.

2. Design standards and applicability. Applicants are strongly encouraged to use colors from, or consistent with, the Sherwin-Williams Arts and Crafts color palette (i.e. with the same paint color codes). Additional information about this color palette is available from the City of Canby, Canby Business Development and/or the Sherwin-Williams Web site.

EXPLANATION OF PROPOSED CODE CHANGES

16.49.010 – Site and Design Review Findings and Objectives. This code amendment adds an additional goal to the list of objectives for Chapter 16.49 concerning alternatives for composition of the Canby Design Review Board.

16.49.020 – Establishment of the Site and Design Review Board. This code amendment revises the Site and Design Review Board guidelines in order to allow for an alternative expanded composition of the Board, which could include up to four additional non-Planning Commission members.

16.49.025 – Establishment of a Site and Design Review Committee. This code amendment creates a new advisory-only body whose purpose would be to review and make comments on Site and Design Review applications.

16.49.035 – Application for Site and Design Review. This code amendment creates a new Type II Design Review application process, which would be in addition to the existing Type III application process. Where the existing Type III application is reviewed by the Planning Commission following a public hearing, the new Type II application would be reviewed by the Planning Director without an initial public hearing, and public notice would be provided to surrounding property owners and affected neighborhood associations, who would then have an opportunity to request a public hearing through the appeal process. Applications for design review inside the Downtown Canby Overlay District which meet all design standards would qualify to apply under the Type II procedure. All other design review applications would still be reviewed under the existing Type III procedure.

16.49.040 – Criteria and Standards. This code amendment adds new additional approval criteria specifically for development inside the Downtown Canby Overlay District.

16.49.120 – Parking Lot Landscaping Standards. This code amendment increases the percentage of parking lot landscaping required inside the Downtown Canby Overlay District from five percent to ten percent. This code amendment also adds a new requirement that all development must provide a minimum of 50 square feet of landscaping for each parking space in lots with 10 or more vehicular parking spaces, and requires that each interior landscaped area be a minimum of five feet wide unless the area is added to the required perimeter landscaping.

Chapter 16.49

SITE AND DESIGN REVIEW

Sections:

- 16.49.010 Findings and objectives.**
- 16.49.020 Establishment of the Site and Design Review Board.**
- 16.49.030 Site and design review plan approval requirements.**
- 16.49.035 Application for Site and Design Review.**
- 16.49.040 Criteria and standards.**
- 16.49.050 Conditions placed on site and design review approvals.**
- 16.49.060 Time limit on approvals.**
- 16.49.065 Bicycle and pedestrian facilities.**
- 16.49.070 Authority and intent.**
- 16.49.080 General provisions for landscaping.**
- 16.49.090 Specifications for tree and plant materials.**
- 16.49.100 Landscaping installation and maintenance.**
- 16.49.110 Landscape area credit for preservation of existing trees.**
- 16.49.120 Parking lot landscaping standards.**
- 16.49.130 Revegetation in unlandscaped areas.**
- 16.49.140 Minor revisions to approved landscaped plans.**
- 16.49.150 Parking lots or paving projects.**

16.49.010 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 destroys 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 present 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.

C. Alternatives for how the Design Review Board or a Design Review Committee is organized give the City the flexibility to use several options, including a Design Review Board that consists of Planning Commission members only, or a Board with a broader representation that can be expanded when appropriate. Provisions also allow for creation of a Design Review Committee which would be strictly advisory in nature.

16.49.020 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.~~ under the following circumstances:

- a. Where the applicant has elected not to go through an administrative (Type II) review process;
- b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;
- c. Where administrative (Type II) design review standards do not exist for the project; or
- d. Where an administrative (Type II) design review decision has been appealed.

2. Other duties. 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.

23. Qualifications of Members. The Board shall consist of at least four and up to seven (7) members of the Canby City Planning Commission and one (1) member from the City Council, pro-tem (temporary) non-voting; and up to four additional individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process. These provisions allow the Board to consist of Planning Commission members only, if desired.

34. 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. Non-Planning Commission members shall be appointed by the City Council.

