

Canby Housing Efficiency Measures

Canby Municipal Code (CMC) Text Amendments

Proposed Text Amendments Tracker

Existing CMC Section	New CMC Section	Description of Change
16.16 R-1 Low Density Residential Zone		
16.16.010 Uses Permitted outright.		<ul style="list-style-type: none"> Amended to allow cottage cluster developments as an outright permitted use. Amended to allow townhouses as an outright permitted use.
16.16.030 Development Standards.		<ul style="list-style-type: none"> Amended to identify that cottage clusters are subject to separate development standards and are not subject to the standards of this section. Amended to add minimum lot size and modified lot dimensions for townhouses. Amended to establish a maximum residential density standard of six (6) units per acre. Amended to increase maximum impervious surface area to 70%. Amended to require that townhouse development shall not exceed three (3) consecutive dwellings separated by at least 20 feet, or if a part of a PUD, six (6) consecutive attached dwellings separated by at least 10 feet.
16.18 R-1.5 Medium Density Residential Zone		
16.18.010 Uses Permitted outright.		<ul style="list-style-type: none"> NOTE: Now that cottage clusters are permitted outright in R-1 zone, they are permitted outright in R-1.5 per CMC 16.18.010(A). Amended to increase the maximum townhouse grouping from three (3) to six (6) dwelling units. Amended to allow fourplexes as an outright permitted use. Amended to strike fourplexes as a conditional use.
16.18.030 Development standards.		<ul style="list-style-type: none"> Amended to identify that cottage clusters are subject to separate

		<p>development standards and are not subject to the standards of this section.</p> <ul style="list-style-type: none"> • Amended to decrease the minimum townhouse lot size from 3,000 to 1,800 square feet. • Amended to require that townhouse development shall not exceed six (6) consecutive attached dwellings in a row and that groupings should be separated by at least 10 feet.
16.21 Residential Design Standards		
	16.21.080 Cottage Cluster Development and Design Standards.	<ul style="list-style-type: none"> • Section added to provide development and design standards for cottage cluster developments. Includes purpose statement, applicability provisions, approval processes and development/design standards for cottage clusters.
16.27 C-2 Highway Commercial Zone		
16.28.010 Uses permitted outright.		<ul style="list-style-type: none"> • Amended to allow mixed-use development outright in the C-2 zone. • Adds design and siting standards for vertical and horizontal mixed-use development. • Amended to add minimum residential density for mixed-use development.
16.28.030 Development Standards.		<ul style="list-style-type: none"> • Amended to remove minimum front yard setback along Highway 99E and South Ivy Street, and to establish a maximum setback standard. • Amended to identify the types of architectural features that may exceed the maximum building height standard.
16.74 PUD Uses Permitted		
16.74.020 Uses permitted in residential zone.		<ul style="list-style-type: none"> • Amended to identify that all uses permitted outright or conditionally may be permitted with a PUD. • Amended to identify that a CUP is required if a conditional use is proposed with a PUD. • Amended to allow uses to be spread across a PUD site, regardless of the underlying base zone.
16.76 PUD Requirements		
16.76.010 Minimum Requirements.		<ul style="list-style-type: none"> • Amended to identify that open space provided with a PUD must be “usable”.

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		<ul style="list-style-type: none">• Amended to create exception for cottage clusters in PUDs for the purpose of calculating the minimum open space requirement.• Amended to identify that PUDs shall adhere to density provisions of the underlying base zone(s).• Amended to add approval criteria for a density bonus.• Amended to create exception that cottage cluster units do count toward maximum density allowance within a PUD.• Amended to allow the total base zone density to be spread throughout the PUD site, regardless of the underlying base zone.
16.76.030 Standards and criteria.		<ul style="list-style-type: none">• Amended to identify that higher intensity uses should be placed within the interior of a PUD where the PUD is adjacent to lower intensity uses.

KEY

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Proposed Removed Text = Red Underlined and Strikethrough

Chapter 16.16

R-1 LOW DENSITY RESIDENTIAL ZONE

Sections:

16.16.010 Uses permitted outright.

16.16.020 Conditional uses.

16.16.030 Development standards.

16.16.010 Uses permitted outright.

Uses permitted outright in the R-1 zone shall be as follows:

- A. Single-family dwelling; one single-family dwelling per lot;
- B. Cottage cluster development, subject to the cottage cluster development and design standards of Section 16.21.080.

NOTE: This section is amended to allow cottage cluster developments as an outright permitted use. Subsequent uses below have been renumbered.

C. Vegetable gardens, orchards and crop cultivation for personal use only, including greenhouses. No large-scale commercial sale of produce is permitted unless continued as a non-conforming use that was in place prior to the existing zoning designation. Keeping of animals other than domestic pets requires a special permit from the City Administrator unless a continuation of a non-conforming agriculture use.

D. Accessory uses and/or accessory structures;

E. Accessory dwelling, subject to review and approval through a Type 1 procedure (pursuant to Chapter 16.89.030) and must conform to the following standards:

1. Compliance with the Oregon Structural Specialty Code;

2. A maximum of one accessory dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g. above a garage or workshop), or a unit attached or interior to a primary dwelling (e.g. an addition or the conversion of an existing floor).

3. A detached accessory dwelling may not exceed 800 square feet of floor area or 75% of the primary dwelling's floor area, whichever is smaller.
4. Accessory dwellings that result from the conversion of a level or floor (e.g. basement, attic, or second floor) of the primary dwelling may occupy the entire level or floor, even if the floor area of the accessory dwelling would be more than 800 square feet.
5. Accessory dwellings must meet all other development standards (e.g. height, setbacks, lot coverage, etc.) for buildings in the zoning district, except that:
 - a. Conversion of an existing legal non-conforming structure to an accessory dwelling is allowed, provided the conversion does not increase the non-conformity; and
 - b. Chapter 16.21, Residential Design Standards do not apply; and
 - c. An additional on-site parking space shall not be required but may be provided.
- F. Day care facility in a residential home, with twelve (12) or fewer children;
- G. Manufactured and mobile home subdivisions, where developed as planned unit developments, subject to the requirements of Divisions IV and V;
- H. Minor public facilities;
- I. Manufactured home - with the following additional approval criteria:
 1. Must be double-wide or wider and must enclose at least 1,000 square feet.
 2. Must be located not more than twelve (12) inches above grade on an excavated and back-filled masonry foundation which is enclosed at the perimeter.
 3. Must have a pitched roof with a minimum slope of at least a nominal three (3) feet in height for each twelve (12) feet in width.
 4. Exterior siding and roofing must be similar in color, material and appearance to that used on surrounding dwellings within three hundred (300) feet of the lot.
 5. The exterior thermal envelope must meet performance standards equivalent to those required for single family dwellings under the State Building Code.
 6. Must not have bare metal siding or roofing.
- J. Home occupations which meet the strict definition of section 16.04.240.
- K. Residential Home/Adult Foster Home - for five or fewer individuals. (Per ORS

197.665).

