

ORDINANCE NO. 1323

**AN ORDINANCE AMENDING CANBY MUNICIPAL CODE SECTION 16.04.255
IN ORDER THAT RESIDENTIAL INFILL STANDARDS NO LONGER APPLY
TO THE R-2 ZONING DISTRICT.**

WHEREAS, the City of Canby initiated an application (application no. TA-09-03) for an amendment to the text of Title 16, in order that residential infill standards only apply to the R-1 and R-1.5 zoning districts, but no longer apply to the R-2 zoning district; and

WHEREAS, the Planning Commission held a public hearing concerning the text amendment application on December 14, 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 on January 06, 2010, and found that 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; 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 5-0 to approve Text Amendment No. TA 09-03 as presented, based on the findings in the Council staff report, including all attachments thereto, and directed staff to present Council with an ordinance to codify the amendment; and

WHEREAS, this ordinance is for the purpose of codifying Text Amendment No. TA 09-03 into law; now therefore,

THE CITY OF CANBY ORDAINS AS FOLLOWS:

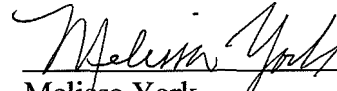
Section 1. Title 16 of the Canby Municipal Code (CMC), otherwise known as the “Land Development and Planning Ordinance of the City”, Section 16.04.255, is amended as follows:

(Added text is illustrated below in red underlined font.)

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 are located in an R-1 or R-1.5 zoning district, and 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).

SUBMITTED to the Canby City Council and read the first time at a regular meeting therefore on Wednesday, January 06, 2010, 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, January 20, 2010, commencing at the hour of 7:30 pm at the Council Meeting Chambers located at 155 N.W. 2nd Avenue, Canby, Oregon.

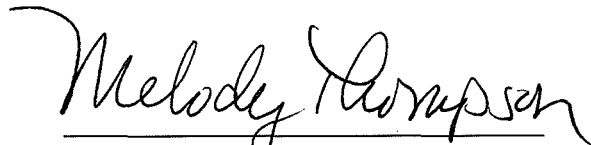


Melissa York
Deputy City Recorder

PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 20th of January 2010, by the following vote:

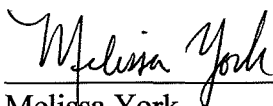
YEAS 5

NAYS 0



Melody Thompson, Mayor

ATTEST:



Melissa York
Deputy City Recorder