

ORDINANCE NO. 1304

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE CHAPTER 16.10 FOR THE PURPOSE OF EXPANDING THE “NO OFF-STREET PARKING” AREA DOWNTOWN.

WHEREAS, the City of Canby initiated an application (application no. TA-08-05) for an amendment to the text of Title 16 for the purpose of expanding the “no off-street parking” area in downtown Canby; and

WHEREAS, the Planning Commission held a public hearing concerning the text amendment application on January 12, 2009, and based on their determination that the proposed amendment met all required approval criteria, voted 6-0 to forward a recommendation of approval to City Council; and

WHEREAS, the City Council received the text amendment application and Planning Commission recommendation, and held a second public hearing on March 04, 2009; and

WHEREAS, following close of public hearing, the City Council determined that expanding the “no off-street parking” area to cover an additional two blocks between N. Fir Street, N. Elm Street, N.W. First Avenue, and N.W. Third Avenue, complies with the Comprehensive Plan of the city, and with the plans and policies of the county, state, and local districts, and will preserve functions and local aspects of land conservation and development; that there is a public need for the change; that the amendment will serve the public need better than any other change which might be expected to be made; that the amendment preserves and protects the health, safety, and general welfare of the residents in Canby; and that it complies with the Statewide Planning Goals; and


WHEREAS, the City Council voted March 4, 2009 to approve Text Amendment No. TA 08-05 as presented, based on the findings in the Council staff report, and directed staff to present Council with an ordinance for adoption; and

WHEREAS, this ordinance is for the purpose of codifying Text Amendment No. TA 08-05 into law; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Title 16 of the Canby Municipal Code, otherwise known as the “Land Development and Planning Ordinance of the City”, is amended as detailed in Exhibit A.

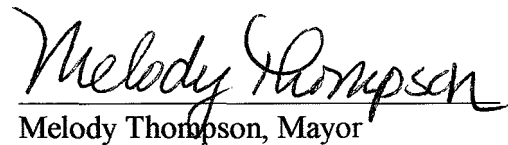
SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, March 04, 2009, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and scheduled for second reading before the City Council for final reading and action at a regular meeting thereof on Wednesday, March 18, 2009, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, CMC
City Recorder Pro-Tem

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 18th of March, 2009, by the following vote:

YEAS 6

NAYS 0


Melody Thompson, Mayor

ATTEST:

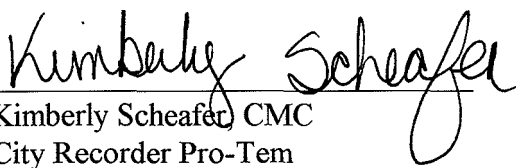

Kimberly Scheafer, CMC
City Recorder Pro-Tem

EXHIBIT "A" to ORDINANCE 1304

AMENDMENT TO TEXT OF TITLE 16 (TA-08-05)

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

CMC Section 16.10.010 is amended as follows...

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~~ N. Elm 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.