L. Foster Care Home; as defined in Section 16.04

M. Single family townhouse dwellings having common wall construction. The construction is limited to a maximum grouping of three dwelling units. If more than one group of dwellings is developed then a minimum 20 foot distance shall be maintained between an adjacent group of dwellings.

1. Exception. Single-family townhouse dwellings developed as a part of a planned unit development may be in a maximum grouping of six dwelling units. If more than one group of six dwellings is developed then a minimum ten-foot distance shall be maintained between an adjacent group of dwellings.

NOTE: State law requires that if a housing type is allowed, there must be a “clear and objective” path for its approval. Therefore, there must be a clear and objective approval path for the development of townhouses in the R-1 zone in order to allow them to be utilized in a PUD within the R-1 zone.

This section is amended to allow townhouses outright. Townhouses developed outside of a PUD are limited to groupings of three (3) units or less and where multiple groupings are proposed, each grouping must be separated by at least 20 feet. If developed as a part of a PUD, they may be developed in groupings of up to six, with only a 10 foot separation distance between adjacent groupings, which is consistent with the R-1.5 zone and allows townhouses to be built across a PUD site that is zoned R-1 and R-1.5.

16.16.020 Conditional uses.

Conditional uses in the R-1 zone shall be as follows:

- A. Cemetery;
- B. Church;
- C. Day care facility, other than a residence or caring for more than twelve (12) children;
- D. Hospital;
- E. Nursing home
- F. School;
- G. Major public facilities;
- H. Golf courses, public or private, with facilities and structures that are associated with the use;

- I. Home occupations which otherwise meet the strict definition of section 16.04.240, but which involve the manufacture of products, nonresidential storage of goods, or any activity which is likely to increase traffic;
- J. Accessory use or structure (not a dwelling) located on a lot or lots abutting the lot which houses the principal use of the property;
- K. Manufactured and mobile home park or trailer park, subject to the criteria of Chapter 16.44;
- L. One two-family dwelling (duplex) where the lot contains a minimum of twelve thousand square feet. Through the conditional use process, the Planning Commission may require the two dwellings in a duplex to share a common driveway to minimize curb cuts and paving;
- M. One duplex on a corner lot that contains a minimum of ten thousand square feet, provided that the building is designed such that vehicle access to the different units is taken from different streets;
- N. Bed and Breakfast;
- O. Residential Facility - for six to fifteen individuals (Per ORS 197.667(4) and 443.400 (8))
- P. 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. Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line housing that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot; and the building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots.
- Q. Other developments customarily found within a residential zone, as determined by the Planning Commission.
- R. Detached accessory structure (not dwelling) up to twenty-two feet high which is located outside the allowed building footprint area for the principal structure and which does not meet the step-up height standard described in 16.16.030(E)(2)(b). (Ord. 890 section 16, 1993; Ord. 740 section 10.3.18(B), 1984; Ord. 1080, 2001; Ord. 1111 section 7, 2003; Ord 1237, 2007; Ord. 1514, 2019)

16.16.030 Development standards.

The following subsections indicate the required development standards of the R-I zone. Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in section 16.21.080.

NOTE: This section is amended to identify that cottage cluster developments are subject to their own development and design standards. The development standards of this section are not applicable to cottage cluster developments.

A. Minimum and maximum lot area:

1. For single family dwellings: seven thousand (7,000) square feet minimum, and ten thousand (10,000) square feet maximum, per single-family dwelling. The maximum lot area standard does not apply to single family dwellings existing at the time of subdivision or partition plan approval; and the Planning Commission may approve smaller or larger lots in conformance with subsection B, below. Preexisting, legally created lots of record shall be considered to be legally buildable and separately saleable, provided they contain at least five thousand (5,000) square feet; and further provided, that any new structures on such lots meet the required setbacks.
2. For townhouse dwelling units having common wall construction:
 - a. 3,000 square foot minimum lot size.
 - b. 1,800 square foot minimum lot size if townhouses are developed as a part of a planned unit development.

NOTE: This section is amended to provide a minimum lot size for townhouse dwellings. If developed outside of a PUD, the minimum lot size is 3,000 square feet in order to promote compatibility with existing R-1 development patterns (i.e., lower densities). If developed as part of a PUD, the minimum lot size is 1,800 square feet. Interior townhomes are typically designed to be 20 feet wide and 90 feet deep, and this standard would allow for this. This also aligns with proposed changes to the minimum townhouse lot size in the R-1.5 zone and allows similar townhouses to be developed across a PUD that's within both the R-1 and R-1.5 zone.

3. Density. There is no minimum density. The maximum density for all residential uses is 6 units per acre.

NOTE: This section is amended to establish a maximum residential density of 6 units per acre for the R-1 zone. This accommodates the R-1 zone's minimum lot size for single-family dwellings (7,000 square feet).

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.16.030.A as part of a subdivision or partition application when all of the following standards are met:
 - a. The average area of all lots created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than seven thousand

square feet and no greater than ten thousand square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 5,000 square feet.

b. No lot shall be created that contains less than six thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used;

c. The lot area standards for two-family dwellings, as provided in Sections 16.16.010 and 16.16.020, shall be met; and

d. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (e.g., ten thousand square feet and larger), when such re-division would violate the average lot area provision in subsection 16.16.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

2. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.16.030.A.

3. The Planning Commission may modify the maximum lot area requirements in 16.16.030.A if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

C. Minimum width and frontage: sixty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate access.

1. Exception. The minimum width and frontage for single family attached (common wall) townhouse lots is twenty feet.

NOTE: This section is amended to establish a minimum lot width of 20 feet for townhouse lots in order to allow an 1,800 square foot townhouse lot within a PUD.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only;

2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other

lots, fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;

3. Interior yard: Seven feet, except as otherwise provided for zero-lot line housing.

4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply to such structures. Detached accessory dwellings are not eligible for the three foot reduction. Utility easements may only be reduced with the approval of all utility providers.

5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.

2. Detached accessory structure:

a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.

b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.

c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1 zone shall be 70

percent ~~60 percent~~ of the lot area. Impervious surface totals which are in excess of 70 percent may be allowed if the applicant can demonstrate that applicable stormwater drainage requirements of the Canby Public Works Department and Clackamas County can be met.

NOTE: This standard is amended to increase the maximum impervious surface standard to 70 percent. This is the standard in the R-1.5 zone and allows for a consistent maximum impervious surface standard when proposing a development (such as a PUD) across both the R-1 and R-1.5 zones. A provision is added allowing this standard to be exceeded if the applicant can demonstrate compliance with applicable stormwater management regulations.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surfaces include, but are not limited to, buildings, paved parking areas and driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review by the City Public Works Department for compliance with applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building; overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and covered patios if patio posts still comply with required five foot setbacks.

4. Accessory buildings shall not have a larger footprint than the primary building, unless lot area exceeds twelve thousand square feet.