45. Vacancies and Removal. Vacancies on the Planning Commission and/or Design Review Board or removal of Planning Commission Design Review Board members shall be governed by section 16.06.030 of the Canby Municipal Code.

56. 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. if the Planning Commission Chairperson serves on the Design Review Board. If the Planning Commission Chairperson does not serve on the Board, a Design Review Board Chairperson will be selected by a majority of Design Review Board members.

67. Voting. Four (4) members shall constitute a quorum for the transaction of business. A quorum for the transaction of business shall be a simple majority of Design Review Board members. The chairmanperson 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.

78. 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.

89. Rules. The Board may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code.

16.49.025 Establishment of a site and design review committee.

A. The City Council may appoint a design review committee to provide additional guidance related to design review applications.

1. The committee shall be responsible for reviewing and commenting upon the following applications which may be directed to it through the development review process: those portions of proposed site and design review plans which pertain to architectural features, and applications concerning historic structures under the following circumstances:

a. Where the applicant has elected not to go through an administrative (Type II) review process;

b. Where the proposal does not meet the City's administrative (Type II) architectural design standards;

c. Where administrative (Type II) design review standards do not exist for the project; or

d. Where an administrative (Type II) design review decision has been appealed.

2. Nature of committee's review. The committee's review and recommendations are strictly advisory to Planning Department staff and the City's Design Review Board.

3. Qualifications of members. The Committee shall consist of at least five and up to seven members, including individuals who represent interests or expertise related to development, architectural design, business or other viewpoints related to the design and development process.

4. Appointment and term. Members of the Design Review Committee shall be appointed by the City Council, considering recommendations of the Planning Director.

5. Vacancies and removal. Vacancies on the Design Review Committee and removal of Design Review Committee members shall be approved by the City Council.

6. Meetings and records. The committee shall hold regular meetings, which shall conform with all legal requirements of the Oregon public meetings law. Site and design review applications will be reviewed as a regular agenda item.

7. Rules. The committee may adopt and amend rules to govern the conduct of its business, consistent with the provisions of this Code and Oregon public meetings law.

16.49.030 Site and design review plan approval required.

1. The following projects require site and design review approval, except as exempted in (2) below:

- a. All new buildings.
- b. All new mobile home parks.
- c. Major building remodeling above 60% of value.
- d. Addition of more than 5,000 square feet of additional gross floor area in a one year period.
- e. Construction activity which causes a decrease in pervious area in excess of 2,500 square feet in a one year period.

None of the above 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. Signs that are a part of a reviewable development project, and that are proposed more than two (2) years beyond the final occupancy of the reviewed development.
- 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.
- e. Temporary commercial tent/canopy structures, which meet the Uniform building or Fire Code, and which will be removed within thirty (30) days of placement.
- f. Parking lot or paving projects. If no buildings or structures are involved, paving or parking lot development in excess of 2,500 square feet of impervious surface is exempted from site and design review, except in the C-1 zone. In the C-1 zone, all new parking lots that do not involve buildings or structures are subject to site plan

review as required in Section 16.49. All new paved areas and parking lots in excess of 2,500 square feet must meet the requirements of Section 16.49.150.

g. Single family or two-family dwellings, and any alterations or remodeling thereof.

h. Minor public facilities.

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.

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

16.49.035 Application for Site and Design Review

~~Application procedures shall be as described in Chapter 16.89.~~

A. For projects in the Downtown Canby Overlay Zone, applicants may choose one of the following two processes:

1. Type II – If the applicant meets all applicable site and design review standards set forth in Chapters 16.41 and 16.49, applicant shall submit a Type II application for approval pursuant to the approval criteria set forth in 16.49.040.5; or

2. Type III – If the applicant proposes the use of alternative methods or materials to meet the intent of the site and design review standards set forth in Section 16.41.070, the applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.6. The applicant must still meet all applicable requirements of Chapter 16.49.

B. All other projects subject to site and design review approval pursuant to Section 16.49.030 are subject to the Type III procedural requirements set forth in Chapter 16.89. The applicant shall submit a Type III application for approval pursuant to the approval criteria set forth in 16.49.040.1 through 4.