5. Townhouse (common wall) development shall not exceed three attached dwellings in a group as defined in Chapter 16.04.195, or six attached dwellings if developed as a part of a planned unit development. If more than one group of

three dwellings is constructed, then the groups shall be separated by no less than 20 feet. If more than one group of six dwellings is constructed as a part of a planned unit development, then the groups shall be separated by no less than ten (10) feet.

NOTE: This standard simply requires that dwellings are constructed in groups of three or less and buildings are separated by 20 feet in the base zone, or in groups of six or less and buildings are separated by 10 feet if part of a PUD.

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Chapter 16.18

R-1.5 MEDIUM DENSITY RESIDENTIAL ZONE

Sections:

- 16.18.010** Uses permitted outright.
- 16.18.020** Conditional uses.
- 16.18.030** Development standards.

16.18.010 Uses permitted outright.

Uses permitted outright in the R-1.5 zone shall be as follows:

- A.** Uses permitted outright in the R-1 zone;

NOTE: No amendments are necessary to this section. Section 16.6.010, Uses Permitted Outright within the R-1 zone, is amended to allow cottage cluster developments as an outright permitted uses. Per Paragraph A above, cottage cluster developments are permitted outright within the R-1.5 zone.

- B.** Two-family or three-family dwellings. One duplex or triplex on each lot. (Ord. 740 sect. 10.3.20 (A), 1984)

C. Single-family townhouse dwellings having common wall construction. The townhouse construction is limited to a maximum grouping of ~~three~~ six dwelling units. If more than one group of dwellings is developed then a ten foot distance shall be maintained between an adjacent group of dwelling units. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)

NOTE: This provision is amended to allow townhouses in groupings of up to six units. Townhouses are already defined in [Chapter 16.04.195](#) and that definition allows up to six attached units before a new building is required.

- D.** Four-family dwellings, one fourplex on each lot.

NOTE: State law requires that if a housing type is allowed, there must be a “clear and objective” path for its approval. Therefore, there must be a clear and objective approval path for the establishment of fourplexes in the R-1.5 zone in order to allow them to be utilized in a PUD. This section is amended to allow fourplexes as an outright permitted use in the R-1.5 zone. This allows

fourplexes to be developed as a part of a PUD.

16.18.020 Conditional uses.

Conditional uses in the R-1.5 zone shall be as follows:

A. Uses listed as conditional in the R-1 zone; except as modified by Section 16.18.010, above;

~~B. Four family dwellings. (Ord. 740 sect. 10.3.20(B), 1984; Ord. 1080, 2001; Ord. 1514, 2019)~~

NOTE: Fourplexes will be permitted outright as part of these proposed amendments. State law requires that if a housing type is allowed, there must be a “clear and objective” path for its approval. Quadplexes cannot be a conditional use as the CUP process is not clear and objective.

16.18.030 Development standards.

The following subsections indicate the required development standards of the R-1.5 zone.

Cottage cluster developments are exempt from these standards and are instead subject to the cottage cluster development and design standards outlined in Section 16.21.080.

NOTE: This section is amended to identify that cottage cluster developments are subject to their own development and design standards. The development standards of this section are not applicable to cottage cluster developments.

A. Minimum and maximum lot area:

1. For single family dwellings: five thousand (5,000) square feet minimum and six thousand five hundred (6,500) square feet maximum.
2. For townhouse dwelling units having common wall construction: **1,800 square foot minimum lot size.** ~~three thousand (3000) square foot minimum lot size.~~

NOTE: This section is amended to reduce the minimum lot size for townhouse dwellings to 1,800 square feet. Interior townhomes are typically designed to be 20 feet wide and 90 feet deep, and this standard would allow for this.

3. Minimum residential density: For two, three, and four family dwellings: new development shall achieve a minimum density of 6 units per acre and a maximum of 13 units per acre. Minimum density for a property is calculated by multiplying its area in acres (minus area required for street right-of-way and public park/open space areas) by the density standard. For example, 0.32 acres x 6 units/acre = minimum of 1.92 units. Decimals are rounded to the nearest whole number (e.g., a minimum of 1.92 units becomes a minimum of 2 units per acre). The Planning Commission may modify the density standard if it cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

4. The Planning Commission may approve smaller or larger lots in accordance with subsection B, below.

B. Lot area exceptions:

1. The Planning Commission may approve an exception to the minimum and maximum lot area standards in subsection 16.18.030.A as part of a subdivision or partition application when all of the following standards are met:

a. The average area of all lots and open space tracts created through the subject land division, excluding required public park land dedications, surface water management facilities and similar public use areas, shall be no less than five thousand square feet and no greater than six thousand five hundred square feet. Non-required significant natural resource areas shall be included in the average lot size calculation to enable a transfer of density onto buildable portions of the site. Required areas include identified parks, wetland areas, riparian corridors, and other areas in which building is not permitted under local, state, or federal laws or regulations. For land in the North Redwood DCP area, the Planning Commission may allow public park land dedications to be included in the lot size averaging calculation in order to achieve community development goals and allow protection of natural resources; in this case, the resulting average lot size shall not be less than 4,000 square feet;

b. No lot shall be created that contains less than four thousand square feet, unless the alternative lot layout option provided in Section 16.64.040 is used; and

2. As a condition of granting the exception, the city will require the owner to record a deed restriction with the final plat that prevents the re-division of oversized lots (six thousand five hundred square feet and larger), when such re-division would violate the average lot size provision in subsection 16.18.030.B.1.a. All lots approved for use by more than one dwelling shall be so designated on the final plat.

3. A public benefit must be demonstrated in order to allow more than ten percent of the lots to be outside of the minimum and maximum lot areas in subsection 16.18.030.B.1.a.

4. The Planning Commission may modify the maximum lot area requirements in subsection 16.18.030.B if these cannot be met due to existing lot dimensions, road patterns, or other site characteristics.

5. The maximum lot area standard does not apply to dwellings existing prior to subdivision or partition plan approval or to lots designated for open space.

C. Minimum width and frontage: forty feet, except that the Planning Commission may approve lots having less frontage subject to special conditions to assure adequate

access. Twenty feet is permitted for single family attached (common wall) housing ~~on interior lots.~~

NOTE: This section is amended to allow a minimum lot width of 20 feet for townhouse lots in order to allow an 1,800 square foot townhouse.

D. Minimum yard requirements:

1. Street yard: twenty feet on side with driveway; fifteen feet for all other street sides; except that street yards may be reduced to ten feet for covered porches only.
2. Rear yard: all corner lots, ten feet single story or fifteen feet two-story; all other lots: fifteen feet single story or twenty feet two-story. One story building components must meet the single story setback requirements; two story building components must meet the two-story setback requirements;
3. Interior yard: seven feet, except as otherwise provided for zero-lot line housing.
4. Interior and rear yards may be reduced to three feet, or the width of any existing utility easement, whichever is greater, for detached accessory structures, except accessory dwellings, erected sixty feet or more from any street other than an alley. The height limitations noted in subsection E.2 below apply. Utility easements may only be reduced with the approval of all utility providers.
5. Infill standards may also apply. See CMC 16.21.050.

E. Maximum building height:

1. Principal building: thirty-five feet.
2. Detached accessory structure:
 - a. If located inside the allowed building footprint for the principal building, a detached accessory structure may be up to twenty-two feet tall, as measured to the highest point of the roof.
 - b. If located outside the allowed building footprint for the principal building, a detached accessory structure is subject to a step-up height standard, and is allowed outright only if it meets this standard. The structure shall not exceed eight feet tall, as measured to the highest point of the roof, at a distance of three feet from the property line. The structure may increase in height by one foot vertically for every one foot horizontally away from the three foot line, up to the maximum height of twenty-two feet.
 - c. A conditional use permit is required to locate the structure outside of the allowed building footprint for the principal building in violation of the step-up height standard.

d. Detached accessory structures over twenty-two feet tall are not permitted.

3. For detached accessory dwellings, the Planning Commission may approve building heights over twenty-two feet through the Conditional Use process, but in no case shall the accessory dwelling be higher than the principal building. The Planning Commission may only approve the use of buildings over twenty-two feet in the case of existing structures where no substantial changes to existing roof lines are proposed.

F. The maximum amount of impervious surface allowed the R-1.5 zone shall be 70 percent of the lot area. Impervious surface totals which are in excess of 70 percent may be allowed if the applicant can demonstrate that applicable stormwater drainage requirements of the Canby Public Works Department and Clackamas County can be met.

NOTE: A provision is added allowing this standard to be exceeded if the applicant can demonstrate compliance with applicable stormwater management regulations.

1. Impervious surface includes all surface areas that create a barrier to or hinder the entry of water into the soil in comparison with natural conditions prior to development. Impervious surface include, but are not limited to, buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities, green roofs, and permeable surfacing materials shall not be considered impervious surfaces. Roof surfaces are also considered 'pervious' when 100% of the annual average roof runoff is captured and reused on-site for irrigation or approved interior uses.

2. To limit impervious surface, alternative surfacing materials may be used. Alternative surfacing includes, but is not limited to paving blocks, turf block, pervious concrete, and porous asphalt. Other similar approved materials are encouraged. Utilization of alternative surfacing methods shall be subject to review and approval by the City Public Works Department for compliance with other applicable regulations and development standards. Maintenance of alternative surfacing materials located on private property are the responsibility of the property owner.

G. Other regulations:

1. Vision clearance distance shall be ten feet from a street to an alley or a street to a driveway, and thirty feet from a street to any other street.

2. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet; mechanical units, used for the heating/cooling of residential units are exempt from interior and/or rear yard setback requirements. A chimney for a fireplace or stove shall not exceed a two foot projection.

3. To provide shade, required yards on southern and western exposures may be reduced by not more than five feet for eaves, canopies, and patio covers, if the patio posts still comply with required setbacks.
4. Accessory buildings shall not have a larger footprint than the primary building.
5. Townhouse (common wall) development shall not exceed six attached dwellings in a group as defined in Chapter 16.04.195. If more than one group of six dwellings is constructed, then the groups shall be separated by no less than ten feet.

NOTE: This standard simply requires that dwellings are constructed in groups of six or less and buildings are separated by 10 feet of open space, and units are alley loaded when possible.

16.21.080 Cottage Cluster Development and Design Standards.

- A. Purpose.** The purpose of these standards are to promote more affordable fee in common or fee ownership housing options within Canby. Additionally, they promote quality development, a sense of openness and community, and enhance livability, walkability, and safety of the community. These standards are also intended to encourage cottage cluster developments that are compatible with existing and future residential development within the R-1 and R-1.5 zones.
- B. Applicability.** These standards apply to all new cottage cluster developments as defined by section **16.04.**

NOTE: DOWL suggests that the City create a new sub-chapter to the City’s residential design standards chapter (Chapter 16.21.080) for the new cottage cluster development and design standards. In addition to the code provisions that would be added here, a definition for “cottage cluster development” and “common courtyard” will need to be added to [Chapter 16.04, Definitions](#). The following definitions are provided, both of which are consistent with the definitions provided by [OAR 660-046-0020](#) but modified slightly based on this draft code:

Cottage Cluster: A grouping of at least four (4) detached dwelling units (cottages), where each cottage has a floor area square footage no less than 600 square feet and no greater than 1,200 square feet and are generally clustered around a common courtyard. For every 12 cottages there must be one (1) common courtyard. Cottage clusters are considered a type of middle housing and are not considered multiple dwelling units or single-dwelling unit detached dwellings. Cottage clusters typically have multiple cottages sharing a single lot; however, cottage clusters can also be divided so that cottages are on individual lots.

Common Courtyard: A single, contiguous common area for use by residents of a cottage cluster pursuant to the standards of Chapter 16.21.080(F)(2).

- C. Permitted Use.** Cottage Cluster developments are permitted outright within the R1 and R1.5 zones. Cottage Cluster developments may be permitted as a standalone development or as part of a Planned Unit Development in accordance with 16.72, PUD applications.
- D. Approval Process.** Cottage cluster developments may be approved as a standalone development or as a part of a Planned Unit Development in accordance with Chapter [16.72, PUD Applications](#). Standalone cottage clusters may be approved in accordance with [Chapter 16.49, Site and Design Review](#) as a Type 2 process. Cottage cluster developments proposed to be subdivided may be approved in accordance with [Chapter 16.62, Subdivisions](#) as a Type 2 process.

NOTE: The City’s legal counsel will provide input on the permitting process during the November 27th work session with the Planning Commission. Chapters 16.48 may need to be amended to exempt cottage clusters from certain design standards within those sections. This is noted below as well.

E. Development Standards. The following development standards apply to all cottage cluster developments and supersede the development standards of the underlying zone unless stated otherwise.

1. *Density.* The minimum density of any cottage cluster development is 6 units per acre. There is no maximum density standard, provided the cottage cluster development is designed to conform with the requirements of this section.
2. *Lot Area.* There is no minimum or maximum lot area standard, provided the cottage cluster development is designed to conform with the requirements of this section.

NOTE: In order to provide design flexibility, the minimum density is set at 6 units per acre, which is the R-1.5 zone’s minimum density for duplex/triplex/fourplexes, and there is no maximum density or minimum/maximum lot area standard. However, both of these standards will be effectively regulated and controlled by compliance with the development and design standards of this section.

3. *Minimum Perimeter Yard Setback Requirements for Structures.*

- a. Street yard: The minimum setback requirement of the underlying zone applies.

NOTE: During work sessions, the Planning Commission seemed especially concerned with providing a similar streetscape experience to existing single-family development patterns. This ensures that cottage cluster developments will be setback from the street a similar minimum distance as existing and future single-family residential units.