16.49.040 Criteria and standards.

1. In review of a Type III Site and Design Review Application described in Section 16.49.035.B, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the following A through D, and with Criteria 4, 5, and 6 below:

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.

D. The Board shall, in making its determination of compliance with subsections B and C above, use the following matrix to determine compatibility unless this matrix is superseded by another matrix applicable to a specific zone or zones under this title. An application is considered to be compatible, in regards to subsections B, C, and D above, if a minimum of 65 percent of the total possible number of points (not including bonuses) are accumulated for the whole development.

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

2. In review of a Type II Site and Design Review Application described in Section 16.49.035.A.1, the Planning Director shall, in exercising his powers, duties or functions, determine whether there is compliance with the DCO site and design review standards set forth in 16.41.070.A through F, and with Criteria 4, 5, and 6 below.

3. In review of a Type III Site and Design Review Application described in Section 16.49.035.A.2, the Board shall, in exercising or performing its powers, duties or functions, determine whether there is compliance with the INTENT of the DCO site and design review standards set forth in 16.41.070.A.1, 16.41.070.B.1, 16.41.070.C.1, 16.41.070.D.1, 16.41.070.E.1, and 16.41.070.F.1, and with Criteria 4, 5, and 6 below.

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

35. 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 requirements 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.

46. As part of the site and design review, the property owner may apply for approval to cut trees in addition to those allowed in Chapter 12.32, the city Tree Ordinance. The

granting or denial of said application will be based on the criteria in Chapter 12.32. 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.

TABLE 16.49.040

CRITERIA	POSSIBLE SCORES		
Parking			
Screening of loading facilities from public ROW: not screened = 0; partially screened = 1; full screening = 2	0	1	2
Landscaping (breaking up of expanse of asphalt)	0	1	
Parking lot lighting: No = 0; Yes = 1	0	1	
Location (behind the building is best): front = 0; side = 1; behind = 2	0	1	2
Number of parking spaces (% of min.) [x.120% / 100%-120% / x=100%]	0	1	2
Traffic			
Distance of access to intersection [x<70' / 70'-100' / x>100']	0	1	2
Access drive width (% of minimum) [x<102% or x>150% / 120%-150%]	0	1	
Pedestrian access from public sidewalk to building [1 entrance connected = 0; all entrances connected = 2]	0		2
Pedestrian access from parking lot to building: No walkways = 0; Walkway next to building = 1; no more than one undesigned crossing of access drive and no need to traverse length of access drive = 2.	0	1	2
Tree Retention			
For trees outside of the building footprint and parking/access areas (3 or more trees): No arborist report = 0; follows <50% of arborist recommendation = 1; follows 50%-75% of arborist report = 2; follows 75% of arborist report = 3.	0	1	2 3
Replacement of trees removed that were recommended for retention: x < 50% = 0; x > 50% = 1	0	1	
Signs			
Dimensional size of sign (% of maximum permitted). X>75% = 0; 50%-75% = 1; x<50% = 2	0	1	2
Similarity of sign color to building color: No = 0; Some = 1; Yes = 2	0	1	2
Pole sign: Yes = 0; No = 1	0	1	
Location of sign: x > 25' from driveway entrance = 0; within 25' of entrance = 1	0	1	
Building Appearance			
Style (architecture): not similar = 0; similar to surrounding = 1 or 2	0	1	2
Color (subdued and similar is better): Neither = 0; similar <u>or</u> subdued = 1; similar <u>and</u> subdued = 2	0	1	2
Material: concrete or wood or brick is better	0	1	
Size (smaller is better): over 20,000 sq ft = 0; under 20,000 sq ft = 1	0	1	
Types of Landscaping			
# of non-required trees: x<1 per 500 sq ft of landscaping = 0; 10 or more per 500 sq ft of landscaping = 1	0	1	
Amount of grass: <25% = 0; 25%-50% = 1; x>50% = 2	0	1	2
Location of shrubs: foreground = 0; background = 1	0	1	
Automatic irrigation: No = 0; Yes = 4	0		4

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

16.49.050 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 construed 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, green way, 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.