- b. Rear yard: 10 feet
- c. Side yard 5 feet

NOTE: These rear and side yard setback standards are consistent with the DLCD cottage cluster model code. These setback distances represent minor reductions to the setback standards of the R-1 and R-1.5 zones, but provide additional flexibility in the design and layout of a cottage cluster development.

4. *Number of Cottages.* Cottage housing units shall be developed in clusters of a minimum of four (4) units. There is no maximum, provided one (1) common courtyard is provided for every 12 cottages.

NOTE: This is a typical standard provided in most cottage cluster development standards throughout the state.

5. *Building Separation.* Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be three (3) feet.

NOTE: This is a typical standard provided in most cottage cluster development standards throughout the state as well as in the DLCD cottage cluster model code.

6. *Building Height.* The maximum building height for all structures is 35 feet.

NOTE: This is the same maximum building height standard as the R-1 and R-1.5 zone, creating consistency with adjacent single-family development. By stating “all structures”, this accounts for any accessory structures provided such as garages, carports, and community/common buildings.

7. *Unit Size.* Each cottage’s floor area shall be a minimum of 600 square feet and shall not exceed a maximum of 1,200 square feet.

NOTE: There is considerable variation in the size requirements for cottages. This is the requirement provided by Turner’s cottage cluster design standards. Redmond and Albany, for example, have no minimum unit size and allow cottages to be as large as 1,400 square feet. Albany further requires that the average floor area per unit not exceed 1,000 square feet. The DLCD cottage cluster model code simply requires the average unit size not to exceed 1,400 square feet, but that a cottage’s footprint cannot be greater than 900 square feet.

8. *Maximum Impervious Surface.* The maximum amount of impervious surface allowed shall be 70 percent of the lot area. Impervious surface totals which are in excess of 70 percent may be allowed if the applicant can demonstrate that applicable stormwater drainage requirements of the Canby Public Works Department and Clackamas County can be met.

NOTE: The maximum impervious surface standard is set at 70%, consistent with the R-1.5 zone. Separately, the maximum impervious surface standard of the R-1 zone is proposed to be raised from 60% to 70%. This standard would provide consistency with both zones. A provision is also added allowing this standard to be exceeded if the applicant can demonstrate compliance with applicable stormwater management regulations.

9. *Off-Street Parking.* At least one (1) off-street parking space shall be provided per dwelling unit. Where a cottage cluster development fronts on a street that does not allow on-street parking, at least two (2) guest parking spaces shall be provided for every four (4) dwelling units. If a cottage cluster development fronts on a street that allows on-street parking, there is no

guest parking requirement. Off-street parking shall be designed in accordance with [section 16.10.070, Parking Lots and Access](#), and section 16.21.080(F)(5).

NOTE: The requirement of one space per unit is typical for cottage cluster standards across the state, including City of Turner. Visitor parking requirements are more varied, but the requirement of one space for every 4 units is taken from Silverton’s cottage code, with an added caveat that visitor parking is not required if the adjacent street allows on-street parking. There is no maximum parking standard. Parking seemed to be a major concern for the Planning Commission, so we should plan to discuss this especially.

- F. **Design Standards.** The following design standards apply to all cottage cluster developments. No other design standards shall apply to cottage clusters unless noted in this section. Where there is a conflict between these standards and the standards of other sections of this code, the standards of this section shall control.

NOTE: Canby’s Site and Design Review process includes very general design standards for all developments. Should these be applicable? The third sentence has been added with the intent to mitigate for this issue. Alternatively, Section 16.49/Site and Design Standards may need to be amended to exempt cottage clusters from certain design standards within that section. Need to confirm with Canby staff what their intent is.

1. **Cottage Orientation.** Cottages must be clustered around a common courtyard and must meet the following standards:
 - a. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and meet the following standards:
 - i. Have a main entrance facing the common courtyard;
 - ii. Be within 10 feet of the common courtyard measured from the façade of the cottage to the nearest edge of the common courtyard; and
 - iii. Be connected to the common courtyard by a pedestrian path.
 - b. Cottages within 20 feet of a street property line may have their entrances facing the street, provided 50 percent of all cottage units within the cluster face the common courtyard.
 - c. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that provides a reasonably direct connection to the common courtyard.
2. **Common Courtyard Design Standards.** Each cottage cluster development must share a common courtyard in order to provide a minimum open space

area for the cottage cluster development. One (1) common courtyard shall be provided for every 12 cottage units.

- a. The common courtyard must be a single, contiguous area.
- b. Cottages must abut the common courtyard on at least two sides of the courtyard.
- c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.
- d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- e. The common courtyard shall be developed with a mix of landscaping and lawn area, recreational amenities, hard-surfaced pedestrian paths, and/or paved courtyard area. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard.
- f. Pedestrian paths qualify as part of a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

NOTE: The requirement for a common courtyard is a typical requirement for cottage clusters around the state and is an integral part of a cottage cluster development's design. It provides usable open space for residents while offering a similar "back yard" experience as single-family units. These requirements are taken from the DLCD cottage cluster model code. This language is extremely similar to that provided in other city's cottage cluster codes, such as Turner, Albany, and Redmond. Silverton requires a "common green", but is much less restrictive to how cottages are oriented to or clustered around the open space area. However, Silverton does require 400 square feet of common area per cottage, which is significantly higher than the model code.

3. *Community Buildings.* Cottage cluster developments may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards and may not be used as dwelling units:
 - a. Each cottage cluster is permitted one community building.
 - b. A community building shall not exceed 1,400 square feet of floor area.
 - c. Community buildings may count towards a cottage cluster's common courtyard requirement provided the standards of section 16.21.080(F)(1) are met. Only the footprint area of the community

building may count towards the common courtyard minimum area requirement.

NOTE: This language is largely taken from the DLCD cottage cluster model code but simplified slightly and similar to the language in Turner’s code. The model code requires all buildings within a site (including cottages and community buildings) to not exceed an average maximum building area of 900 square feet. We are not applying a maximum average building area, but rather have specific limitations for cottages and the community building. Turner also applied a 1,400 square foot maximum for community buildings. An additional provision has been added to clarify that any community buildings proposed may count towards the “common courtyard” area requirement.

4. *Pedestrian Access.*

- a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - i. The common courtyard;
 - ii. Shared parking areas;
 - iii. Community buildings, if provided; and
 - iv. Abutting sidewalks within the public right-of-way, or to the edge of the roadway if sidewalks along the roadway are not provided.
- b. The pedestrian path must be hard-surfaced and a minimum of five (5) feet in width.

NOTE: This language is taken from the DLCD cottage cluster model code and has not been modified.

5. *Parking Area Location and Design.*

- a. Clustered parking. Off-street parking may be arranged in clusters of not more than five (5) contiguous spaces separated from other clusters by at least four (4) feet of landscaping. Clustered parking areas may be covered.
- b. Off-street parking spaces and vehicle maneuvering areas shall not be located:
 - i. Within 20 feet from any street property line, excluding alleys.
 - ii. Between a street property line, excluding alleys, and cottages abutting the street property line.