16.49.055

(Ord. 1019 section 4, 1999; del. by Ord. 1111, 2003)

16.49.060 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.

16.49.065 Bicycle and pedestrian facilities.

Developments coming under design review shall meet the following standards:

A. The internal walkway system shall be extended to the boundaries of the property to adjoining properties developed or zoned for commercial, public, or multi-family uses. The walkway shall connect to an existing walkway system on adjoining property or be located so as to provide for development of a logical connection in the future when the adjoining property is developed or redeveloped.

B. On-site facilities shall be provided to accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development, shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers. Residential developments shall include streets with sidewalks and accessways.

C. For new office parks and commercial development:

1. At least one sidewalk connection between the proposed development and each abutting commercial or office property shall be provided. One connection shall also be provided to each neighborhood.
2. Walkways shall be provided to the street for every 300 feet of developed frontage.
3. Walkways shall be direct with minimal driveway crossings.
4. Walkways shall be linked to the internal circulation of the building.
5. Walkways shall be at least five feet wide and shall be raised, have curbing, or have different paving materials when crossing driveways.

16.49.070 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;
4. Through the use of trees and other landscaping materials as a unifying element within the urban environment; and
5. By considering solar access conditions.

16.49.080 General provisions for landscaping.

1. The standards set forth in this section are minimum standards for landscaping.
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 (15) percent for all industrial and commercial zones (except the Downtown-Commercial zone, but including the Commercial-Residential zone).
 - B. Seven and one-half (7.5) percent for the Downtown-Commercial zone.
 - C. Thirty (30) percent 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. 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 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.

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 moved 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 five percent of the landscaped area may be covered with bark chips, mulch, or other similar materials. A maximum of five percent of the landscaped area may be covered with rock, stones, walkways, or other similar material acceptable to the Board. Required sidewalks shall not be used to meet the landscaping requirements. Plant size and spacing shall follow the Oregon Department of Transportation standards.

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 the most recent edition of the Sunset Western Garden Book.

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.

16.49.090 Specifications for tree and plant materials.

1. Deciduous Trees. Deciduous shade and ornamental trees shall be a minimum of two inch (2") caliper, measured six inches (6") above ground, balled and burlapped. Bareroot trees will be acceptable to plant during their dormant season. Trees shall be well branched and 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. Ground covers. Ground covers 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 percent coverage and weed free.

16.49.100 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 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 landscape 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.

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.

16.49.110 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 40 percent (i.e., districts requiring 15 percent landscaping shall not be reduced to less than 9 percent).

C. Trees Near a Property Line:

i. 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 percent of the total drip line area. Trees so close to the property line that their drip line area is less than 75 percent 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.

ii. 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.

16.49.120 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. **A.** 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.

B. Each interior landscaped area shall be a minimum of five feet wide, unless the area is added to the required perimeter landscaping.

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 (15) percent for all residential, industrial, and commercial zones (except the ~~Downtown Commercial Zone, but including the Commercial Residential Zone~~ as provided below in subsections B and C).

B. Five (5) percent for the Downtown-Commercial Zone for any off-street parking spaces provided.

C. Ten (10) percent for the Core Commercial (CC) sub-area of the Downtown Canby Overlay Zone for any off-street parking spaces provided, except as follows: For parking lots with 10 or more spaces and two or more drive aisles, there shall be a minimum of 50 square feet of interior landscaping for each parking space 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.

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.

16.49.130 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.

16.49.140 Minor revisions to approved landscaped plans.

Minor revisions (less than 10 percent 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.

16.49.150 Parking lots or paving projects.

All new paving or parking lot projects which create over 2,500 square feet of impervious surface and any new paving added to existing paving areas which creates a total of more than 2,500 square feet of impervious surface must meet City storm drainage requirements, parking lot landscaping standards and the drainage and access standards of the Oregon Department of Transportation (if applicable). Applicants for such paving projects must submit an application to the Planning Department. Application procedures shall be as described in Chapter 16.89.

EXHIBIT C
TO ORDINANCE 1296