- c. Off-street parking spaces shall not be located within 10 feet of any property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of all property lines.
- d. Screening. Landscaping, fencing, or walls at least three (3) feet tall shall separate clustered parking areas and parking structures from public streets and residentially zoned properties.
- e. Garages and carports shall meet the following standards:
 - i. Garages and carports (whether shared or individual) must not abut common courtyards.
 - ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of a cottage's maximum floor area per section 16.21.080(E)(7) of this chapter.
 - iii. Individual detached garages must not exceed 400 square feet in floor area.
 - iv. Garage doors for individual garages must not exceed 12 feet in width.

NOTE: This language is largely taken from the DLCD model code, but includes additional requirements for screening parking areas from adjacent residential properties. Additional buffer distances could be provided between parking and maneuvering areas and adjacent residential properties if desired.

- 6. *Existing Structures.* On a lot or parcel to be used for a cottage cluster development, a pre-existing detached single-family dwelling may remain within the cottage cluster development area and does not need to comply with the requirements of this section except for minimum separation distance requirements per section 16.21.080(E)(4) above.

NOTE: The DLCD cottage cluster model code includes a carveout for existing dwellings within a new cottage cluster development. The model code language has been simplified somewhat, removing restrictions on how existing dwellings can be modified.

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Chapter 16.28

C-2 HIGHWAY COMMERCIAL ZONE

Sections:

- 16.28.010 Uses permitted outright.
- 16.28.020 Conditional uses.
- 16.28.030 Development standards.

16.28.010 Uses permitted outright.

Uses permitted outright in the C-2 zone are as follows:

A. A use permitted outright in a C-1 zone, except where modified below;

1. Residential. Residential uses shall be permitted outright in the C-2 zone only when part of a mixed-use development with both residential and permitted non-residential uses. Both vertical mixed-use and horizontal mixed-use developments are allowed as follows:
 - a. Vertical mixed-use developments must reserve 25% of the building's ground floor area for an allowed non-residential use. Ground floor dwelling units must have access from an entrance that is incidental to any non-residential uses.
 - b. Horizontal mixed-use developments must consist of two or more uses, one of which must be a residential use, within the same project area in either attached or detached buildings or structures. Non-residential uses must constitute at least 40% of the net site area. Portions of the project site used for vehicle parking and landscaping do not count toward the project site's net site area for the purpose of this calculating this standard.

NOTE: This section is amended to decouple the allowance of residential uses within the C-2 zone from the allowances and standards of the C-1 zone. Mixed-use developments are allowed in either a vertical or horizontal mixed-use format. For a vertical mixed-use development, at least 25% of a building's ground floor area must be reserved for non-residential uses, similar to the C-1 zone. Horizontal mixed-use developments may be attached or detached in order to provide maximum design flexibility given the C-2 zone's irregular lot sizes and shapes, but non-residential uses must

constitute at least 40 percent of the site's net site area (omitting vehicle parking and landscaped areas of the site) in order to reserve area for non-residential use.

- c. **Density.** The minimum residential density for any mixed-use project shall be 10 units per acre. There is no maximum residential density standard.

NOTE: A minimum residential density of 10 units per acre is established, which ensures a minimum number of dwelling units will be provided if commercial and/or employment area will be sacrificed for new residential dwellings. There is no maximum density standard, but a site's maximum density will be effectively controlled by conformance with applicable development standards, such as building height, setbacks, parking requirements, etc.

- B. Miniature golf courses;
- C. Automobile, motorcycle, boat or truck sales, service, repair, rental, storage or parking;
- D. Theaters;
- E. Restaurant, including drive-in;
- F. Kennel;
- G. Lumber yard;
- H. Machinery, farm equipment or implement sales, service or rental;
- I. Hotel or motel;
- J. Service station;
- K. Tire shop, including incidental tire recapping;
- L. Veterinarian's office or animal hospital;
- M. Fuel oil distribution, retail, provided all fuel oil storage is underground;
- N. Nursery and greenhouse;
- O. Feed and seed store;
- P. Department store;
- Q. Similar commercial uses as determined by the Planning Commission.
- R. Collocations: Pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)

- S. Detached macro-telecommunications facility (monopole), less than 100 feet in height pursuant to the standards and requirements of Chapter 16.55. (Ord. 1539, 2020)
- T. Self-Storage/Mini-Storage Warehouse Units. As defined in 16.04.547. (Ord. 890 section 28, 1993; Ord. 830 section 6, 1989; Ord. 740 section 10.3.28(A), 1984; Ord. 981 section 25, 1997; Ord. 1237, 2007; Ord. 1514, 2019)

16.28.020 Conditional uses.

Conditional uses in the C-2 zone shall be as follows:

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

Macro telecommunications facilities (monopole), equal to or over 100 feet in height pursuant to the standards and requirements of Chapter 16.55. (Ord. 890 section 29, 1993; Ord. 740 section 10.3.28(B), 1984; Ord. 981 section 26, 1997, Ord. 1539, 2020)

16.28.030 Development standards.

The following subsections indicate the required development standards of the C-2 zone:

- A. Minimum lot area: none;
- B. Minimum width and frontage: none;
- C. Minimum yard requirements:
 - 1. Street yard: ~~twenty feet where abutting Highway 99-E and S. Ivy Street. Gas station canopies shall be exempted from the twenty foot setback requirements. Remaining property none, except ten feet where abutting a residential zone. Sign setbacks along Highway 99-E and S. Ivy Street are to be measured from the face of the curb rather than the lot line. Where no curb exists, the setback shall be measured from the property line. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way;~~
 - a. Where abutting Highway 99 E or S. Ivy Street: no minimum, five foot maximum. Maximum setback may be increased where usable open space is provided between the building and the street lot line. Usable open space must provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public.
 - b. All other street frontages: None, except ten feet where abutting a residential zone.

- c. Signs. Other than signs which are nonconforming structures and street banners which have been approved per the requirements of the Uniform Sign Code, no signs will be allowed to be located within or to project over a street right-of-way.

NOTE: This section is amended to provide clarity on required street setbacks. Along Highway 99 E and Ivy Street, the minimum setback standard is reduced to zero feet, and a five-foot maximum is applied, which may be increased if usable open space/amenity space is provided between the building and the street lot line, which encourages an active pedestrian experience. Street yard setbacks along other streets and standards for signs are unaltered but have been re-ordered into separate paragraphs for clarity.

- 2. Interior yard: none, except ten feet where abutting a residential zone.
- 3. Rear yard: none, except ten feet where abutting a residential zone.

D. Maximum building height:

- 1. Freestanding signs: thirty feet;
- 2. All other structures: forty-five feet.

- a. Exception. Architectural elements that do not add floor area to an enclosed building or structure, such as parapet walls, chimneys, flag poles, bell towers, steeples, and vents, and roof equipment (including minimum screening necessary to conceal mechanical roof equipment including elevator shafts and staircases for rooftop access), and unenclosed decks and porches are not considered part of the height of a building or structure.

NOTE: An exception is established that clearly identifies the types of building elements that are allowed to exceed 45 feet.

E. Maximum lot coverage: sixty percent;

F. Other regulations:

- 1. Vision clearance distances shall be fifteen feet from any alley or driveway and thirty feet from any other street or railroad;
- 2. Except in cases where existing building locations or street width necessitate a more narrow design, sidewalks eight feet in width shall be required;
 - a. In those locations where angle parking is permitted abutting the curb, and
 - b. For property frontage along Highway 99-E.
- 3. All setbacks to be measured from the foundation line of the building. Overhangs shall not exceed two feet. (Ord. 830 section 7, 8, 1989; Ord. 802

section 7 [part], 1987; Ord. 740 section 10.3.28(C), 1984; Ord. 981 section 49, 1997; Ord. 1237, 2007; Ord. 1514, 2019)

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Chapter 16.74

USES PERMITTED

Sections:

16.74.010 Generally.

16.74.020 Uses permitted in residential zone.

16.74.030 Uses permitted in other than residential zone.

16.74.010 Generally.

In a planned unit development the uses set out in this chapter are permitted. (Ord. 740 section 10.5.30[part], 1984)

16.74.020 Uses permitted in residential zone.

In a planned unit development in a residential zone only the following uses are permitted:

A. ~~All uses permitted outright or conditionally permitted in the underlying zone. If conditionally permitted uses are proposed within a planned unit development, the standards of Chapter 16.50 shall be met. Residential units, either detached, attached or in multiple type dwellings, but at no greater density than is allowed for the zoning district as set forth in Division III, except as may be modified for a density bonus as provided in section 16.76.010 or Chapter 16.80.~~

NOTE: This section is amended to more simply state that uses allowed in the underlying zone are allowed within a PUD. Provisions regarding density are identified in section 16.76 and this language is not also needed here. Sections 16.16 (R-1) and 16.18 (R-1.5) have been modified to allow cottage cluster developments; therefore, this amendment serves to allow cottage clusters within PUDs as well. A reference to Chapter 16.50, Conditional Uses, is added to identify that CUP standards must be met at the time of PUD approval.

B. Accessory and incidental retail and other nonresidential uses may be specifically and selectively authorized as to exact type and size to be integrated into the project by design. Accessory retail uses shall serve primarily as a convenience to the inhabitants of the project.

C. Mobile home subdivisions, subject to the standards and criteria of Division IV and Chapter 16.80.

D. Recreational facilities, including but not limited to tennis courts, swimming pools, and playgrounds. (Ord. 740 section 10.5.30 (A), 1984)

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E. All permitted and conditional residential uses allowed in any base zone in which the planned unit development is located are allowed uses throughout the planned unit development.

NOTE: This provision is added in order to allow uses to be spread across a PUD site, regardless of the underlying base zone.

16.74.030 Uses permitted in other than residential zone.

In planned unit developments in areas zoned for other than residential uses, uses shall be limited to those permitted by the zoning districts in which the use is located. (Ord. 740 section 10.5.30(B), 1984)

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Chapter 16.76

REQUIREMENTS

Sections:

- 16.76.010 Minimum requirements.
- 16.76.020 General requirements.
- 16.76.030 Standards and criteria.
- 16.76.040 Exceptions.

16.76.010 Minimum requirements.

The minimum requirements for a residential planned unit development shall include the following two items:

- A. Open Space. A minimum of fifteen (15) percent of the gross area of the development shall be devoted to open space and shall be located in a common area or dedicated to the public, except in the case of conversions of existing rentals to unit ownership, where the Planning Commission may permit a lesser requirement if it is found that adequate recreation facilities exist for the units.
 - 1. Usable Open Space. Open space areas shall be planned and improved to provide opportunities for active recreation, passive relaxation, or community interaction, and which are accessible to the general public or to residents, employees or customers in common. Examples include plazas, courtyards, private parks, sport fields and courts, and viewpoints overlooking natural resource areas.
 - 2. Exemption. Portions of the planned unit development site used for cottage clusters do not count toward the development site's gross area for the purpose of calculating the minimum usable open space requirement for PUDs per this standard. However, common courtyards provided with cottage cluster developments per section 16.21.080(F)(2) as a part of a PUD may count towards a PUD's usable space requirement.

NOTE: This section is amended to provide clarity on PUD open space requirements and create an exemption for middle housing dwellings. This section serves to provide clarity on what is expected of common open space areas within PUDs, ensuring that it is actually "usable" by

residents and provides for active and/or passive recreational opportunities within the development to the public's benefit.

Second, an exemption is created for cottage cluster development. This exemption removes the area/acreage of a PUD used for cottage clusters from the gross acreage used to determine a PUD's open space requirement. For example, if a PUD site is 20 gross acres, 1 acre of which is used for cottage clusters, the gross acreage used to determine the PUD's open space requirement would be 19 acres, and this PUD would have a usable open space requirement of 2.85 acres (versus 3 acres if a cottage cluster wasn't incorporated). This incentivizes the use of cottage clusters within a PUD and encourages a greater diversity of housing types within a PUD, which is consistent with concepts discussed with the planning commission.

- B. Density.** The planned unit development site shall adhere to the minimum and maximum density provisions of the base zone, except where a density bonus is approved as provided in subsection B(1) below. The average area per dwelling unit shall not be less than that allowed within the zoning district in which the subdivision is located, unless alternative lot layout is used pursuant to 16.64.040(B). The average area shall be calculated by dividing the number of dwelling units into the gross area of the total land development, minus that area occupied by streets. The commission may grant a density bonus of not more than fifteen percent to planned unit developments where it is found that unique, beneficial design features (such as solar efficiency, recreation facilities, or other community assets) warrant such a bonus. The commission shall clearly state its findings in support of granting or denying a requested density bonus.

NOTE: This section is amended to remove language regarding average area per dwelling. The base zones establish a minimum and maximum lot size for dwelling types, which may be modified through the subdivision process, and this language seems redundant in the PUD section as well. This section is also amended to more clearly identify that the minimum and maximum density provisions of the underlying zone must be met.

1. Density Bonus. The planning commission may grant an increase of up to 20% beyond the maximum density of the underlying base zone if all of the following criteria are met:
 - a. Existing and proposed streets within and connecting to the development site will support the proposed density;
 - b. Existing and proposed water, sanitary sewer and storm drainage systems within and connecting to the development will support the proposed density;
 - c. The development demonstrates innovative site design, outstanding architectural variety, and quality construction which will mitigate the increased density;
 - d. The increased density will be mitigated by providing exceptional

quality and increased quantity of usable open space beyond the minimum amount required by section 16.76.010(A), and other amenities, especially active recreational areas.

NOTE: The language regarding a density bonus is kept, and the allowed bonus is increased to 20%. Approval criteria for the density bonus are created that can help the planning commission more clearly determine whether a bonus should be granted or not. The allowed increase (20%) and the approval criteria are similar to the density bonus and approval criteria provided in Hillsboro's development code. In Hillsboro, these provisions are used frequently by developers and have been shown to provide certainty in whether a density bonus will be approved. This is consistent with concepts discussed with the planning commission to increase density in exchange for increased open space areas and innovative development designs.

2. Exception. Cottage cluster units provided within a planned unit development do not count toward the maximum density standard of the underlying base zone. Cottage cluster developments proposed within a planned unit development must meet the applicable development and design standards for cottage cluster developments per section 16.21.080.

NOTE: As an incentive for providing cottage cluster units within a PUD, any cottage units provided do not count toward the maximum allowed density of the underlying zone provided the cottage cluster standards are met. This is consistent with concepts discussed with the planning commission, such as incentives to accommodate higher densities and cohesively integrate cottage clusters with other housing types, such as through a PUD.

- C. The density allowed in each base zone may be spread throughout the planned unit development site.

NOTE: This provision is added in order to allow the total base zone density to be spread throughout the PUD site. This amendment also provides an opportunity for more creative and efficient development patterns throughout PUD sites, regardless of the underlying base zone.

- D. To achieve the goals of low impact development, buildings are encouraged to be clustered within the designated development area of the site. Clustering is intended to preserve open space, reduce total impervious surface area, and minimize development impacts on critical areas and associated buffers. Preservation of open space reduces potential stormwater runoff and associated impacts and provides area for dispersion, filtration and infiltration of stormwater. The arrangement of clustered buildings shall be designed to avoid development forms commonly known as linear, straight-line or highway strip patterns.
- E. The use of LID best management practices in site design and development is required where site and soil conditions make it feasible option. LID practices shall meet the standards set forth in the Canby Public Works design Standards.
- F. (Ord. 740 section 10.5.50, 1984; Ord. 890 section 57, 1993; Ord. 1338, 2010; Ord. 1514, 2019)

16.76.020 General requirements.

Prior to development, application shall be made to the commission for site approval for all or any portion of the proposed development. Where only a portion of the development is submitted for approval, a master plan shall also be submitted indicating the intended layout for the total development. The form of the application shall follow the requirements and be subject to the standards and criteria of a subdivision or conditional use permit, depending upon whether the proposed development involves the division of property. Additional to the information which is otherwise required, the applicant shall submit accurate information on all of the following which may be applicable:

- A. Any areas proposed to be dedicated or reserved for public parks, schools, playgrounds, or otherwise dedicated or reserved for public purposes;
- B. Other undedicated open space set aside for the use of the residents of the development in common. Access and types of access for the open space area or areas shall be shown;
- C. A general land use plan for the proposed subdivision indicating the areas to be used for various purposes;
- D. Types of dwellings and site locations thereof;
- E. Proposed locations of off-street parking areas with dimensions;
- F. Pedestrian walks, malls and other trails, both public and private. The commission may require a complete circulation plan if warranted by the size and type of development;
- G. The stages to be built in progression, if any;
- H. The location of adjacent utilities intended to serve the development and a layout of the utilities within the development;
- I. Table showing the density and lot coverage of the overall development;
- J. Such other pertinent information as the commission may require in order to make necessary findings on the site approval. (Ord. 740 section 10.5.60(A), 1984)
- K. A Traffic Impact Study (TIS) may be required in accordance with Section 16.08.150. (Ord. 1340, 2011)

16.76.030 Standards and criteria.

Additional to the standards and criteria listed in Divisions III and IV which are applicable to planned unit development, the following standards and criteria shall apply:

- A. The site approval as acted upon by the commission shall be binding upon the

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developer, and variations from the plan shall be subject to approval by the commission.

- B. All land within the planned unit development may be subject to contractual agreements with the city and to recorded covenants providing for compliance with the city's requirements.
- C. The development of the property in the manner proposed will be in keeping with the requirements of this title, other than those provisions allowing for special treatment of PUD's.
- D. The plan for the proposed development shall present a unified and organized arrangement of buildings and service facilities.
- E. The development must be designed so that the land areas and buildings around the perimeter of the project do not conflict with the adjoining properties. Where the development is adjacent to lower intensity uses, higher intensity uses should be placed within the interior of the project. The commission may establish special conditions for the perimeter of the development to minimize or mitigate potential conflicts.

NOTE: This provision is amended to identify that higher intensity uses (i.e., townhomes) should be constructed within the interior of the PUD in areas where the PUD is adjacent to lower intensity uses (i.e., rural residential or single family detached). This promotes compatibility with existing lower density or rural residential development patterns adjacent to the PUD.

- F. Each planned unit development shall be a complete development considering all previous requirements. The commission may, in addition, require the inclusion of facilities such as special curbs, sidewalks, streetlights, storm drainage, sanitary sewers, underground power and telephone lines, landscaping and adequate easements for utilities.
- G. Land which is not intended for physical development, such as buildings or street uses, may be required to remain in open space usage perpetually. Maintenance of such open space areas shall remain the responsibility of the individual owner or owners' association, in a manner outlined in the by-laws of such association.
- H. The manner in which any open space or park and recreational area is to be maintained shall be submitted, along with the preliminary copy of the proposed owners' association bylaws and contractual agreements, with the preliminary subdivision. In the case of an individual owner, the commission may impose special requirements to assure long-term maintenance.
- I. The Planning Commission may, and in the case of single story or townhouse structures shall, require the separation of utilities from one unit to the next.
- J. In reviewing an application for the conversion of existing residential units to

condominiums, the commission shall utilize the general standards as are applied to the new construction of planned unit developments. A proposed conversion which is not found to meet the standards customarily applied to planned unit developments will not be approved.

- K. In reviewing an application for the conversion of existing residential units to condominiums, the Planning Commission shall consider the vacancy rates of multiple-family rental units throughout the city at the time of the application. It is the intent of the city to assure that there is at least one suitable rental unit available and vacant for each unit converted to condominium ownership.
- L. No fence/wall shall be constructed throughout a planned unit development 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. (Ord. 740 section 10.5.60(B), 1984; Ord. 955 section 30, 1996)

16.76.040 Exceptions.

- A. In considering a proposed planned unit development project, the approval thereof may involve modifications in the regulations, requirements and standards of the zoning district in which the project is located so as to appropriately apply such regulations, requirements and standards to the development. Modification of the lot size, lot width, and yard setback requirements may be approved by the commission at the time of the approval of the tentative subdivision plat or conditional use permit.
- B. Building height shall conform to the zoning district in which the development is located.
- C. Off-street parking and off-street loading requirement shall be pursuant to Division III. (Ord. 740 section 10.5.60(C), 1984)